

Regular Session, 2014

HOUSE BILL NO. 416

BY REPRESENTATIVE LAMBERT

FISHING: Assigns to the Wildlife and Fisheries Commission management responsibility for sustainability of freshwater and saltwater fisheries

1 AN ACT

2 To amend and reenact Subpart L of Part VII of Chapter 1 of Title 56 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 56:638.1 through 638.5, relative  
4 to fishery management; to add responsibility for sustainability of fishery resources  
5 to the responsibilities of the Wildlife and Fisheries Commission; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart L of Part VII of Chapter 1 of Title 56 of the Louisiana Revised  
9 Statutes of 1950, comprised of R.S. 56:638.1 through 638.5 is hereby amended and  
10 reenacted to read as follows:

11 SUBPART L. ~~SALTWATER FISHERY CONSERVATION, AND~~  
12 MANAGEMENT, AND SUSTAINABILITY

13 §638.1. ~~Saltwater fishery~~ Fishery conservation, ~~and management, and sustainability;~~  
14 legislative intent

15 Recognizing that there are ~~ever-increasing~~ ever-increasing numbers of both  
16 sport and commercial fishermen utilizing the waters of the state for recreational and  
17 commercial pursuits resulting in conflicts over limited space and competition for the  
18 same ~~saltwater~~ fish, and acknowledging that both the sport and commercial fishing  
19 industries are vital to the economy of the coastal region and the entire state, the  
20 ~~saltwater~~ fishery standards for conservation, ~~and management, and sustainability~~ of

1 all species of ~~saltwater finfish~~ fish are hereby declared to be fair and in the best  
2 interest of the state.

3 §638.2. Findings

4 The state of Louisiana recognizes that:

5 (1) Its ~~saltwater finfish~~ fish resources are of great value and are renewable.

6 These ~~saltwater finfish~~ fish resources make many contributions to the state including,  
7 but not limited to, the food supply, economy, and health of the state and recreational  
8 opportunities. With proper regulations of the harvest by fishermen, coupled with  
9 protection and enhancement of their freshwater, saltwater, and estuarine habitat,  
10 Louisiana's ~~saltwater finfish~~ fish resources should be available to provide these  
11 benefits to the state indefinitely.

12 (2) As a consequence of increased fishing pressure ~~and~~/ or other factors and  
13 because of the ~~inadequacy~~ limitations of fishery conservation, ~~and~~ management, ~~and~~  
14 sustainability practices, certain stocks of fish may have been or will become  
15 overfished.

16 (3) The future productivity of ~~saltwater finfish~~ renewable fish and wildlife  
17 resources and their supporting habitats may be seriously jeopardized as a  
18 consequence of the continued loss of Louisiana coastal wetlands, or because of  
19 human actions affecting the functionality and value of the ~~coastal wetlands as~~  
20 ~~saltwater finfish estuary and habitat~~ state's renewable fish and wildlife resources and  
21 their supporting habitats.

22 (4) Both commercial and recreational fishing constitute a major source of  
23 employment and contribute significantly to the economy of the state. Many coastal  
24 areas are dependent upon such fishing and related activities and their economies have  
25 been damaged by pollution, habitat degradation, ~~and~~/ or overfishing.

26 (5) ~~Saltwater finfish~~ Fishery resources are finite but renewable. If timely  
27 placed under sound management, the fisheries can be conserved and maintained so  
28 as to provide optimum and sustainable yields on a continuing basis.

1 (6) A strong state program for the wise conservation, ~~and~~ management, and  
2 sustainability of the ~~saltwater finfish~~ fish resources of Louisiana is necessary to  
3 maintain plentiful fish populations, to prevent overfishing, to rebuild reduced stocks,  
4 to ~~insure~~ ensure conservation, and to realize their full potential.

5 (7) The safe development or improvement of fisheries that are not fully or  
6 properly utilized by the Louisiana commercial and recreational fishermen and fishing  
7 industries should help to ~~assure~~ ensure that Louisiana benefits from the employment,  
8 food supply, recreation, and social and economic benefit that could be maintained  
9 or generated thereby, if pursued in such a fashion that is socially, scientifically,  
10 economically, anthropologically, and biologically sound for the state, the species,  
11 ~~and any related species, and their supporting habitats.~~

12 (8) A strong state program is necessary to advocate the importance of the  
13 functionality and value of Louisiana's waters and coastal wetlands as estuary and  
14 habitat for ~~saltwater fisheries~~ fish resources, the social and economic value of these  
15 resources to the state and the nation, and the need to actively seek to avoid any net  
16 loss of this functionality and value.

17 §638.3. Purposes

18 In order to implement the objectives and purposes of this Subpart, the  
19 commission shall:

20 (1) Take timely action to conserve, ~~and~~ manage, protect, and sustain  
21 ~~saltwater finfish~~ fish species.

