

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program (LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, captured in another fisherman's gear, or from having the floats cut by propellers. The removal of these traps is necessary to keep Louisiana's coast pristine and to facilitate improvement in the blue crab stock.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2; Volume 45, Number 12; Volume 46, Number 11; Volume 47, Number 11*). The Wildlife and Fisheries Commission took action on August 4, 2022

to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Plaquemines and St. Bernard Parishes as described below:

1. from a point originating at the intersection of the western shoreline of Bayou Terre Aux Boeufs and the western shoreline of Bayou Gentilly (29 degrees 45 minutes 39.81 seconds north latitude, 89 degrees 47 minutes 30.29 seconds west longitude); thence southerly along the western shoreline of Bayou Gentilly to its intersection with Petit Lake (29 degrees 43 minutes 45.19 seconds north latitude, 89 degrees 48 minutes 02.37 seconds west

longitude); thence westerly following the northern and western shorelines of Petit Lake to its intersection with Alligator Pass (29 degrees 43 minutes 26.65 seconds north latitude, 89 degrees 48 minutes 39.16 seconds west longitude); thence westerly following the northern shoreline of Alligator Pass into Grand Lake; thence westerly and southerly along the northern and western shorelines of Grand Lake to its intersection with the western shoreline of Orange Bayou (29 degrees 41 minutes 58.25 seconds north latitude, 89 degrees 51 minutes 30.88 seconds west longitude); thence southerly along the western shoreline of Orange Bayou to its intersection with the eastern shoreline of River Aux Chenes (29 degrees 40 minutes 57.53 seconds north latitude, 89 degrees 51 minutes 43.98 seconds west longitude); thence southerly to the western shoreline of River Aux Chenes (29 degrees 40 minutes 54.79 seconds north latitude, 89 degrees 51 minutes 43.98 seconds west longitude); thence southeasterly along the western shoreline of River Aux Chenes to its intersection with Bay of River Aux Chenes (29 degrees 38 minutes 12.97 seconds north latitude, 89 degrees 39 minutes 39.14 seconds west longitude); thence northerly and easterly along the northern shoreline of Bay of River Aux Chenes to its intersection with the western shoreline of Lake Campo Pass (29 degrees 38 minutes 47.55 seconds north latitude, 89 degrees 38 minutes 36.47 seconds west longitude); thence northerly along the western shoreline of Lake Campo Pass to its intersection with Lake Campo (29 degrees 39 minutes 19.10 seconds north latitude, 89 degrees 38 minutes 47.40 seconds west longitude); thence easterly along the western, northern, and eastern shorelines of Lake Campo to its intersection with the northern shoreline of Dead Duck Pass (29 degrees 39 minutes 33.15 seconds north latitude, 89 degrees 37 minutes 14.78 seconds west longitude); thence southeasterly along the marsh shoreline of Dead Duck Pass and the marsh shoreline along the western shoreline of Bayou Terre Aux Boeufs to Mozambique Point (29 degrees 38 minutes 04.25 seconds north latitude, 89 degrees 30 minutes

03.70 seconds west longitude); thence northwesterly along the marsh shoreline along the eastern shoreline of Bayou Terre Aux Boeufs and the marsh islands surrounding Drum Bay to its intersection with the eastern shoreline of Pumpkin Bay (29 degrees 40 minutes 34.57 seconds north latitude, 89 degrees 33 minutes 30.96 seconds west longitude); thence southerly and westerly along the eastern and southern shorelines of Pumpkin Bay and the southern marsh of Bayou Grande to its intersection with Bayou Terre Aux Boeufs (29 degrees 41 minutes 02.81 seconds north latitude, 89 degrees 37 minutes 50.39 seconds west longitude); thence northwesterly along the eastern shoreline of Bayou Terre Aux Boeufs to 29 degrees 45 minutes 41.88 seconds north latitude, 89 degrees 47 minutes 28.65 seconds west longitude; thence southwesterly to the point of origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Plaquemines Parish as described below:

1. from a point originating on the south bound lane of Highway 23 (29 degrees 28 minutes 35.89 seconds north latitude, 89 degrees 41 minutes 25.88 seconds west longitude), approximately 0.15 miles south of the Plaquemines Parish Office; thence southerly along Highway 23 to its intersection with eastern shoreline of Doullut Canal (29 degrees 23 minutes 00.06 seconds north latitude, 89 degrees 36 minutes 08.94 seconds west longitude); thence southerly along the eastern shoreline of Bayou Long to its intersection with Bayou Fontanelle (29 degrees 18 minutes 29.29 seconds north latitude, 89 degrees 36 minutes 03.72 seconds west longitude); thence southerly along the eastern shoreline of Bayou Fontanelle to its intersection with a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 15 minutes 28.28 seconds north latitude, 89 degrees 36 minutes 14.79 seconds west

