

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Marking System for Passive Nets and Traps (LAC 76:VII.114)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby provide notice of their intent to revise a Rule (LAC 76:VII.114) by adding the requirement of marking crawfish and bream traps, cans, and barrels. Recreational crawfish trap marking requirements were removed from R.S. 56 with the license restructure in 2021, and this rule reinstates that requirement and expands it to commercial traps.

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 promulgate the final rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 1. Freshwater Sports and Commercial Fishing

§114. Marking System for Passive Nets and Traps

A. Each gill net or trammel net shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing or on an attached buoy. Each hoop net, slat trap, wire net, recreational crawfish trap, can, barrel, and bream trap shall be marked with a waterproof tag attached directly to the device or on an attached buoy. Said tags shall be supplied by the fisher and shall be completely waterproof. Each tag or buoy shall have the fisher's appropriate commercial or recreational fisher's license number (not the net license number) etched, stamped, or printed or written in indelible ink thereon in the English language, so as to be clearly legible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:320(F), and R.S. 56:322.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2372 (September 2022), amended LR 49:1144 (June 2023), LR 50:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue 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.

Small Business Analysis

Because most of the commercial fishers who may be affected by the requirements to mark cans and barrels used

commercially probably qualify as small businesses, the proposed rule change may result in a minor increase in costs for a limited number of small businesses.

Provider Impact Statement

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

Public Comments

Interested persons may submit written comments relative to the proposed rule to Robby Maxwell, Department of Wildlife and Fisheries, 1025 Tom Watson Rd., Lake Charles, LA, 70615, or via e-mail to rmaxwell@wlf.la.gov prior to July 30, 2024.

Brandon J. DeCuir
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Marking System for Passive Nets and Traps

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change does the following:

(1) Requires the attachment of waterproof tags to all recreational crawfish traps and bream traps and to all recreational and commercial cans and barrels placed in Louisiana waters;

(2) Clarifies regulations requiring the use of indelible ink on tags attached to hoop nets, slat traps, wire nets, crawfish traps, cans, barrels, and bream traps.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to benefit fisheries management by identifying ownership of private property placed in public waterways and to benefit public safety by marking the location of items that may pose a potential risk to boaters and other users.

The proposed rule requiring attachment of waterproof tags to recreational crawfish traps, cans, barrels, and bream traps is expected to result in a minor increase in costs for anglers who use these devices.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment in Louisiana.

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