



## **Direct Seafood Sales by Fisherman**

*This article is the first in a series on requirements for selling seafood directly.*

The Louisiana Sea Grant Law & Policy Program was asked to research the legal issues related to the creation of a direct seafood sales program. A significant amount of regulation falls on any individual selling seafood directly to consumers. This article only addresses state regulations. A fisherman selling his catch will need to comply with public health requirements as well as Louisiana Department of Wildlife and Fisheries licensing requirements. Other requirements include parish and municipal regulations, sales tax provisions and the Department of Agriculture's regulation of commercial scales. This article only addresses some of the issues regulated by the state and should be considered advisory research.

Fishermen who would like to sell seafood directly to the public must have a commercial fishing license and a fresh products license from the LDWF. The fresh products license costs Louisiana residents \$20 per year and allows the fisherman to sell his catch directly to Louisiana consumers. This license does not cover the sale of another fisherman's seafood, or sales intended for resale. However, a fisherman with a fresh products license may purchase a secondary fresh products license. The secondary license costs only \$5 and allows the fisherman to continue to fish while his or her spouse sells the catch.

A fresh products license holder may sell his catch from a house, boat or vehicle. A valid license holder does not need a transport license in order to transport their catch directly to the consumer. However, in order to sell from a mobile location the fisherman must be in compliance with parish and municipal mobile vendor regulations. Please contact your local government for more information regarding particular regulations. You will also need to contact the Department of Health and Hospitals for information about a mobile vendor's permit. License holders must also have their scales inspected by the Department of Agriculture at least once a year. This is to ensure that the scale is accurate and suitable for commercial use.

Fishermen who are cleaning, shucking, picking, peeling or packing will need to contact DHH for more information regarding a permit to operate. The condition of the seafood sold to consumers will also have to be reported on trip tickets submitted to the LDWF.

Fresh products license holders must keep records of their sales to consumers. These records must be kept for three years and include information about the type of seafood acquired and the date it was acquired. Fishermen selling seafood directly to consumers must also submit monthly reports to the LDWF.

It is important for fisherman to comply with state, parish, and municipal regulations. Please contact each local government for details regarding processing, sales tax and additional license requirements.

## Whale Shark Tagging Expedition Deemed a Huge Success

A collaborative effort with several fisheries-based agencies successfully tagged 10 whale sharks during two recent trips in the Gulf of Mexico. This represents the largest number of whale sharks tagged at one time in the northern Gulf of Mexico.

The tagging effort is a joint venture between the Louisiana Department of Wildlife and Fisheries, the University of Southern Mississippi Gulf Coast Research Laboratory, National Marine Fisheries Service, Mississippi Laboratories, Flower Garden Banks National Marine Sanctuary and On the Wings of Care. The team is hoping the project will reveal valuable information about the little-studied fish.



Whale shark. Photo credit: LDWF

“Historical information on whale sharks in the northern Gulf of Mexico is lacking,” said LDWF assistant secretary Randy Pausina. “We’ve had great success with many other fish tagging ventures and hope that this effort has similar results, providing a wealth of data to assist in the conservation of this species.”

Despite being the largest fish in the ocean, the whale shark is one of the most elusive animals to scientists due to their offshore, nomadic existence. They are extremely difficult to find outside of a few known seasonal hotspots; therefore, obtaining data on this species is extremely challenging and expensive.

“If the tags stay on for a significant amount of time, we will learn a great deal about how these sharks use the waters of the northern Gulf of Mexico, as well as where they go in the winter time, which is still a mystery to us,” said Dr. Eric Hoffmayer, a research fishery biologist with NOAA Fisheries Service, who has been studying whale sharks in the northern Gulf for 10 years. “It is still unclear whether whale sharks are residents in northern Gulf waters or simply seasonal migrants from the Caribbean Sea or beyond. Hopefully the data acquired from these tags will shed some light onto this research question.”

One of the most accurate and useful tools for studying whale shark movements is telemetry, which involves attaching satellite transmitters to the sharks. Other behavioral information beyond the shark's movements can be inferred by assessing oceanic and physical conditions around the shark.

The satellite tags provide temperature and depth data every 10 to 15 minutes as well as an estimated position each day for the duration of the tag. The deployment periods for these tags ranged between four to 12 months. In addition to the standard satellite tags, three position tags were also deployed, which send real-time location estimates to the satellite when the shark surfaces and the satellites are overhead. These tags should report for up to six months.

Funding for the satellite tags was provided by the International Foundation for Animal Welfare and World Wildlife Fund.

“Another important factor contributing to the success of this project and our whale shark research over the years has been the participation by the public in our Whale Shark Sighting Survey,” said Jennifer McKinney, research technician with the University of Southern Mississippi’s Gulf Coast Research Laboratory. “After receiving several reports from the offshore community about whale sharks in region, we mobilized a trip to conduct the tagging. Due to public participation, we knew exactly where to focus our efforts and therefore had great success.”

The Whale Shark Sighting Survey can be found at [www.usm.edu/gcrl/whaleshark](http://www.usm.edu/gcrl/whaleshark). The survey has been an increasing success over the years, in which the general public has been actively involved in the whale shark research program through their participation.

### **Saltwater Series Yellowfin Tuna Fall Shootout**

This year marked the first annual Yellowfin Tuna Fall Shootout, hosted by the Louisiana Department of Wildlife and Fisheries, as part of its Louisiana Saltwater Series.

The Louisiana Saltwater Series tournaments have helped to create awareness and increase participation in tag-and-release fishing by offering a competitive outlet for conservation-minded anglers and captains.

LDWF is committed to increasing the number of tagged yellowfin tuna in the Gulf of Mexico. The new tuna tagging program will provide baseline information for the population models used to assess the health of the stock of this valuable fishery.

“There is no fishing experience like catching a yellowfin tuna,” said LDWF assistant secretary Randy Pausina. “We wanted to combine this experience with some fun competition between anglers who understand and enjoy the fishery, but are also interested in supporting the department in our conservation-based efforts.”

## **Lagniappe Fisheries Newsletter**

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A total of six tags were deployed at this weekend's tournament. The tags will be used to provide information about their movements, migrations, stock structure, growth, population size, mortality, schooling behavior and physiology.

The tournament offered three competitive categories: a tagging division, chartered boat division and weighed fish division.

The total number of tagged fish determined the winner of the tagging division, going to the chartered boat Pale Horse, with a winning total of two tagged yellowfin. Team members included Captain Kevin Beech, Jordan Ellis, Ryan Ducote, Josh Cain, Jody Bondurat, Jacob Gauthier, Hevitt Gauthier and Bronson Giroward. Pale Horse also took swept the chartered boat division, earning them an overall cash prize of \$8,000.

The boat Hooked Up showed up to the scales with a 145-pound yellowfin, earning them first prize in the weighed fish division. Team members include captain Dane Mitchell, Ryan Parham, Patrick Fitzmorris, John Lane and Jeff Barger. The team took home an offshore tackle package valued at \$3,000.

LDWF would like to thank its many partners and sponsors for making this tournament a great success, including Venice Marina, which served as host site for the tournament and provided food to all participating anglers.

Information about the 2012 Louisiana Saltwater Series will soon be available at [www.lasaltwaterseries.com](http://www.lasaltwaterseries.com).

If you are a recreational fishermen, please consider signing up for the Louisiana Cooperative Marine Sport Fish Tagging Program. The program is open to all species, with some of the more common being redfish and speckled trout. Through this program, volunteer anglers provide information that is difficult, often impossible, and expensive to obtain by other means. For additional information, interested anglers can contact [fishtagging@ccalouisiana.com](mailto:fishtagging@ccalouisiana.com).

## **LOUISIANA REGULATIONS**

### **2011-2012 Louisiana Oyster Seasons**

The Louisiana Wildlife and Fisheries Commission set the 2011/2012 oyster seasons based on oyster stock assessments provided by Louisiana Department of Wildlife and Fisheries biologists and comments received from members of the public, including the oyster industry.

The following opening dates were set for the upcoming oyster season:

- The Little Lake Public Oyster Seed Grounds opened at one-half hour before sunrise on Wednesday, Sept. 7, 2011.
- With the exception of Calcasieu and Sabine lakes, all remaining public oyster seed grounds and reservations, including the Machias Fortuna sacking only area and the American Bay/Bay Long sacking-only area, will open at one-half hour before sunrise on Monday, Oct. 17, 2011.
- The oyster season in the west cove portion of the Calcasieu Lake Public Oyster Area

(Department of Health and Hospitals' harvest area 30) will open at one-half hour before sunrise on Tuesday, Nov. 1, 2011. The sack limit during this time period is set at 10 sacks per person per vessel per day.

- The east side of Calcasieu Lake (DHH's harvest area 29) and the Sabine Lake Public Oyster Area will remain closed for the entire 2011/2012 oyster season.

Closure dates will be determined by LDWF secretary on an "as needed" basis, based on biological and harvest data. LDWF biologists will closely monitor harvests and continue to collect biological information from public reefs as the season progresses.

Public notice of any opening, delay or closure of a season will be provided at least 72 hours prior to such action, unless such closure is ordered by the DHH for public health concerns.

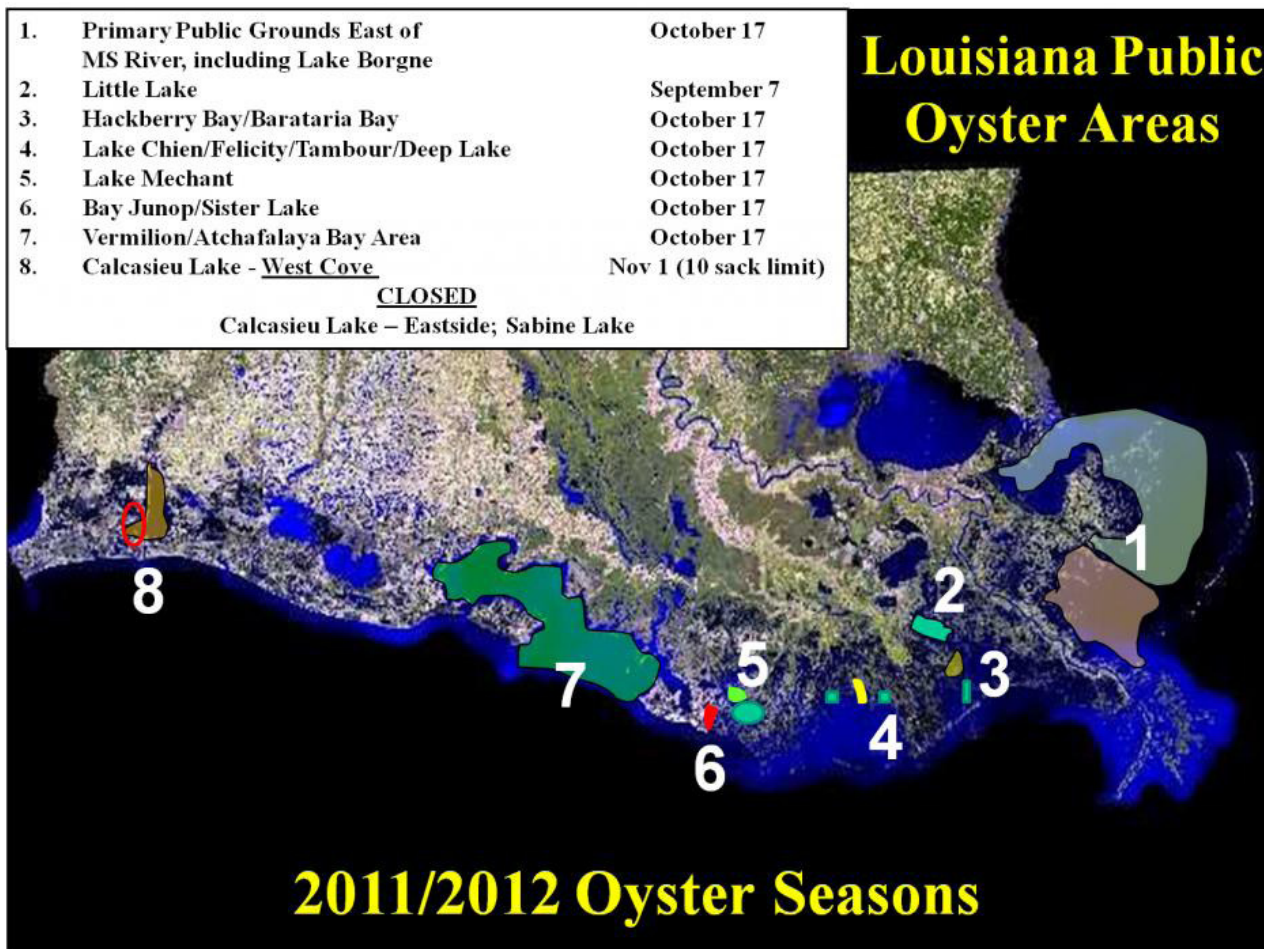


Photo credit: LDWF

### Commercial King Mackerel Season

The commercial season for king mackerel in Louisiana waters closed at 12 p.m., on Friday, Sept. 16, 2011.

The closure was made based on data gathered by LDWF biologists and the National Marine Fisheries Service, that the annual quota for king mackerel of 1.01 million pounds for the western zone of the

Gulf of Mexico would soon be met. The commercial fishing season for king mackerel also closed in federal waters at noon on Friday, Sept. 16.

Each year, a commercial quota is established for Gulf of Mexico group king mackerel by NMFS based on recommendations by the Gulf and South Atlantic Fishery Management councils. That figure is then divided into allocations for various zones and fisheries. While there are relatively few king mackerel harvested or targeted by Louisiana recreational anglers, a substantial commercial fishery does exist, which typically lands 800,000 to 900,000 pounds annually at Louisiana ports. A significant portion of the king mackerel landed in Louisiana ports is shipped to markets in the northeast United States.

### **LDWF Launches tip411 and iPhone App**

The Louisiana Department of Wildlife and Fisheries is now offering a new way to anonymously report outdoor related violations to Enforcement Division agents. LDWF's tip411 program is a part of their Operation Game Thief Program, which may offer a cash reward for information leading to arrests or convictions.

To use the tip411 program, citizens can text LDWF and their tip to 847411 or download the "LADWF Tips" iPhone app from the Apple iTunes store free of charge. CitizenObserver, the tip411 provider, uses technology that removes all identifying information before LDWF receives the text so that LDWF cannot identify the sender.

Texting or downloading the app enables the public to send anonymous tips to LDWF and lets LDWF respond back, creating a two-way anonymous "chat." Users of the app or texters can also send in photos to help support their claim and be used as evidence.

"We're proud to make this technology available to our citizens free of charge. This tip411 program will help our citizens play an active role in helping us enforce current conservation rules and regulations," said LDWF Col. Winton Vidrine, head of the Enforcement Division. "This program will engage younger folks in the process and it will save our agency time and resources."

LDWF will monitor the tip411 program for incoming tips 24 hours a day.

LDWF also offers their Operation Game Thief 24 hour toll free hotline. Citizens can anonymously report tips by calling 800/442-2511.

For more information, contact Adam Einck at [aeinck@wlf.la.gov](mailto:aeinck@wlf.la.gov).

### **Greater Amberjack Commercial Season**

The 2011 commercial fishing season for greater amberjack reopened in state waters on Sept. 1, at 12:01 a.m., and will remain open until Oct. 30 at 11:59 p.m.

The 2011 season had previously been closed on June 18 as it was predicted that the 2011 quota had been met. However, after reviewing the landings (total amberjack caught and brought to dock measured in pounds) for the 2010 commercial greater amberjack season, fisheries biologists

determined that an additional 86,452 pounds were available for harvest. That means commercial fishermen will have an additional 23 percent of the annual harvest available when they hit the waters this fall.

The National Oceanic and Atmospheric Administration also opened federal waters for commercial amberjack fishing Sept. 1 through October 30. Greater amberjack are found throughout the Gulf of Mexico as well as in the temperate and tropical Atlantic Ocean. Greater amberjack usually live in nearshore waters out to 300 feet deep. This species is found throughout the Gulf of Mexico, and is often found near offshore platforms, wrecks and artificial reefs. Greater amberjack can reach sizes of three feet in length and weights of 170 pounds.

Louisiana commercial landings of greater amberjack average 100,000 pounds annually.

## **GULF OF MEXICO REGULATIONS**

### **2011 Recreational Gag Fishing Season**

The recreational gag fishing season, put in place through a temporary rule, established a 2011 recreational season for gag that opened at 12:01 a.m. on Sept. 16 and closes at 12:01 a.m. on Nov. 16. The current bag limit of two gag within the four fish aggregate grouper bag limit and the minimum size of 22-inches total length will be in effect during the fishing season.

Gag is considered overfished (population abundance is too low) and undergoing overfishing (rate of removal too high). The Magnuson-Stevens Fishery Conservation and Management Act requires action to rebuilt overfished stocks and to end overfishing. The Gulf of Mexico Fishery Management Council requested NOAA Fisheries Service implement this temporary rule to revise 2011 commercial and recreational measures in light of the rerun of the gag update stock assessment. The council is developing a long-term plan to address gag stock rebuilding through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico.

### **Fishery Management Plan for the Stone Crab Fishery Small Entity Compliance Guide**

On Sept. 23, 2011, NOAA Fisheries Service published a final rule to repeal the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (76 FR 59064). This rule will be effective Oct. 24, 2011. In June, the Florida Fish and Wildlife Conservation Commission voted to extend state regulation concerning stone crab fishing into federal waters. Because federal regulations and state regulations were essentially the same, no change is expected in how the fishery is conducted.

The commercial stone crab fishery is prosecuted primarily in Florida coastal waters. The federal fishery management plan was originally implemented in 1979 to close areas and reduce conflict arising from competing gear use between stone crab and shrimp fishermen. The plan applies only to federal Gulf of Mexico waters adjacent to Florida waters. The fishery management plan for the shrimp fishery in the Gulf of Mexico establishes the same closed areas, so those closed areas will remain in place.

## **Commercial King Mackerel Fishing**

The western Gulf of Mexico zone closed to commercial king mackerel fishing, effective 12:00 noon Sept. 16, 2011, through June 30, 2012. NOAA's National Marine Fisheries Service determined the 2011/2012 western zone commercial quota of 1.01 million pounds of king mackerel has been reached. With this action, commercial king mackerel fishing is prohibited in federal waters of the Gulf of Mexico from the U.S./Mexico border to the Alabama/Florida boundary. Closure of the western Gulf of Mexico zone to commercial king mackerel fishing complies with regulations implemented under the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic and is necessary to protect the Gulf group king mackerel resource. In cooperative actions, Gulf states (Texas, Louisiana, Mississippi, and Alabama) are expected to close commercial harvest of king mackerel concurrently in adjoining state waters.

During the closure period, no person aboard a vessel for which a commercial permit for king mackerel has been issued may fish for or retain king mackerel in or from federal waters of the closed zone. There is one exception, however, for a person aboard a charter vessel or headboat. A person aboard a vessel that has a valid charter/headboat permit for coastal migratory pelagic fish and a commercial king mackerel permit may continue to retain king mackerel in or from the closed subzone under the two-fish daily bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that hold a commercial king mackerel permit are considered to be operating as a charter vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

During the closure, no king mackerel caught in the closed zone may be purchased, bartered, traded or sold. This includes recreational and tournament-caught fish. The prohibition of sale, however, does not apply to trade in king mackerel that were harvested, landed ashore and bartered, traded or sold before the closure and held in cold storage by a dealer or processor.

## **Gulf Seafood Traceability Program Launched**

The Gulf States Marine Fisheries Commission (GSMFC), Trace Register and MRAG Americas created a traceability system to empower regional fisheries management bodies, the seafood industry and consumers by providing critical information about Gulf seafood throughout the supply chain.

The project is a component of the GSMFC's Oil Disaster Recovery Program, which is funded by the National Oceanic and Atmospheric Administration in an effort to mitigate the economic effects of the oil disaster on Gulf fisheries. With regional coordination by the GSMFC, this program is currently funded through the end of 2015.

The program will create information portals that integrate external data such as seafood testing results, and answer complex fishery management questions. It will also be well placed to meet the requirements of eco-labeling programs that require chain-of-custody for fishery products.

"Information about Gulf seafood is out there, we just need to organize it and make it available in the right format for people to make well-informed decisions," said Alex Miller, GSMFC economist and traceability coordinator. "The Trace Register-MRAG system will allow us to do that."

Consumers can engage online and through the use of smartphones to learn the story of where their seafood came from, who caught it and where it was transported.



Trace Register, a global food traceability company, will employ its system to capture information from state trip tickets that are used to document catch when boats unload at the dock. Dealers, processors, distributors and retailers can voluntarily link their information about the seafood they handle into the system. MRAG Americas, an independent fishery-consulting business, will conduct random voluntary audits aimed at mitigating risk to buyers.

Economic analysis from 2008, the most recent available, showed that the commercial seafood industry of the Gulf generated more than \$5 billion in sales impacts and supported more than 119,000 jobs throughout the Gulf region. Since then, markets have continued to erode as a result of imported seafood products and were later impacted by the oil disaster. The development of a regional traceability system has the potential to reestablish those markets and create new ones by supplying information about Gulf seafood.

## **OUTSIDE GOM REGULATIONS**

### **Silk Snapper, Blackfin, Vermilion and Black Snapper in Caribbean Federal Waters**

From Oct. 1 through Dec. 31 each year, no person, commercial or recreational, may fish for or possess vermillion, black, silk or blackfin snapper in or from the U. S. Caribbean Exclusive Economic Zone (EEZ).

The seasonal prohibition on commercial and recreational fishing for silk snapper, blackfin, vermillion and black snapper began at 12:01 a.m., local time, on Oct. 1 and extends through Dec. 31, each year, in U.S. Caribbean federal waters. U. S. Caribbean federal waters are those waters extending from the nine nautical mile seaward boundary of the Commonwealth of Puerto Rico and the three nautical mile seaward boundary of the territory of the U.S. Virgin Islands out to 200 nautical miles offshore.

This action complies with regulations implemented under Amendment 3 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin

Islands to address required provisions of the Magnuson- Stevens Fishery Conservation and Management Act, and is necessary to protect these resources. The Caribbean Fishery Management Council, in cooperation with NOAA Fisheries Service, developed the amendment to regulate fishing mortality.

### **Recreational Sector of Golden Tilefish in the South Atlantic**

NOAA Fisheries Service has published a temporary rule adjusting the 2011 recreational season for golden tilefish, based on final 2010 landings data. When final recreational landings data for the 2010 fishing year became available, NOAA Fisheries Service determined that the 2010 recreational annual catch limit of 1,578 fish was exceeded by 2,805 fish. As a result, the recreational sector for golden tilefish in federal waters of the South Atlantic was closed, effective 12:01 a.m. (local time) Oct. 6, 2011, through 12:01 a.m., Jan 1, 2012.

For vessels which have a valid federal charter vessel/headboat permit for South Atlantic Snapper-grouper, the closure applies to state and federal waters. The operator of a vessel that has been issued a federal for-hire permit for snapper-grouper must have landed any golden tilefish harvested from either state or federal waters prior to 12:01 a.m., local time, Oct. 6, 2011.

