

Regular Session, 2014

HOUSE BILL NO. 416

BY REPRESENTATIVES LAMBERT AND GUINN

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 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 fishery 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 CONSERVATION, AND~~  
14 MANAGEMENT, AND SUSTAINABILITY

15 §638.1. ~~Saltwater fishery~~ Fishery 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

1 industries are vital to the economy of the coastal region and the entire state, the  
2 ~~saltwater~~ fishery standards for conservation, ~~and~~ management, and sustainability of  
3 all species of ~~saltwater finfish~~ fish are hereby declared to be fair and in the best  
4 interest of the state.

5 §638.2. Findings

6 The state of Louisiana recognizes that:

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

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

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

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

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

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

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

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

20 §638.3. Purposes

21           In order to implement the objectives and purposes of this Subpart, the  
22 commission shall:

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

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

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

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

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

12 §638.4. Policy

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

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

26 §638.5. ~~Saltwater fishery~~ Fishery standards

27 The commission shall adopt such rules and regulations; consistent with the  
28 authority granted by this Chapter; and in accordance with the Administrative

1 Procedure Act, for the harvesting, conservation, ~~and management,~~ and sustainability  
2 of all species of ~~saltwater finfish fish,~~ in accordance with the following standards:

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

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

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

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

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

19 (b) Reasonably calculated to promote conservation.

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

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

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

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

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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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)