§ 13-0333. Menhaden; prohibited acts.

Menhaden (Brevoortia tyrannus) from which oil or meal is made, subject to the provisions of section 13-0343, may not be taken from the waters of the marine district with a purse seine; provided however, that the department shall have the authority to issue a temporary order allowing the use of purse seines for taking menhaden, pursuant to temporary permits, if the department determines that there is an imminent risk of a fish kill resulting from the presence of unusually large amounts of menhaden in waters of the marine and coastal district in or adjacent to waterbody segments that are characteristic of locations likely to experience fish kills or that have a history of hypoxia. Prior to issuing such temporary order, the department shall first consider other fishing methods authorized under this chapter, including but not limited to beach seines, and shall only issue a temporary order if the department determines that such other fishing methods will not sufficiently mitigate the conditions precipitating the potential fish kill. Such order shall include the department's justification for the use of purse seines, time, geography, and poundage specifications, and any other conditions that the department deems appropriate and shall be posted on the department's website. Following the adoption of such an order, the department may issue temporary permits, not to exceed fourteen days and subject to the conditions of the department's temporary order, allowing for the harvest of menhaden.