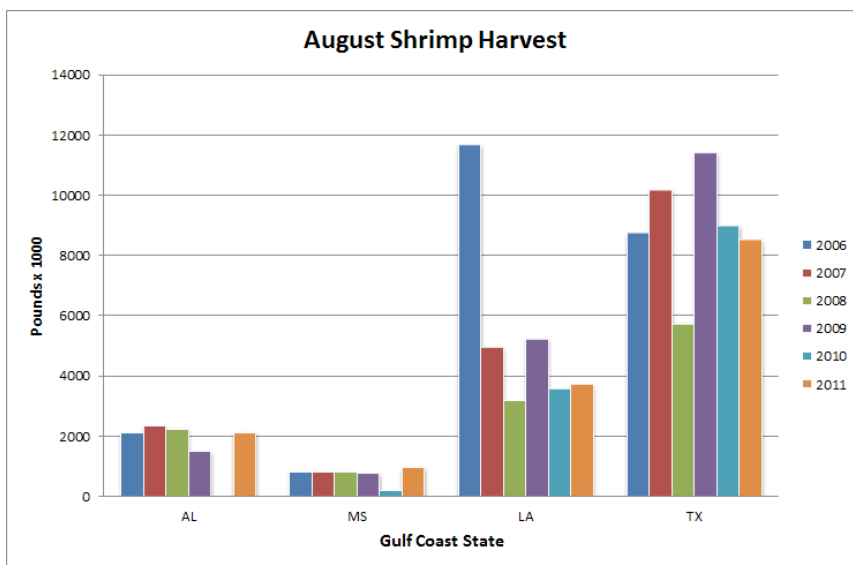
Background: Amendment 17B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region implemented annual catch limits and accountability measures for nine species in the snapper-grouper complex. Accountability measures are actions intended to prevent the annual catch limit from being exceeded. For golden tilefish, if the annual catch limit is exceeded, the length of the fishing season for the following fishing year will be reduced to account for the overage.

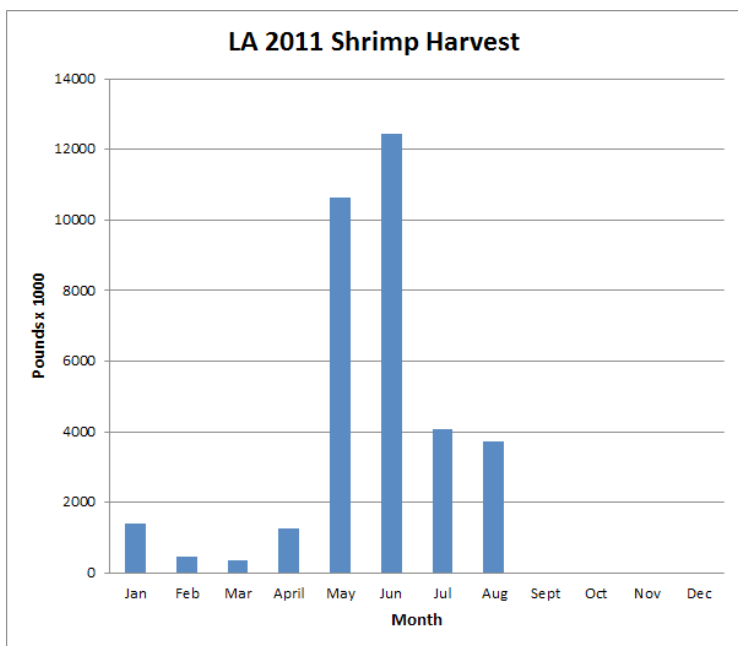
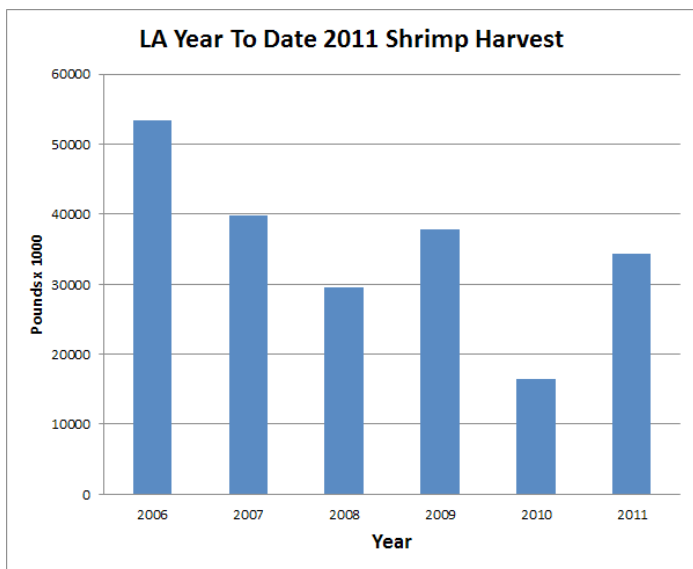
Golden tilefish are experiencing overfishing (rate of removal is too high). The recreational annual catch limit was set at 1,578 fish. Harvest levels must be kept below this level to prevent fish from being removed too quickly. During the 2010 fishing year, the recreational annual catch limit for golden tilefish was exceeded. The length of the 2011 fishing season will be reduced to account for the overage.

