

SENATE CONCURRENT RESOLUTION NO. 6

BY SENATOR CLAITOR

A CONCURRENT RESOLUTION

To express the intent of the Louisiana Legislature relative to enforcement of fishing harvest gear laws and restrictions in state and federal waters off the coast of Louisiana.

WHEREAS, the Louisiana Legislature passed Act No. 336 of the 2011 Regular Legislative Session recognizing Louisiana's historical boundary at three marine leagues (nine nautical miles), but specifically included the caveat that, "the jurisdiction of the state of Louisiana or any political subdivision thereof shall not extend to the boundaries recognized herein until the U.S. Congress acknowledges the boundary described herein by an Act of Congress..."; and

WHEREAS, on June 8, 2012, the Louisiana Wildlife and Fisheries Commission relied on the provisions of Act No. 336 and took action to extend jurisdiction of state territorial waters for the purposes of all fisheries management to three marine leagues; and

WHEREAS, on December 18, 2015, the One Hundred Fourteenth Congress of the United States passed the Consolidated Appropriations Act, which granted management authority of reef fish resources to the gulf states out to nine miles by stating, "Notwithstanding any other provision of law, for the purpose of carrying out activities pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico or any amendment to such Plan, the seaward boundary of a coastal State in the Gulf of Mexico is a line nine nautical miles seaward from the baseline from which the territorial sea of the United States is measured."; and

WHEREAS, the extension of Louisiana's jurisdiction for fisheries management applies only to those species in the management unit of the Reef Fish Fisheries Management Plan, including snappers, groupers, tilefish, jacks, triggerfish, and wrasses; and

WHEREAS, the Louisiana Legislature has authorized the Louisiana Wildlife and Fisheries Commission to set seasons, times, places, size limits, quotas, daily take, and possession limits for all wildlife and fish, but has retained the authority to regulate gear and

methods of take; and

WHEREAS, the Louisiana Legislature has passed several laws regulating, restricting, or prohibiting certain gear or methods of take within the state territorial waters; and

WHEREAS, the legislative intent when establishing gear restrictions and methods of take in R.S. 56:1, et seq., was for those restrictions to apply to the fisheries resources located within the territorial sea as it existed at the time those laws were passed, which is inside of three nautical miles; and

WHEREAS, enforcing the restricted methods of take and gear restrictions for the harvest of reef fish in the manner that they have historically been enforced is beneficial to both the commercial industry and the recreational sector and not detrimental to the resource; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has instructed its enforcement agents to continue to enforce those gear restrictions and methods of take for reef fish resources within the three-mile state offshore boundary as prescribed under Louisiana law and in accordance with departmental regulations, including but not limited to bandit and long line gear, but shall not enforce such restrictions in the portion of Louisiana territorial waters seaward of the three-mile state offshore boundary as extended by this Resolution to nine nautical miles.

THEREFORE, BE IT RESOLVED that it is the intent of the Legislature of Louisiana that those gear restrictions and methods of take for reef fish resources within the three-mile state offshore boundary be enforced as prescribed under Louisiana law and in accordance with departmental regulations, including but not limited to bandit and long line gear, but such restrictions shall not be enforced in the portion of Louisiana territorial waters seaward of the three-mile state offshore boundary out to nine nautical miles.

BE IT FURTHER RESOLVED that recreational take of reef fish with gear authorized by federal law and regulation and federally permitted commercial take of reef fish with gear authorized by federal law and regulation, including bandit and long line gear, shall be allowed beyond the historical three-mile territorial sea, out to the congressionally recognized nine-mile extended boundary, so long as that fisherman holds all required Louisiana licenses and permits.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the secretary of the Department of Wildlife and Fisheries and the chairman of the Louisiana Wildlife and Fisheries Commission.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES