

SENATE CONCURRENT RESOLUTION NO. 46

BY SENATORS ALLAIN, BARROW, BERNARD, BOUIE, CARTER, CATHEY, CLOUD, CORTEZ, DUPLESSIS, FESI, HARRIS, JACKSON, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, POPE, REESE, SMITH AND TALBOT AND REPRESENTATIVES BISHOP, CARRIER, CORMIER, GAROFALO, GOUDEAU, IVEY, KERNER, MCKNIGHT, ORGERON, ROBERT OWEN, PIERRE, ROMERO AND ST. BLANC

A CONCURRENT RESOLUTION

To urge and request the Louisiana Wildlife and Fisheries Commission to adopt a rule, in accordance with the Administrative Procedure Act, that prohibits taking any red drum over twenty-seven inches total length when measured with the mouth closed; and to provide for civil restitution for the killing of any red drum over 27 inches.

WHEREAS, Louisiana is known both nationally and internationally as the sportsman's paradise, and the people of this state take great pride in the abundant fish and game available for the enjoyment of citizens and visitors alike; and

WHEREAS, red drum, commonly referred to as red fish, is one of the most commonly caught and sought after species of recreational saltwater sport fish; and

WHEREAS, according to the latest stock assessment, the spawning stock of red drum is being depleted at a rate that requires management changes to protect future stock; and

WHEREAS, it is in the best interests of the state of Louisiana to conserve and promote wise stewardship of our renewable fish and wildlife resources and their supporting habitats through replenishment, protection, enhancement, research, development, and education for the social and economic benefit of current and future generations, while also striving to provide opportunities for, and to encourage the use and enjoyment of, these resources in a safe and healthy environment on both land and water; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission operates as a policy-making board, among other authorities, and is charged with the control and supervision of the wildlife of the state, including all aquatic life; and

WHEREAS, R.S. 56:325.1(A)(1) provides that the Wildlife and Fisheries Commission may set by rule, in accordance with the Administrative Procedure Act, daily

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take, and possession, and size limits for saltwater finfish caught recreationally in Louisiana territorial waters, based on biological and technical data; and

WHEREAS, in the absence of the commission adopting a rule, R.S. 56:325.1(B) currently provides for a size slot limit for red drum with a sixteen inch minimum and a twenty-seven inch maximum, but this statutory default limit allows for the possession of one red drum above twenty-seven inches; and

WHEREAS, present rules and regulations provide civil restitution values are calculated on replacement costs when those figures can be determined from a combination of published American Fisheries Society hatchery values and other valuation guidelines, though calculating the value on a market per-pound cost basis is a sound approach to recouping the loss of an illegally taken red drum; and

WHEREAS, conservation and protection of red drum and other species of saltwater fish for future generations of Louisianians to enjoy requires collaboration between the legislature, the commission, and all fishermen.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana Wildlife and Fisheries Commission to adopt a rule, in accordance with the Administrative Procedure Act, that no person shall take, possess, or kill any red drum over twenty-seven inches in total length when measured with the mouth closed.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana Wildlife and Fisheries Commission to adopt, in accordance with the Administrative Procedures Act, a progressive wildlife restitution fee schedule, commensurate with the market rate per pound of red drum, which shall be imposed on any person found to have taken any red drum in violation of any law or rule or regulation.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the chair of the Louisiana Wildlife and Fisheries Commission.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES