

# DECLARATION OF EMERGENCY

## Department of Wildlife and Fisheries Wildlife and Fisheries Commission

### Establishing the 2024 Commercial Menhaden Season and Associated Regulations

The Wildlife and Fisheries Commission has undertaken traditional rulemaking action to adjust restricted areas off the coast of Louisiana in which commercial menhaden fishing activity is prohibited and to amend regulations related to commercial menhaden fishing activity. The Notice of Intent to expand these restricted fishing areas published in the November 20, 2023 edition of the Louisiana Register. The Commission then took action at a special meeting on February 15, 2024 to amend the proposed restricted areas to establish a one-half mile closure off the entire Louisiana coast where commercial menhaden fishing activity is prohibited and to establish a one-mile closure off Holly Beach in southwest Louisiana. The earliest the proposed Notice of Intent (as amended) can become effective is June 20, 2024. However, the 2024 commercial menhaden season is scheduled to open on April 15, 2024.

The Gulf States Marine Fisheries Commission is expected to conduct a bycatch study as it relates to commercial menhaden fishing activity over the course of the 2024 commercial season. The study will focus on quantifying purse seine bycatch by species and location off Louisiana's coast. To reduce variables affecting the study, it is important that the commercial menhaden fishing area and regulations remain consistent for the duration of the 2024 commercial season. Therefore, the Wildlife and Fisheries Commission utilizes its authority to establish commercial fishing seasons pursuant to Emergency Rule timetables to close certain waters to commercial menhaden fishing activity for the 2024 season and to provide for related regulations.

In accordance with the provisions of R.S. 49:962(G) which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to marine finfish seasons and all rules and regulations pursuant thereto, the Wildlife and Fisheries Commission hereby adopts the following emergency rule establishing restricted areas where commercial fishing is prohibited and regulations governing the release of gear or contents of purse seine gear for the 2024 season:

#### **Title 76**

#### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic Life**

#### **Chapter 3. Saltwater Sport and Commercial Fishery**

#### **§307. Menhaden Season**

A.-B. ...

C. The menhaden season shall apply to all waters one-half statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other inside waters and passes are permanently closed to menhaden fishing.

#### D. Coastal Buffer Restrictions

1.-3. ...

4. Restrictions off Holly Beach, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the intersection of a private levee road and LA-27 (Latitude 29 degrees 46 minutes 01.54 seconds N, Longitude 93 degrees 24 minutes 23.00 seconds W), thence westward to the easternmost point of the rock breakwaters west of Holly Beach, Louisiana (Latitude 29 degrees 46 minutes 00.90 seconds N, Longitude 93 degrees 29 minutes 26.91 seconds W). All coordinates are in NAD 1983 feet.

E. - E.1. ...

F. 1. No menhaden purse seine gear shall be released or abandoned while on the water or during the course of fishing operations. In the event that gear is released, such gear shall be marked in an appropriate manner to facilitate retrieval and effectively warn of navigational hazards caused by the released gear. Such gear shall be retrieved from the water within 48 hours of release. Failure to retrieve the gear within the prescribed period shall be considered abandonment of the gear.

2. If the contents of menhaden purse seine gear are released during the course of fishing operations, all reasonable attempts to retrieve any dead menhaden and any dead bycatch from the environment shall commence within 12 hours of the event. Retrieval efforts shall continue until the released contents of the menhaden purse seine have been removed from the environment to the extent practicable.

3. Any unintentional or intentional release of purse seine gear or contents of purse seine gear by the commercial reduction menhaden fishery shall be reported to the Enforcement Division within two hours of such release. This reporting shall be by email and by phone call to the Enforcement Division dispatch and communications center. The report shall contain, at a minimum, the following information:

- a. the date and approximate time of the release;
- b. the species of fish released;
- c. an estimated number of fish released;
- d. an estimate of the disposition of the fish released;
- e. the vessel which released the fish;
- f. to the extent available and practicable, photographic or video documentation of sufficient resolution to clearly depict the scope and composition of the release;
- g. the coordinates of the location of the release; and
- h. the causative factors of the release of fish.

4. Any release of the contents of a menhaden purse seine as set forth in this Subsection shall be considered waste of a fishery resource and subject to civil fine and restitution for the value of the wasted fish. Failure to retrieve menhaden purse seine gear from the environment or the released contents of a menhaden purse seine to the extent practicable, as set forth in this Subsection shall constitute a commercial littering violation pursuant to R.S. 30:2531.3.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, and R.S. 56:409.1.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979), amended LR 14:547 (August 1988), LR 19:58 (January 1993), LR 19:1179 (September 1993), LR 48:1588 (June 2022), LR 49:514 (March 2023), LR 50:

This Emergency Rule shall become effective April 15, 2024, and remain in effect for the duration of the 2024 commercial menhaden fishing season, or until adoption of a final rule modifying the commercial menhaden fishing regulations in a manner consistent with this Emergency Rule, whichever occurs first.

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Chairman

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