

## 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 or theft, from having the floats cut by propellers or are captured in another fisherman's gear. The removal of these traps is necessary to keep Louisiana's coast pristine, reduce litter, and to facilitate improvement of the blue crab stock.

The Wildlife and Fisheries Commission 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 a large number of abandoned and derelict crab traps since 2004. The Wildlife and Fisheries Commission took action on August 1, 2024 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, 2025 through 11:59 p.m. February 14, 2025 within Jefferson, St. Charles, St. John the Baptist, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 07.08 seconds north latitude, 90 degrees 24 minutes 06.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 05 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 01 minutes 10.06 seconds north latitude, 90 degrees 09 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake

Pontchartrain until it intersects the Duncan Canal (30 degrees 02 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 03 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2025 through 11:59 p.m. February 14, 2025 within portions of Iberia, St. Mary, and Vermilion Parishes as described below:

1. from a point originating on the northern shoreline of the Gulf Intracoastal Waterway where it intersects the Acadiana Navigational Channel (29 degrees 50 minutes 37.17 seconds north latitude, 91 degrees 50 minutes 32.40 seconds west longitude); thence southerly to a point on the southern shoreline of the Gulf Intracoastal Waterway (29 degrees 50 minutes 28.22 seconds north latitude, 91 degrees 50 minutes 35.30 seconds west longitude); thence southwesterly along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass (29 degrees 36 minutes 10.81 seconds north latitude, 92 degrees 00 minutes 17.16 seconds west longitude); thence easterly along the northern shoreline of Marsh Island to the northeastern tip of Marsh Island (29 degrees 33 minutes 51.30 seconds north latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence north along 91 degrees 43 minutes 00.00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 21.17 seconds north latitude, 91 degrees 43 minutes 00.00 seconds west longitude); thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal (29 degrees 45 minutes 03.58 seconds north latitude, 91

degrees 44 minutes 15.16 seconds west longitude); thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway (29 degrees 45 minutes 45.92 seconds north latitude, 91 degrees 44 minutes 20.76 seconds west longitude); thence north to the northern shoreline of the Gulf Intracoastal Waterway (29 degrees 45 minutes 52.14 seconds north latitude, 91 degrees 44 minutes 23.78 seconds west longitude); thence westerly along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 8, 2025 through 11:59 p.m. February 21, 2025 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shoreline of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shoreline of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shoreline of the Gulf Intracoastal Waterway to a point opposite the western shoreline of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shoreline of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence southerly along the western shoreline of Bayou Perot and Little Lake to Bay L'Ours; thence westerly and southerly around the shoreline of Bay L'Ours to Brusle Lake; thence southerly and easterly following the shoreline of Brusle Lake to a point on the southern shoreline of Bayou De Chene at 29 degrees 29 minutes 14.83 seconds north latitude, 90 degrees 12 minutes 02.02 seconds west longitude; thence easterly along the southern shoreline of Bayou De Chene to

Round Lake (29 degrees 29 minutes 10.15 seconds north latitude, 90 degrees 11 minutes 38.40 seconds west longitude); thence southerly and easterly along the shoreline of Round Lake to a point on the western shoreline of East Fork Bayou L'Ours (29 degrees 28 minutes 52.30 seconds north latitude, 90 degrees 09 minutes 32.60 seconds west longitude); thence southerly along the western shoreline of East Fork Bayou L'Ours to a point at 29 degrees 27 minutes 35.00 seconds north latitude, 90 degrees 08 minutes 48.23 seconds west longitude; thence eastward along 29 degrees 27 minutes 35.00 seconds north latitude to the eastern shoreline of Wilkinson Canal (29 degrees 27 minutes 35.00 seconds north latitude, 89 degrees 57 minutes 04.11 seconds west longitude); thence northerly along the eastern shoreline of Wilkinson Canal to its termination; thence northerly to the western shoreline of the Mississippi River at 29 degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence northerly along the western shoreline of the Mississippi River to a point easterly of the northern shoreline of Hero Canal (29 degrees 47 minutes 09.60 seconds north latitude, 90 degrees 01 minutes 17.77 seconds west longitude); thence westerly to the northern shoreline of Hero Canal; thence westerly along the northern shoreline of Hero Canal and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 15, 2025 through 11:59 p.m. February 28, 2025 within Terrebonne Parish as described below:

