

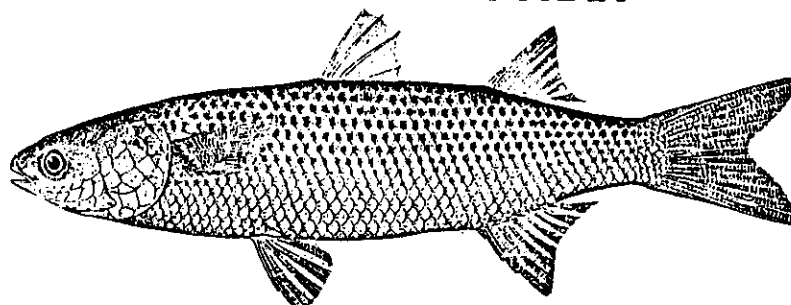


Louisiana State University
Agricultural Center
Louisiana Cooperative Extension Service

Jefferson Parish Office
1855 Ames Blvd.
Marrero, LA 70072
(504) 349-5644
Fax: (504) 349-8817

October 2, 1995
Volume 19, No 10

SEA GRANT PROGRAM



LAGNIAPPE

GILL NET LAW QUESTIONS ANSWERED

Act 1316 of the 1995 Legislature (the gill net law) dramatically changed commercial finfishing laws in Louisiana. This act is 25 pages long and very complicated. Additionally, Wildlife and Fisheries Commission action which was required by the act added more regulations. Working with the Department of Wildlife and Fisheries Enforcement Division, some of the more commonly asked questions are answered below.

What types of legal finfishing gear licenses are created by the act? A mullet strike net license which is used to fish for speckled trout and mullet. A pompano strike net license which is used to fish for pompano and other fish such as black drum, sheepshead and flounder. A rod and reel license which can be used for all saltwater fish except redfish and mullet (speckled trout may only be fished until the quota is filled or until May 1, whichever ever comes first). Finally, a gill net license for fishing in federal waters has also been created. The minimum mesh sizes are 3 1/2 inches stretched for the mullet net and 5 inches stretches for the pompano net. Each license costs \$250 per net.

Are any other permits required? Yes, to fish for mullet a \$100 permit is required. A \$100 permit is also required for speckled trout harvest. Non-resident permits cost \$400. Also, a \$250 traversing permit has been created to allow fishermen to transport gill nets through state waters while going to federal waters. Anyone fishing for pompano in Breton and Chandeleur Sounds or fishing for other fish such as black drum, sheepshead and flounder anywhere in the state must get a permit for either fishery. These permits are free. also required are free permits to commercially harvest bull black drum (27 inches

and longer) and sharks. The bull drum permit must be obtained from the Marine Fisheries Division office at Wildlife and Fisheries Headquarters in Baton Rouge. All other permits are through the Commercial Licensing Section of the Department.

Does having a class 3 or greater fisheries violation on record disqualify a person for these licenses and permits? It does for fishing for speckled trout with a strike net or rod and reel and for fishing for other fish such as black drum, sheepshead and flounder with a pompano strike net. It does not for fishing for mullet or pompano.

What seasons have been created for the use of gill nets? (1) A speckled trout season with the use of a mullet strike net between November 20, 1995 and March 1, 1996 and between November 18, 1996 and March 1, 1997. The season will close early either year if the one million pound quota is filled. After March 1, 1997 there will be no more gill net seasons for speckled trout. (2) A mullet season with the use of a mullet strike net between the third Monday in October and the third Monday in January of each year. (3) A season for the capture of other fish such as black drum, sheepshead and flounder with a pompano strike net during the open mullet and speckled trout seasons in the years 1995-1996 and 1996-1997. There will be no net seasons for these fish after then. (4) A pompano season in Breton and Chandeleur Sounds using pompano strike nets between August 1, and October 31 of each year. Nets cannot in any season be used at night (between sunset and sunrise) and on weekends between 5:00 a.m. Saturday and 6:00 p.m. Sunday.

What fish can be caught and kept for sale with a mullet strike net? Only speckled trout and mullet in their seasons may be kept when caught with this net. All other fish must be returned to the water.

How many nets may a gill net fisherman use? A gill net fisherman may have several nets in possession on the boat at one time, but only one net is allowed to be in the water at a time. Each net in possession, however, must be tagged and licensed with a \$250 mullet or pompano strike net license.

Can a fisherman transport his strike net at night? Yes, a fisherman is allowed to transport his net and catch after sunset, but his net must be out of the water by sunset and not be in the water before sunrise.

Can a fisherman who lives in the saltwater zone of the state transport his legal freshwater gill nets, trammel nets and seines to the freshwater zone to use? Transportation of these nets to the freshwater zone may only be done by land. Possession of these nets on the water in the saltwater zone is illegal.

Can one fisherman use another fisherman's strike net license and net? No. Each strike net is tagged with the number issued to the permit holder, so the permit holder must be present when the net is being used.

How does a seafood dealer or trucker prove that fish he possesses are legally taken? A dealer does not have to prove that his fish are legally taken, however he must comply with all provisions of state and federal law and regulations. He should, have the proper paperwork if he purchased them from another dealer or buyer. Illegally harvested fish are subject to confiscation and the dealer may be subject to conspiracy charges if he has knowledge of their illegal take.

What fish can be harvested in federal waters and landed in Louisiana? All fish except for speckled trout and mullet in their closed seasons or any other species of fish in a closed season. Some fish such as mackerels, groupers, snappers, trigger fish and tile fish require a federal permit to harvest them. Others such as white trout, black drum, croaker and pompano do not.

Can trawls be used to harvest finfish? Yes, except mullet may only be harvested by mullet strike nets (no skimmers or any other methods are allowed) and speckled trout which may only be harvested with a mullet strike net or a rod and reel.

