

2022 Regular Session

HOUSE BILL NO. 1033

BY REPRESENTATIVES ORGERON, BISHOP, BOYD, BRYANT, DUPLESSIS,
FONTENOT, GAROFALO, GREEN, IVEY, MCKNIGHT, NEWELL, ROBERT
OWEN, PHELPS, AND PIERRE

FISHING/COMMERCIAL: Provides relative to the commercial menhaden catch

1 AN ACT

2 To amend and reenact R.S. 56:324, relative to commercial harvest of menhaden; to provide
3 for restrictions and requirements applicable to commercial menhaden catch; to
4 provide for the duties and responsibilities of the Department of Wildlife and
5 Fisheries; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:324 is hereby amended and reenacted to read as follows:

8 §324. Menhaden seines; restrictions

9 A. All commercial menhaden companies utilizing vessels equipped with
10 purse seines operating in Louisiana territorial waters for the purpose of reduction
11 fishing shall land no more than two hundred sixty thousand metric tons, or five
12 hundred seventy-three million pounds, of menhaden from within those waters on an
13 annual basis. Of the two hundred sixty thousand metric tons, or five hundred
14 seventy-three million pounds harvested within state waters, the following shall
15 apply:

16 (1) A maximum of fifty-two thousand metric tons or one hundred fifteen
17 million pounds can be caught, or no more than two thousand six hundred fifty
18 individual sets shall be made within one mile off the shore within a calendar year.

1 (2) A maximum of one hundred four thousand metric tons or two hundred
2 twenty-nine million pounds can be caught, or no more than five thousand two
3 hundred fifty individual sets shall be made between one and two miles off the shore
4 within a calendar year.

5 B. For purposes of this Section, "individual set" means when a purse seine
6 is deployed and encircles a school of menhaden, regardless of whether those fish are
7 reduced to possession by transferring to the mother ship or steamer.

8 C. For purposes of this Section, the distance from shore shall be calculated
9 using the inside-outside line as described in R.S. 56:495 and shall include the area
10 of Breton and Chandeleur Sound within the calculations of sets and tonnage, with the
11 definition of the area as an estimated line denoting approximate average marsh edge
12 on the northern and western boundary of Breton and Chandeleur Sound, and using
13 the shrimp inside-outside line defining the southern and eastern boundary of Breton
14 and Chandeleur Sound, stopping at the state line between Louisiana and Mississippi,
15 excluding any portion of Lake Borgne.

16 D. All commercial menhaden companies utilizing vessels equipped with
17 purse seines for the purpose of reduction fishing shall be required to report daily set
18 locations via GPS on a weekly basis, reading in degrees, minutes, and seconds, with
19 a defined datum; length at catch in centimeters based on the length of a subset of
20 fifty individuals; estimated tonnage per set; and date and time of each set to the
21 Department of Wildlife and Fisheries by the close of business each Monday for the
22 preceding week. The Department of Wildlife and Fisheries shall be required to
23 compile, evaluate, and make said totals publicly available by 12:00 pm central time
24 the following Monday after receipt of said totals. The Department of Wildlife and
25 Fisheries shall also have the authority to close zones 0-1 and 1-2 when total sets or
26 tons are expected to meet the established set or catch limits in each zone
27 respectively, and shall have the authority to re-open one or all zones should the set
28 or catch limit not be met or keep zones closed should the catch or set limit be met.

1 E. Any set occurring once a zone is closed by the Department of Wildlife
2 and Fisheries in a given year shall result in reduced harvest in total annual sets and
3 tons in subsequent years. In addition, specific fines and penalties may be assessed
4 to captains or companies for annual set or tonnage violations.

5 F. Nothing in this Section shall restrict the Department of Wildlife and
6 Fisheries from promulgating additional rules and regulations regarding area fishing
7 restrictions in accordance with the Administrative Procedure Act.

8 G. Anyone legally taking menhaden shall not have in their possession more
9 than five percent, by weight, of any species of fish other than menhaden and herring-
10 like species.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1033 Reengrossed

2022 Regular Session

Orgeron

Abstract: Provides additional regulations on the commercial menhaden fisheries.

Present law provides that anyone legally taking menhaden cannot have in their possession more than five percent, by weight, of any species of fish other than menhaden and herring-like species.

Proposed law retains present law and provides for the following restrictions and requirements:

- (1) All commercial menhaden companies utilizing vessels equipped with purse seines operating in La. territorial waters for the purpose of reduction fishing can land no more than 260,000 metric tons, or 573,000,000 pounds, of menhaden from within those waters on an annual basis.
- (2) Of the 260,000 metric tons, or 573,000,000 pounds harvested within state waters, a maximum of 52,000 metric tons or 115,000,000 pounds can be caught, or no more than 2,650 individual sets can be made, within one mile off the shore within a calendar year. Additionally, a maximum of 104,000 metric tons or 229,000,000 pounds can be caught, or no more than 5,250 individual sets can be made between one and two miles off the shore within a calendar year.
- (3) All commercial menhaden companies utilizing vessels equipped with purse seines for the purpose of reduction fishing are required to report daily set locations via GPS on a weekly basis, reading in degrees, minutes, seconds, with a defined datum; length at catch in centimeters based on the length of a subset of 50 individuals; estimated tonnage per set; and date and time of each set, to the Dept. of Wildlife and Fisheries (LDWF) before the close of business each Monday for the preceding week.

Proposed law provides that the distance from shore is calculated using the inside-outside line described in present law and includes the area of Breton and Chandeleur Sound within the calculations of sets and tonnage, with the definition of the area as an estimated line denoting approximate average marsh edge on the northern and western boundary of Breton and Chandeleur Sound, and using the shrimp inside-outside line defining the southern and eastern boundary of Breton and Chandeleur Sound, stopping at the state line between Louisiana and Mississippi, excluding any portion of Lake Borgne.

Proposed law further requires the LDWF to compile, evaluate, and make totals publicly available by 12:00 pm central time every Monday following receipt of the data. Further gives the LDWF the authority to close zones 0-1 and 1-2 when total sets or tons are expected to meet the established set or catch limits in each zone respectively, and to re-open one or all zones should the set or catch limit not be met or keep zones closed should the catch or set limit be met.

Proposed law further provides that any set occurring once a zone is closed by the LDWF in a given year will result in reduced harvest in total annual sets and tons in subsequent years. In addition, the LDWF may assess specific fines and penalties to captains or companies for annual set or tonnage violations.

(Amends R.S. 56:324)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Require all commercial menhaden companies utilizing vessels equipped with purse seines for the purpose of reduction fishing to report daily set locations via GPS on a weekly basis.
3. Require commercial menhaden companies to report certain information to the Louisiana Department of Wildlife and Fisheries before the close of business each Monday for the preceding week.
4. Require the Department of Wildlife and Fisheries to compile, evaluate, and make totals publicly available by 12:00 pm central time every Monday following receipt of the data.