1. from a point originating on the eastern shoreline of Bayou Caillou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 42 minutes 09.59 seconds west longitude); thence east along 29 degrees 26 minutes 16.00 seconds north latitude to a point on the eastern shoreline of Bayou Petit Calliou (29 degrees 26 minutes 16.00 seconds north latitude, 90 degrees 35 minutes 40.56 seconds west longitude); thence southerly along the eastern

shoreline of Bayou Petit Calliou to a point located opposite the Lapeyrouse Canal (29 degrees 18 minutes 33.73 seconds north latitude, 90 degrees 38 minutes 45.65 seconds west longitude), thence easterly to the northern shoreline of the Lapeyrouse Canal (29 degrees 18 minutes 32.82 seconds north latitude, 90 degrees 38 minutes 39.71 seconds west longitude); thence easterly along the northern shoreline of the Lapeyrouse Canal to its intersection with the western shoreline of Bayou Terrebonne (29 degrees 18 minutes 09.92 seconds north latitude, 90 degrees 37 minutes 34.72 seconds west longitude); thence southerly along the western shoreline of Bayou Terrebonne to a point at 29 degrees 15 minutes 29.97 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude; thence south along 90 degrees 35 minutes 44.00 seconds west longitude to the shrimp inside-outside line (29 degrees 05 minutes 34.34 seconds north latitude, 90 degrees 35 minutes 44.00 seconds west longitude); thence westerly along the shrimp inside-outside line to its intersection with the western shoreline of Grand Pass des Ilettes (29 degrees 07 minutes 04.77 seconds north latitude, 90 degrees 53 minutes 03.57 seconds west longitude); thence northeasterly along the western shoreline of Grand Pass des Ilettes to its intersection with the eastern shoreline of Pass des Ilettes (29 degrees 07 minutes 54.45 seconds north latitude, 90 degrees 49 minutes 43.65 seconds west longitude); thence northerly along the eastern shoreline of Pass des Ilettes to its intersection with Dog Lake (29 degrees 08 minutes 39.93 seconds north latitude, 90 degrees 49 minutes 50.11 seconds west longitude); thence northerly along the southern and eastern shorelines of Dog Lake to its intersection with the eastern shoreline of Quitman Bayou (29 degrees 09 minutes 23.87 seconds north latitude, 90 degrees 49 minutes 15.15 seconds west longitude); thence northerly along the eastern shoreline of Quitman Bayou to its intersection with the eastern shoreline of Bayou Grand Caillou (29 degrees 13 minutes 23.88 seconds north latitude, 90 degrees 48 minutes 52.91 seconds west

longitude); thence northerly along the eastern shoreline of Bayou Grand Caillou to its intersection with the western shoreline of the Houma Navigation Canal (29 degrees 20 minutes 30.46 seconds north latitude, 90 degrees 44 minutes 10.91 seconds west longitude); thence easterly across the Houma Navigational Canal to the eastern shoreline of Bayou Caillou (29 degrees 20 minutes 39.54 seconds north latitude, 90 degrees 43 minutes 58.96 seconds west longitude); thence northerly along the eastern shoreline of Bayou Caillou and terminating at the origin.

E. The use of crab traps shall be prohibited for 10 days from 12:00 a.m. February 17, 2025, through 11:59 p.m. February 26, 2025, within portions of Calcasieu and Cameron Parishes as described below:

1. from a point originating on the western shoreline of the Calcasieu Ship Channel at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 20 minutes 25.77 seconds west longitude; thence northerly along the western shoreline of the Calcasieu Ship Channel to a point at 30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 51.92 seconds west longitude, thence due east along 30 degrees 03 minutes 51.00 seconds north latitude to a point on the north shoreline of Turner's Bay in Calcasieu Lake (30 degrees 03 minutes 51.00 seconds north latitude, 93 degrees 19 minutes 06.75 seconds west longitude); thence easterly and southerly to a point on the eastern shoreline of Calcasieu Lake at 29 degrees 56 minutes 30.00 seconds north latitude, 93 degrees 14 minutes 51.92 seconds west longitude; thence due west along 29 degrees 56 minutes 30.00 seconds north latitude and terminating at the origin.

F. 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, surplus in conformity with R.S. 39:330.1, 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 48:2767 (November 2022), LR 50:39 (January 2024),  
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### **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.

### **Small Business Analysis**

The proposed rule change may have a minor, short-term negative effect on revenues for certain commercial crab harvesters who catch crab in the affected areas and for the seafood dealers who purchase crabs from them. Most of the commercial crab harvesters and many of the seafood dealers meet the qualifications of small businesses.

### **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, 1025 Tom Watson Rd., Lake Charles, LA 70611, or via email to [pcagle@wlf.la.gov](mailto:pcagle@wlf.la.gov) prior to October 31, 2024.

Brandon J. DeCuir

Chairman

### **SUMMARY** (Use complete sentences)

In accordance with Section 961 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)

The proposed rule change would prohibit the use of crab traps in portions of 13 parishes at different periods in February, 2025. The proposed rule would ban the local use of crab traps in parts of Jefferson, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Iberia, St. Mary, and Vermilion parishes (February 1 to February 14, 2025); portions of Jefferson, Lafourche, and Plaquemines parishes (February 8 to February 21, 2025); a section of Terrebonne Parish (February 15 to February 28); and parts of Calcasieu and Cameron parishes (February 17 to February 26, 2025).

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 the Louisiana Department of Wildlife and Fisheries (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 the cost to these traps 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.