

2016 Regular Session

SENATE CONCURRENT RESOLUTION NO. 6

BY SENATOR CLAITOR

FISH/FISHING. Expresses legislative intent for enforcement of laws regulating fishing gear authorized for use in Louisiana's offshore waters.

1 A CONCURRENT RESOLUTION

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

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

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

13 WHEREAS, on December 18, 2015, the One Hundred Fourteenth Congress of the  
14 United States passed the Consolidated Appropriations Act, which granted management  
15 authority of reef fish resources to the gulf states out to nine miles by stating,  
16 "Notwithstanding any other provision of law, for the purpose of carrying out activities  
17 pursuant to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico  
18 or any amendment to such Plan, the seaward boundary of a coastal State in the Gulf of

1 Mexico is a line nine nautical miles seaward from the baseline from which the territorial sea  
2 of the United States is measured."; and

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

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

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

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

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

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

27 THEREFORE, BE IT RESOLVED that it is the intent of the Legislature of Louisiana  
28 that those gear restrictions and methods of take for reef fish resources within the three-mile  
29 state offshore boundary be enforced as prescribed under Louisiana law and in accordance  
30 with departmental regulations, including but not limited to bandit and long line gear, but

1 such restrictions shall not be enforced in the portion of Louisiana territorial waters seaward  
2 of the three-mile state offshore boundary out to nine nautical miles.

3 BE IT FURTHER RESOLVED that recreational take of reef fish with gear  
4 authorized by federal law and regulation and federally permitted commercial take of reef fish  
5 with gear authorized by federal law and regulation, including bandit and long line gear, shall  
6 be allowed beyond the historical three-mile territorial sea, out to the congressionally  
7 recognized nine mile extended boundary, so long as that fisherman holds a valid Louisiana  
8 basic and saltwater fisherman's license along with the recreational offshore landing permit.

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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	DIGEST	
SCR 6 Original	2016 Regular Session	Claitor

States legislative intent that 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.

Further states legislative intent 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 a valid Louisiana basic and saltwater fisherman's license along with the recreational offshore landing permit.