

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Passive Hooked Fishing Gear Regulations (LAC 76:VII.116)

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.116) by expanding marking, setting, and tending requirements to freshwater commercial passive hooked gear and reinstating waterbody-specific requirements for commercial gear that were inadvertently nullified upon the recent update to LAC 76:VII.116.

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

§116. Freshwater Yo-Yos, Trigger Devices, Trotlines, Limb Lines, Jugs, and all Passive Fishing Devices Containing a Hook or Hooks

A. The Wildlife and Fisheries Commission hereby adopts the following regulations applicable to the use of yo-yos, trigger devices, trotlines, limb lines, jugs, and all other passive fishing devices containing a hook or hooks in freshwater areas of the state.

1. No more than 50 recreational yo-yos, or trigger devices, limb lines, or floating devices containing a hook or hooks shall be allowed per person. There is no limit for commercial use of this gear, except that no more than 50 commercial yo-yos, or trigger devices, limb lines, or floating devices containing a hook or hooks shall be allowed per person in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana.

2. At any given time, no person shall set more than 150 hooks on all recreational trotlines, combined. There is no limit for commercial use of this gear, except that no person shall set more than 150 hooks on all commercial trotlines, combined, in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana.

3. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, whether recreational or commercial, shall be clearly tagged with the fishing license number of the owner or user. Information must be attached with a waterproof tag or written directly on the device in indelible ink.

4. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, whether recreational or commercial, shall be rebaited at least once every 24 hours, and all fish and any other animal caught, entangled, ensnared, or hooked, shall be immediately removed from the device.

5. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be removed from the waterbody immediately by the owner or user once the device is not being used in accordance with the provisions of this Section, except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock.

6. Where allowed, objects sourced from another location used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks, whether recreational or commercial, which are driven into or attached to the lake bottom, a stump, tree, or the shoreline must be removed from the waterbody along with the passive devices by the user when not in use.

7. No driven or attached objects used to attach yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks shall be larger than two inches by two inches or two inches in diameter.

8. No metal object which is driven into or attached to the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks. A metal object may be used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks if it is attached to a pier, boathouse, seawall, dock, or a retrievable anchor (that is not attached to the water bottom) as part of the typical construction of that structure or object.

9. In Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana, except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object sourced from another location which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

10. All trotlines shall have a cotton leader on each end of the trotline. Commercial trotlines shall not have hooks spaced closer than 24 inches apart.

B. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Section shall be immediately seized by and forfeited to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:8, and R.S. 56:320.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:355 (January 2011), amended LR 48:2610 (October 2022), LR

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 restrictions on passive fishing devices probably qualify as small businesses, the proposed rule change may have a minor negative impact on 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: Passive Hooked Fishing Gear Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL 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) Places restrictions on commercial freshwater passive fishing devices containing hooks, such as yo-yos, trigger devices, trotlines, limb lines, and jugs, in all Louisiana freshwater bodies, expanding regulations currently in place for recreational fishers in freshwater areas of the state;

(2) Requires the attachment of waterproof tags to all passive fishing devices. Tags may be written in indelible ink directly on the devices;

(3) Requires that all devices be rebaited every 24 hours. It requires the removal of all animals caught, entangled, ensnared, or hooked from the devices;

(4) Limits the number of passive fishing devices to 50 devices and 150 trotline hooks per commercial fisher in Black Lake, Clear Lake, and Prairie Lake, Caddo Lake, Chicot Lake, Chicot Lake, D'Arbonne Lake, Lake St. Joseph, and Lake Bruin, including the portion known as Brushy Lake. It limits the number of trotline hooks to 150 hooks per commercial fisher in Black Lake, Clear Lake, and Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, Lake St. Joseph, and Lake Bruin, including the portion known as Brushy Lake;

(5) Prohibits the attachment of passive hook devices to any metal object except for metal objects above the water that are affixed to private piers, docks, houseboats, or other manufactured objects, except for retrievable anchors attached to the bottom. It prohibits the attachment of passive fishing devices to metal objects driven into or attached to water bottoms, stumps, or shorelines. It limits the size of driven or attached non-metal objects used to attach passive fishing devices to two-inches by two-inches in diameter;

(6) Requires the removal of all passive fishing devices and all related material when the devices are not in use, except for devices attached to privately-owned pier, dock, seawall, or boathouse.

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 anglers, waterfowl hunters, boaters, and others who participate in water-borne activities in freshwater areas where passive fishing devices are used. The prohibition on metal objects driven into water bottoms and shoreline objects is expected to remove potential physical hazards to persons operating or riding in vessels on freshwater bodies across the state. The prohibition on leaving gear deployed while not in use is intended to remove potential hazards, improve safety, reduce litter, and reduce harm to fish and wildlife.

The proposed rule change may negatively affect some commercial fishers who use passive fishing devices in the aforementioned water bodies, especially those who have installed devices attached to metal objects. The limitation on the number of hooks per device may reduce harvests for commercial fishers who currently fish with more than 50 devices in certain waterbodies. The requirement to check devices daily and the requirement to remove devices that are not actively being used may increase labor requirements and thus operating costs for some commercial fishers. The number of commercial fishers who may be affected by these proposed restrictions cannot be assessed with the available information.

The proposed requirement to attach waterproof tags to passive fishing devices may result in a minor increase in costs for commercial fishers.

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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Legislative Fiscal Office