longitude); thence westerly along the inside-outside shrimp line to 29 degrees 18 minutes 39.23 seconds north latitude, 89 degrees 46 minutes 00.00 seconds west longitude, to a point on the inside-outside shrimp line; thence due north on longitude 89 degrees 46 minutes 00.00 seconds west longitude to a point on the southern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 21.24 seconds north latitude, 89 degrees 46 minutes 00.00 seconds west longitude); thence northerly to the northern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 36.94 seconds north latitude, 89 degrees 46 minutes 00.02 seconds west longitude); thence northeasterly along the northerly shoreline of the Freeport Sulphur Canal to the point of origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2023 through 11:59 p.m. February 14, 2023 within portions of Terrebonne Parish as described below:

1. from a point originating along the western shore of Bayou Pointe Aux Chenes (29 degrees 25 minutes 59.26 seconds north latitude, 90 degrees 27 minutes 31.39 seconds west longitude) near the intersection of Lower U.S. Highway 665 and Island Road; thence westerly to the south bound lane of Island Road; thence southerly along the south bound lane of Island Road to its intersection with the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 24 minutes 25.77 seconds north latitude, 90 degrees 29 minutes 28.43 seconds west longitude); thence northerly along the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area to its intersection with the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 25 minutes 20.38 seconds north latitude, 90 degrees 29 minutes 58.29 seconds west longitude); thence westerly along the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area to

its southwestern most point located on the eastern shore of the Humble Canal (29 degrees 25 minutes 51.12 seconds north latitude, 90 degrees 33 minutes 31.88 seconds west longitude); thence northerly along the eastern shore of the Humble Canal to its intersection with Bayou Terrebonne (29 degrees 26 minutes 17.70 seconds north latitude, 90 degrees 34 minutes 00.19 seconds west longitude); thence westerly to a point located on the western shore of Bayou Terrebonne at 29 degrees 26 minutes 17.66 seconds north latitude, 90 degrees 34 minutes 02.75 seconds west longitude; thence southerly along the western shore of Bayou Terrebonne to its intersection with Bush Canal (29 degrees 22 minutes 07.16 seconds north latitude, 90 degrees 36 minutes 05.44 seconds west longitude); thence westerly along the northern shore of Bush Canal to its intersection with Bayou Little Caillou (29 degrees 22 minutes 52.50 seconds north latitude, 90 degrees 37 minutes 14.93 seconds west longitude); thence southerly along the western shore of Bayou Little Caillou to 29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 38 minutes 41.40 seconds west longitude; thence east along 29 degrees 17 minutes 00 seconds north latitude to the western shore of Bayou Pointe Aux Chenes (29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 23 minutes 00.51 seconds west longitude); thence northerly along the western shore of Bayou Pointe Aux Chenes to the origin.

D. The use of crab traps shall be prohibited for a 10-day period from 12:00 a.m. February 17, 2023 through 11:59 p.m. February 26, 2023 within portions of Cameron Parish as described below:

1. from a point originating at the Louisiana/Texas state line at 29 degrees 57 minutes 00.00 seconds north latitude, 93 degrees 48 minutes 29.67 seconds west longitude; thence northerly along the Louisiana/Texas state line to its intersection with the southernmost east bound lane on Interstate 10; thence northeasterly along the southernmost east bound lane on

Interstate 10 to its intersection at 30 degrees 11 minutes 15.16 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence southerly along 93 degrees 33 minutes 18.00 seconds west longitude to its intersection at 29 degrees 57 minutes 00.00 seconds north latitude, 93 degrees 33 minutes 18.00 seconds west longitude; thence westerly along 29 degrees 57 minutes 00.00 seconds north latitude to its point of origin.

E. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries

Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 5, 2022.

Joe McPherson

Chairman

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to the Louisiana Department of Wildlife & Fisheries (LDWF) or local governmental units as a result of the proposed rule change. The proposed rule change would prohibit the use of crab traps in portions of four parishes at different periods in February 2023. The proposed rule would ban the local use of crab traps in parts of Plaquemines, Saint Bernard, and Terrebonne parishes (February 1 through February 14, 2023), and parts of Cameron Parish (February 17 through February 26, 2023).

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes LDWF or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF can absorb this cost within the existing operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any impact on the revenues of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Crab fishers who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs to temporarily remove their traps. These crab fishers must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishers.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishers, commercial fishers and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with the lowest harvests and adjacent waters will remain open for crab fishers to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change, waters adjacent to the closure area will remain open for crab harvest and fishers who fish during this time period are expected to relocate their traps to these areas.