Can anyone purchase a rod and reel commercial fishing license? No. The law specifies that in order to qualify for this license a person must prove that he earned more than 50% of his earned income from commercial fishing in two of the years 1993, 1994 or 1995 and that he had a commercial gear license for either saltwater or freshwater gill nets two of those same three years. Also the person must not have a conviction for a class 3 or greater fisheries violation on his record.

Can a person without a state commercial rod and reel license catch fish commercially in federal waters with a rod and reel? Fish caught in federal waters can only be landed in Louisiana by someone with a rod and reel commercial license, another appropriate gear license or with a federal permit authorizing that person to be in that fishery.

Are there any special restrictions on the use of the rod and reel commercial license? Yes. When a commercial rod and reel license is being used on a boat, every person on that boat must have a commercial fishing license. (Note this is a commercial fishing license not the rod and reel gear license.) Also, no other commercial gear may be on board the boat when using a commercial rod and reel after the net season is closed.

Is there a season on the use of the rod and reel commercial license? No. However, when the quota on any particular species is filled or the season is closed, that species cannot be harvested. In Louisiana waters, speckled trout and black drum have quotas.

What are the penalties for selling fish taken with a recreational fishing license? The penalty for first offense is lifetime loss of any recreational fishing license. Second and subsequent offenses are class 4 violations.

Are there any other legal forms of gear for commercially harvesting saltwater finfish besides those mentioned above? Yes. With the proper gear license, hoopnets and flounder gigs are legal. Also, with a set line gear license, trotlines, longlines and poles without reels (slaughter poles) are legal.

How do I show proof of income to get commercial finfish license? Applicants are required to prove that at least 50 percent of their income came from commercial fishing in 2 of the 3 years 1993, 1994 or 1995. A certified copy of these returns is required. These may be requested by use of IRS form number 4506. This form is available at any IRS office or the Baton Rouge office of the Department of Wildlife and Fisheries. Be sure to check off the box for a certified copy.

Since getting the returns can take 2 months, the Department will accept a computer print-out transcript of your returns until your certified ones come in. The computer print-out transcripts can be picked up, on the spot, at the IRS office. These print-outs must be accompanied by a letter signed by an IRS representative stating that the transcript is a true and correct copy. The print-out transcript will not be accepted without the letter.

WIRE HOOP NETS ILLEGAL

The legal counsel to the Department of Wildlife and Fisheries has made a determination that hoop nets using a reinforcing wire frame instead of hoops are not a legal fishing gear. These nets are widely used in freshwater areas by recreational and, to a lesser degree, commercial catfishermen. Anyone using these traps is advised to pick them up as soon as possible.

LIMITED ENTRY ON SHARKS CONSIDERED

The National Marine Fisheries Service has announced that it is considering a moratorium on issuing of any new permits to harvest sharks in federal waters. They have also released three new publications covering shark and swordfish management and options on permit moratoriums.

The commercial shark fishery of the Atlantic (which includes the Gulf of Mexico) has in the past been managed as an open access fishery. This means that anyone who met the minimum commercial fishing income requirement could get a permit. During 1993-95 the number of vessels permitted in the fishery has been between 1700 and 2100. This is far more than is necessary to harvest the shark quota, even though most of the permits aren't actively used. In 1993, about 250 vessels harvested the entire shark quota, well before the deadline.

Complicating the issue, is the fact that shark quotas are likely to decrease. Recent shark population evaluations have shown that the number of sharks has gone down rather than up. This would mean even less fish to go around for the vessels in the fishery.

If you would like a copy of the publication "**Towards Rationalization for Fisheries for Highly Migratory Species**" and the **Swordfish Supplement** and the **Shark Supplement** write to Richard B. Stone, Chief, Highly Migratory Species Management Division (F/CM4), National Marine Fisheries Service, 1315 East/West Highway, Silver Spring, MD 20910.

TURTLE-SAFE SHRIMP CAMPAIGN

A San Francisco based environmentalist group, the Earth Island Institute is strongly pushing its new "Turtle-safe" shrimp program. Its goal is to get consumers to refuse to buy shrimp unless it was produced by "Turtle-safe" methods. At the present time they will not put the turtle-safe label on farm raised shrimp because shrimp farming may cause habitat destruction and water pollution, and may introduce foreign shrimp diseases into U. S. waters. The program asks buyers to look for turtle-safe, wild caught shrimp nor pond raised.

THE GUMBO POT

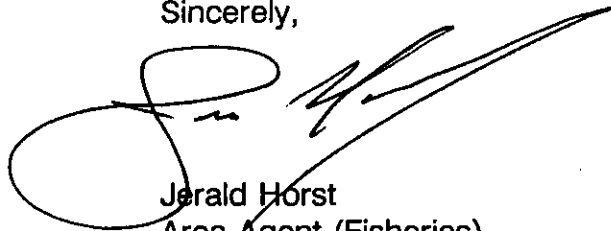
Heavenly Fillets

This is a recipe that I think you will enjoy. I tried it with both freshwater catfish and speckled trout and it was very good with both.

2 lbs fish fillets	3 tbsp mayonnaise
2 tbsp lemon juice	3 tbsp chopped green onion
1/2 c grated parmesan cheese	1/2 tsp salt
1/4 c margarine	4 dashes hot sauce

Place fillets in single layer in a well-greased baking dish. Brush with lemon juice. Combine remaining ingredients. Broil fish 4 inches from heat source for 6 minutes or until fish flakes easily when tested with a fork. Remove from heat and spread with cheese mixture. Broil 2 more minutes or until lightly browned. Serves 4.

Sincerely,



Jerald Horst
Area Agent (Fisheries)
Jefferson, St. Charles, St. John