

Regular Session, 2014

HOUSE BILL NO. 416

BY REPRESENTATIVES LAMBERT AND GUINN

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 fish management; to expand the Department of Wildlife and Fisheries  
5 responsibilities for conservation and management of saltwater fisheries to include  
6 all fisheries; to add responsibility for sustainability of fish resources to the  
7 responsibilities of the Wildlife and Fisheries Commission; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

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

13 SUBPART L. ~~SALTWATER FISHERY~~ FISH CONSERVATION, AND  
14 MANAGEMENT, AND SUSTAINABILITY

15 §638.1. ~~Saltwater fishery~~ Fish conservation, and management, and sustainability;  
16 legislative intent

17 Recognizing that there are ~~ever-increasing~~ ever-increasing numbers of both  
18 sport and commercial fishermen utilizing the waters of the state for recreational and  
19 commercial pursuits resulting in conflicts over limited space and competition for the  
20 same ~~saltwater~~ fish, and acknowledging that both the sport and commercial fishing  
21 industries are vital to the economy of the coastal region and the entire state, the  
22 ~~saltwater~~ fishery standards for conservation, ~~and management, and sustainability~~ of  
23 all species of ~~saltwater finfish~~ fish are hereby declared to be fair and in the best  
24 interest of the state.

1 §638.2. Findings

2 The state of Louisiana recognizes that:

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

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

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

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

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

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

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

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

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

13 §638.3. Purposes

14                   A. In order to implement the objectives and purposes of this Subpart, the  
 15 commission shall:

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

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

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

23                   (4) Provide for the preparation and implementation of ~~fishery~~ fish  
 24 management plans, including plans for habitats, estuaries, and their supporting  
 25 ecosystems, in accordance with this policy that will prevent overfishing and will  
 26 achieve and maintain plentiful fish populations to ensure, on a continuing basis, the  
 27 optimum yield from each fishery while ensuring its sustainability.

28                   (5) Recognize that ~~saltwater finfish~~ fish populations are subject to both  
 29 natural and man-induced increases and decreases, and that changes in harvest levels  
 30 may need to be recommended. If changes are required, these increases and decreases

1 should be distributed among all fishermen in a fair and equitable manner that  
 2 considers among other factors historical usage, ensuring that no historical user  
 3 groups will be arbitrarily excluded.

4 B. A sustainable fishery is one that is scientifically monitored and actively  
 5 managed to be viable today and in the future, conserving fish and their environment  
 6 and supporting the communities and economies that depend upon these resources.

7 §638.4. Policy

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

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

19 §638.5. ~~Saltwater fishery~~ Fishery standards

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

24 (1) Conservation, and management, and sustainability measures shall prevent  
 25 overfishing while achieving, on a continuing basis, the optimum yield while  
 26 maintaining healthy, plentiful stocks. In fact, every effort will be made at all times  
 27 to prevent a harvest from exceeding the safe upper limit of harvests which can be  
 28 taken consistently year after year without diminishing the stocks so that the stock is  
 29 truly inexhaustible and perpetually renewable.

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

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

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

- 10                   (a) Fair and equitable to all such fishermen.
- 11                   (b) Reasonably calculated to promote conservation.
- 12                   (c) Carried out in such a manner that no particular individual, corporation,  
13 or other legal entity acquires an excessive share of such privileges.
- 14                   (d) In the best interest of the citizens of Louisiana.

15                   (5) Conservation, ~~and~~ management, and sustainability measures shall, where  
16 practicable, promote efficiency in the conservation, ~~and~~ management, and  
17 sustainability of ~~fishery~~ fish resources; except that no such measure shall have  
18 economic allocation as its sole purpose.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_