

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**April 1, 2010**

**STEPHEN J. OATS  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
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Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**APRIL 1, 2010**

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 1, 2010

Chairman Stephen J. Oats presiding.

Ronny Graham  
Earl King, Jr.  
Patrick Morrow  
Stephen Sagrera  
Mike Voisin

Secretary Robert Barham was also present.

Commissioner Ann Taylor was absent from the meeting.

Chairman Oats called for a motion for approval of the **March 4, 2010 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Sagrera. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Chairman Oats stated the Commission received the final report and recommendation on the oyster lifting moratorium from a special committee formed to deal with this issue. He responded to Mr. Don Briggs thanking the members for their work and then asked the Department to prepare a recommendation for the Commission on how to move forward.

**To receive and hear Enforcement & Aviation Reports/March** began with Lt. Col. Keith LaCaze stating the month of March had a total of 1315 citations and 434 written warnings issued and agents helped with 41 public assists. The focus was on early recreational fishing activities and spring turkey season. The opening weekend of turkey season was unusual with snow occurring in some portions of the state. However there were 12 citations issued for tagging and license violations and 17 for hunting turkeys over bait. The bait cases were primarily in the southeastern portion of the state. There were 8 boating accidents reported during March with 3 injuries and 1 fatality. The fatality occurred in St. Martin Parish, no PFD or kill switch in use. The Department's three planes flew a total 78.7

hours for the month. News Releases discussed were on seizing 22 pythons in excess of 12 feet in length in the Allen Parish area; a Rapides Parish night hunter sentenced to 10 years in jail; 11 cited for turkey violations in Florida Parishes; and a Jonesville man caught taking gamefish from a net.

Mr. Gary Lester presented the next agenda item, **To receive and hear Recent News Regarding the Louisiana Pine Snake, a Candidate Species for the Endangered Species Act.** He began stating there are over 900 species of vertebrates in Louisiana and about 86 percent are not hunted, fished or trapped. The Commission and Department biologists generally deal with those species that were hunted, fished or trapped. Of those 900 species, 250 are declining. There are 41 species that are threatened or endangered or candidates for listing as threatened or endangered. The Natural Heritage Section deals with the species that are threatened or endangered which includes not only the vertebrates but also plants. The Louisiana Pine Snake was one species that needed additional surveys and work, so staff came up with the idea of training a dog to find the snake. The Louisiana Pine Snake lays the largest egg of any North American snake; has a low clutch size (maybe 3 to 5 eggs per year); was found only in association with the Pocket Gopher; and was associated with Bienville Parish south to Vernon Parish and 4 counties in east Texas. Other threats for the Louisiana Pine Snake were roads and conversion of the habitat from long leaf pine to loblolly pine. The snake will live inside the Pocket Gopher burrow, eats the gopher and sits there for a couple of months until he gets hungry and then he comes out and looks for another burrow. Traditional methods used to trap snakes were not working for this animal. Since every plant and animal has a particular smell, staff thought maybe a dog could identify the snake. So, Mr. Lester explained that his dog, an Australian shepherd, was sent to Florida for training for about 8 months with the skin of the snake. When the dog came back he was able to find the snake and its eggs as well. He then noted that they did not expect the dog to find the snake with it being such a rare species, but to have negative data was just as important as positive data in that he can tell where the snake was not. Mr. Lester gave a quick demonstration with his dog Patches in finding a snake that was inside a box. Mr. Beau Gregory took the Louisiana pine snake from the box and showed it to the Commissioners. The snake will grow to 58 inches in length and was characterized by the brown spots on its back, light belly with more spots and is a docile non-poisonous animal. Commissioner King asked Mr. Lester how does the snake fit in ecologically even though it was rare. Mr. Lester felt it was a

key species for the long leaf pine, deep sand soils and was a good indicator for good habitat and good eco-system.