Commercial Sector: Commercial harvest of golden tilefish closed on March 9, 2011, because NOAA Fisheries Service projected landings would reach the quota by that time. It remains closed until Jan. 1, 2012.

## Louisiana Shrimp Watch

Louisiana specific data portrayed in the graphics are selected from preliminary data posted by NOAA on its website. All data portrayed are subject to final revision and approval by NOAA. Shrimp landings are ex-vessel prices, inclusive of all species harvested. Missing, inadequate or withheld reports are portrayed as “zero” in these graphics. Price graphics reflect central Gulf states only (Texas and Florida are reported independently). For more information, please refer to: [www.st.nmfs.noaa.gov/st1/market\\_news/index.html](http://www.st.nmfs.noaa.gov/st1/market_news/index.html).





## Fish Gear Coordinates

In accordance with the provisions of R.S. 56:700.1 et. seq., notice is given that seven claims in the amount of \$22,377.29 were received for payment during the period Aug. 1, 2011 – Aug. 31, 2011

There were five paid and two denied.

Latitude/Longitude Coordinates of reported underwater obstructions are:

29 08.907	91 06.937	TERREBONNE
29 14.776	90 13.580	LAFOURCHE
29 19.771	89 57.653	JEFFERSON
29 36.316	89 38.615	PLAQUEMINES
29 42.108	89 47.348	SAINT BERNARD
29 56.353	89 22.710	SAINT BERNARD

A list of claimants and amounts paid can be obtained from Gwendolyn Thomas, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call 225/342-9388.

## The Gumbo Pot

### *Lionfish Kabob*

#### Ingredients:

Lionfish fillets (for directions see Filleting a Lionfish on YouTube)  
 Pineapple chunks  
 Onion  
 Bell Pepper  
 Tomato  
 Shrimp  
 Honey  
 Teriyaki Sauce

Place lionfish on a skewer with pineapple, onion, bell pepper, tomato wedges and shrimp. Rub a mixture of honey and teriyaki on the skewer and cook on a grill.

If you have a favorite seafood recipe that you would like to share, please send it to Julie Anderson [janderson@agcenter.lsu.edu](mailto:janderson@agcenter.lsu.edu) for inclusion in future issues.



For more information, contact your local extension agent:



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We would like to hear from you! Please contact us regarding fishery questions, comments or concerns you would like to see covered in the Lagniappe. Anyone interested in submitting information, such as articles, editorials, or photographs pertaining to fishing or fisheries management is encouraged to do so.

**Please contact Lagniappe editor Julie Anderson at [janderson@agcenter.lsu.edu](mailto:janderson@agcenter.lsu.edu).**

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