22 (2) Promote the use of sound conservation, ~~and~~ management, and  
23 sustainability principles in the regulation of commercial and recreational fishing.

24 (3) Actively advocate, on behalf of the ~~saltwater finfish~~ fish constituency,  
25 improvement of or no net loss of the functionality and value of the ~~saltwater~~  
26 fisheries' habitat and estuary.

27 (4) Provide for the preparation and implementation of fishery management  
28 plans, including plans for habitats, estuaries, and their supporting ecosystems, in  
29 accordance with this policy that will prevent overfishing and will achieve and

1 maintain plentiful fish populations to ensure, on a continuing basis, the optimum  
2 yield from each fishery while ensuring their sustainability.

3 (5) Recognize that ~~saltwater finfish~~ fish populations are subject to both  
4 natural and man-induced increases and decreases, and that changes in harvest levels  
5 may need to be recommended. If changes are required, these increases and decreases  
6 should be distributed among all fishermen in a fair and equitable manner that  
7 considers among other factors historical usage, ensuring that no historical user  
8 groups will be arbitrarily excluded.

9 §638.4. Policy

10 The policy of the state of Louisiana is hereby declared to be the following:

11 Stewardship of the state's ~~saltwater finfish~~ renewable fish resources shall  
12 have as its utmost concern the continued health and abundance of the resource and  
13 its ~~environs~~ habitat, shall provide for optimum sustained benefits to the state, shall  
14 be responsive to the needs of interested and affected citizens, shall ensure the proper  
15 and fair utilization of these resources for the citizens of the state in present and future  
16 generations, shall preserve the state's exclusive right to manage the fisheries within  
17 or beyond its jurisdiction, and shall be based on the best scientific and technical  
18 information available and shall encourage the development of practical measures that  
19 minimize by-catch and avoid unnecessary waste of fish resources. In addition, such  
20 stewardship of the state's ~~saltwater finfish~~ fish resources shall draw upon federal,  
21 state, and academic capabilities and promote efficiency in carrying out research,  
22 administration, management, and enforcement.

23 §638.5. ~~Saltwater fishery~~ Fishery standards

24 The commission shall adopt such rules and regulations, consistent with the  
25 authority granted by this Chapter, and in accordance with the Administrative  
26 Procedure Act, for the harvesting, conservation, ~~and management~~, and sustainability  
27 of all species of ~~saltwater finfish~~ fish, in accordance with the following standards:

28 (1) Conservation, ~~and management~~, and sustainability measures shall prevent  
29 overfishing while achieving, on a continuing basis, the optimum yield while

1 maintaining healthy, plentiful stocks. In fact, every effort will be made at all times  
2 to prevent a harvest from exceeding the safe upper limit of harvests which can be  
3 taken consistently year after year without diminishing the stocks so that the stock is  
4 truly inexhaustible and perpetually renewable.

5 (2) Conservation, ~~and management,~~ and sustainability measures shall be  
6 based upon the best scientific, economic, biological, anthropological, and  
7 sociological information available.

8 (3) To the extent practicable, an individual stock or unit of fish shall be  
9 managed as a unit throughout its range within the state's jurisdictional authority and  
10 interrelated stocks of fish and other ~~saltwater~~ renewable fish and wildlife resources  
11 shall be managed in close coordination while considering their supporting habitats.

12 (4) If it becomes necessary to allocate or assign fishing privileges among  
13 various fishermen, such allocations to the extent practicable shall be:

14 (a) Fair and equitable to all such fishermen.

15 (b) Reasonably calculated to promote conservation.

16 (c) Carried out in such a manner that no particular individual, corporation,  
17 or other legal entity acquires an excessive share of such privileges.

18 (d) In the best interest of the citizens of Louisiana.

19 (5) Conservation, ~~and management,~~ and sustainability measures shall, where  
20 practicable, promote efficiency in the conservation, ~~and management,~~ and  
21 sustainability of fishery resources; except that no such measure shall have economic  
22 allocation as its sole purpose.

23 (6) Conservation, ~~and management,~~ and sustainability measures shall, where  
24 practicable, minimize costs and avoid unnecessary duplication.

25 (7) Conservation, ~~and management,~~ and sustainability measures may take  
26 into account and allow for variations among, and contingencies in, fisheries,  
27 resources, and catches.

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DIGEST

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Lambert

HB No. 416

**Abstract:** Assigns to the Wildlife and Fisheries Commission management responsibility for sustainability of freshwater and saltwater fisheries.

Present law assigns the responsibility for saltwater finfish conservation and management to the Wildlife and Fisheries Commission. Proposed law expands that responsibility to include conservation, management, and sustainability programs for all fisheries in the state, including saltwater and freshwater.

(Amends R.S. 56:638.1-638.5)