**To receive and hear Public Comments on the Notices of Intent and Amendments to the Hunting Seasons and General and WMA Rules and Regulations** began with Mr. Randy Myers stating he wanted to give an update on the public comments received concerning the 2010-2012 hunting seasons and 2010-2011 WMA regulations. At the last meeting, the Commission tentatively adopted 7 amendments to the original Notice of Intent. The amendments included: the Area 1 and Area 6 alternative season dates for the 2010-2012 deer season; non-toxic shot required to hunt small game and doves on Point Farm on Pointe-aux-Chenes WMA; established a hog-dog season on Sabine WMA; provided for additional recreational crawfishing on Red River WMA Yakey Tract; amended language to allow for live transport by permit only of feral hogs taken from WMAs; allowed for blood tracking dogs on WMAs; and accepted the Kisatchie National Forest hunting season dates which did not include the deer season. It was then noted there were 6 public meetings held statewide with a total of 91 attendees. A total of 379 written, verbal or e-mail comments were also received with most of them on the Area 1 and Area 6 deer season as well as the limited access area proposal. There were 323 individual comments on the Area 1 and Area 6 deer season amendment with 16 for the proposal and 307 against (of the 307, 223 comments came from an on-line petition that was in favor of a later season, but against the amendment as it was proposed). Twenty-four comments were against the proposal due to the impact to small game hunters; 16 were against the proposal due to the impact to the southern portion of Area 6; and the remainder were due to the inability to harvest does during the archery season in October. A total of 25 (18 for and 7 against) comments were related to the limited access areas. Other comments ranged from liberalizing the deer seasons to limiting the deer seasons, providing additional hunting opportunities for small game hunting, liberalizing the hog season, concern on hog hunting at night and the impact it may have on bears, to the comment that there are too many bears. Mr. Myers reminded the Commission this was the last meeting to offer new amendments which would be finalized at the May meeting. Commissioner Morrow asked if the Department had any further recommendations on the amendments to the proposed seasons and Mr. Myers responded that they did not have any at this time. Chairman Oats asked if the limited access proposal was for Pass-a-Loutre and Mr. Myers answered yes. He added that there was a lot of confusion, but it was to limit internal combustion engines. Chairman Oats asked that the proposal be stated again. Mr. Myers stated that the proposal

was to have limited access areas on Pass-a-Loutre, Pointe-aux-Chenes, Atchafalaya Delta and Salvador WMAs. Commissioner King wondered of the 223 comments from the petition opposed to the Area 6 proposal but supported a later season were out of how many deer license holders in Area 6. With Mr. Myers not knowing that number, Commissioner King felt it may be literally thousands. Commissioner Sagrera asked if the limited access areas was only for 3 or 4 months and Mr. Myers stated it would be September to the end of January.

Chairman Oats asked if any Commissioner had any proposal they would like to make before opening the meeting for public comments. Commissioner Morrow stated at the March meeting, he made a motion to amend the Area 1 and Area 6 deer hunting season to extend into February. As a result of the public meetings, there has been a lot of public input which allowed the Commission to know what the hunters felt on the revised hunting seasons. Commissioner Morrow felt that pushing the hunting season back would impact the small game hunters (rabbit and squirrel hunters). He inquired to the Department on what may happen if they pushed the rabbit season back into March and staff felt several large fetuses would be killed which was not a good idea. The DMAP proposal pushing the season into February was an elective season for DMAP but was limited to a certain user group which did not include the weekend hunters. Commissioner Morrow thought the Commission should go back to the original proposal made at the February meeting and not extend the deer season into February. He then made a motion to withdraw the amendment he made in March and go with the recommendation made by the Department in February for the Area 1 and Area 6 deer season. The motion was to include the caveat that the Department further research a program such as in Texas on DMAP lands and possibly amend the DMAP rule to allow for more participation and a later season. Commissioner King seconded the motion. Commissioner Graham asked if the original season dates could be shown. While Mr. Myers was retrieving the season dates, he noted he has a proposed season change for Kisatchie National Forest. Chairman Oats stated that issue would be handled separate from this one. Commissioner Graham asked if Area 1 season dates were the same as last year and Mr. Myers stated they were simple calendar adjustments. Commissioner Morrow asked if archery was for bucks only and he was told that was in Area 6 only. The Chairman now allowed for public comments.

Mr. Joseph Guidroz stated he talked at the last meeting and said some things that he regretted, such as it was all about the

money and it was a done deal. He then asked the Commission to prove him wrong and some of the people were insulted, but now he knows he was wrong. Mr. Guidroz noted the Commissioners were honorable people that cared about what the hunters want. He apologized to the Commission and expressed appreciation to Commissioner Morrow for changing his mind. The sport of rabbit hunting takes a lot of dedication, taking care of and feeding the dogs every day. He appreciated the open-mindedness of the Commission. Commissioner King thanked Mr. Guidroz and accepted his apology.

Mr. Billy Shockey, speaking on behalf of the Quality Deer Management Association, stated the action by Commissioner Morrow would satisfy their concerns. The Association believed the Area 1 and Area 6 dates need to be changed, but needed further studying by the staff and then proposing something in the future.

Chairman Oats noted that the comments and materials he has received have been valuable. He knew the comments were from people taking the time to help the Commission make the decisions.

Mr. Glynn Bergeron stated the Louisiana Rabbit Hunters Association was just formed and he was elected Vice-President. He then showed 2 pictures of his daughter raising 4 beagle puppies and his grandfather with his beagle puppies, which was a tradition. Mr. Bergeron stated they enjoy the friendship while rabbit hunting together. He also expressed concerned for his safety and his children if the deer season was pushed back and only having 2 weekends to hunt rabbits. Commissioner King asked Mr. Bergeron what parishes he rabbit hunts and he was told mostly in Area 6, Pointe Coupee Parish.

