

NOTICE OF INTENT

Department of Wildlife and Fisheries Office of Fisheries

Commercial Harvest of Southern Flounder (LAC 76:VII.351)

The Department of Wildlife and Fisheries does hereby give notice of intent to promulgate a rule (Title 76:VII.351) to place limits on the commercial harvest of southern flounder (*Paralichthys lethostigma*). These regulations are required to effectuate requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:317 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:325.4.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§351. Rules for Commercial Harvest of Southern Flounder

A. Commercial Harvest with Pompano Strike Nets

1. The commercial harvest of southern flounder (*Paralichthys lethostigma*) in Louisiana waters by pompano strike nets is closed and will remain closed until May 1, 1997. No vessel possessing any pompano strike net shall have southern flounder (*Paralichthys lethostigma*) aboard the vessel, whether caught within or without the territorial waters of the state.

2. Effective with the closure, the sale, barter, or exchange of, and the commercial possession of southern flounder (*Paralichthys lethostigma*) taken with strike nets shall be prohibited.

B. Commercial Harvest with Commercial Gear Other Than Strike Nets

1. Other provisions of law notwithstanding, a properly licensed commercial vessel that contains legal commercial fishing gear, other than strike nets, may have on board up to a daily possession limit of 10 southern flounder (*Paralichthys lethostigma*) per person on board.

2. Other provisions of law notwithstanding, a properly licensed commercial fisherman who is not on a vessel and who is using legal gear, other than strike nets, may possess up to a daily limit of 10 southern flounder (*Paralichthys lethostigma*). Southern flounder (*Paralichthys lethostigma*) legally possessed under this rule may be purchased, bartered, traded, exchanged or sold.

C. Commercial Possession and Sale

1. Nothing shall prohibit the possession or sale of southern flounder (*Paralichthys lethostigma*) legally taken prior to the closure providing that all commercial dealers possessing southern flounder (*Paralichthys lethostigma*) taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.4.

2. Effective with this rule, in addition to all records otherwise required by law, wholesale/retail dealers shall maintain records indicating the number and poundage of southern flounder (*Paralichthys lethostigma*) for each transaction when southern flounder (*Paralichthys lethostigma*) are acquired, possessed or transferred.

3. Commercial dealers possessing southern flounder (*Paralichthys lethostigma*) legally imported into the state shall maintain appropriate records in accordance with other provisions of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:317, Act 1316 of the 1995 Regular Legislative Session and 56:325.4.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:

Interested persons may submit written comments on the proposed rule to Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., August 2, 1996.

James H. Jenkins, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Commercial Harvest of Southern Flounder

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

No measurable costs or savings and no quantifiable increase or decrease in workload or paperwork to state or local governmental units is anticipated as a result of implementation of this rule.

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

No measurable effect on revenues to any state or local governmental units is anticipated from the proposed rule.

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

Rule is intended to allow enforcement of regulations required by Act 1316, 1995 Regular Legislative Session. Harvest of southern flounder with pompano strike nets would not be allowed, causing a loss of revenue to this segment of the fishery due to requirements of Act 1316. Harvest and sale of southern flounder by commercial fishermen using other legal gear would be limited to 10 fish per person per day aboard a commercial vessel, and 10 fish per day for commercial fishermen not aboard a vessel to allow effective enforcement of the required restrictions. This limit may cause losses of revenue and increase cost to various segments of the fishing industry, depending upon present harvest rates and the availability of southern flounder. Long-term economic benefits of an undetermined magnitude may also occur in both recreational and commercial sectors if the southern flounder stock is limited by parental stock spawning potential ratio. In that case, and if the proposed regulations provide increases in that ratio, then future benefits may be derived from increased recruitment of southern flounder to the recreational and commercial fisheries. The probability or dimensions of these possible changes can not be estimated at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effect on competition or employment in the public sector. Some impacts on competition and employment may occur in the private sector due to reduced income, increased costs and the redirection of fishing effort to other fisheries. Additionally, some offshore vessels that fish for extended periods of time (i.e. large shrimp trawlers) may be less likely to land their catch in the state, due to restrictions on the number of flounder they may possess or sell. Presently, no data is available to estimate the probability or dimensions of these changes on competition or employment.

Fredrick J. Prejean, Sr.
Undersecretary
9606#023

Richard W. England
Assistant to the
Legislative Fiscal Officer