Mr. Melvin Demoulin began by stating he appreciated the Commission staying with last year's season dates. He explained that he spends about \$6,000 deer hunting, but also spends about \$3,000 on rabbit hunting (feeding dogs, gas, etc.). Mr. Demoulin did not think additional bucks needed to be killed with the season extension.

Mr. Randy Guidroz, President of the Louisiana Rabbit Hunters Association stated he has had conversations with people statewide and the majority were against the proposal to extend the deer season. The petitioners were not just from Area 6, they were from Baton Rouge to Lake Charles to Opelousas to Breaux Bridge. He then thanked Commissioner Morrow for rescinding his original motion and the entire Commission for



their decision.

Mr. Wayne Sibley began by giving a financial breakdown (dogs, feed, collars, ATVs, fuel, vehicles, training fees, leases, etc.) on rabbit hunting with dogs. He then stated he knew of some people that already sold their dogs since they did not have confidence in the Commission. Mr. Sibley felt it was important to take youths rabbit hunting. He appreciated the efforts by the Commission.

Mr. Joe Macaluso commented that one of the reasons this country is still not part of Great Britain was due to allowing hunters to set their own seasons on deer through the DMAP program. Private ownership of game animals was part of being in the United States and seldom seen in other parts of the world. He felt that everyone was going down a "slippery slope" if people were allowed to set seasons on animals they do not own. Mr. Macaluso added that some of the people in DMAP feel they own the deer on their lands when in fact they do not. He asked the Commission to think before allowing DMAP clubs to set their own seasons on their own lands or leases.

Mr. Joey Futrell, a hunter from Assumption Parish in Area 6, stated there are some serious issues in his parish. He has already talked to and scheduled a meeting with Mr. Scott Durham. In most of Assumption Parish, there are small tracts of land and ever since the deer season went to either-sex days, the population has significantly been hurt. The first year of either-sex days, a large number of individuals were taking between 6 and 10 does. During the second year of either-sex, Hurricanes Gustav and Ike hit which caused a lot of high water and blue-tongue disease. Last year's season, the surrounding parishes had extremely high water and the deer were hurt by diseases which resulted in hunters seeing a lot of dead deer. This year, with the extremely cold weather, Mr. Futrell felt there would be extremely high waters which would hurt the population even further. He felt there was a need to go back to taking either-sex on certain days. Besides being the largest area in the state, Area 6 has the longest hunting season in the state. Mr. Futrell commented that you cannot compare the northern portion of Area 6 with the southern portion since it was 2 different mind sets of people and 2 different lay of the lands. He added he has reported violations to the local agents and he noted he has not seen a game warden in 3 years. He hoped the Commission would consider the southern portions of Area 6 so the deer herd could flourish for their children. Commissioner King asked Mr. Futrell if he was hunting in the Basin and he was

told no, he hunts near Elm Hall WMA.

Commissioner Voisin asked if the motion included the Department continuing to look at this issue noting that several speakers stated that Area 6 was 2 different types of terrain with the possibility of dividing the area. Commissioner Morrow answered that was correct. Commissioner Sagrera then asked if there was a plan to adjust Area 6, would it have to wait until after 2012 to make. Mr. Myers stated the seasons were set 2 years in advance, but the proposed amendment reestablished that season. Commissioner Voisin added that he received a lot of comment from lower portion of Area 6. Hearing no further discussion, the motion passed with no opposition. Commissioner Voisin felt it was good to have the Commission's honor back.

Next, Mr. Myers reminded the Commission that an outline on the seasons and regulations for Kisatchie except for deer season was presented and accepted at the last meeting. Now, a recommendation on the deer season would be presented which was the same as last year with calendar adjustments. Mr. Myers understood from Kisatchie staff that they have not received a formal recommendation from the administrative staff. The seasons for the Catahoula Ranger District, Winn Ranger District, Kisatchie Ranger District and Evangeline Unit would be October 23-24 primitive firearm, either-sex, still hunt only; October 30-31 and November 25, either-sex, still hunt only and November 1, 6-7, 13-14, 20-25, 27-28, December 4-5, 11-12, 18-26, 31, January 1-2, 7-9, bucks only, still hunt only, and the archery season of October 1-January 31. The Vernon Unit seasons would be still hunt only on October 23-24, October 30-31, November 26, either-sex, still hunt only and the remainder of the dates the same except archery season would be September 18-January 15. Chairman Oats asked when was the recommendation received and Mr. Myers answered 2 days prior to the meeting.

Mr. Mike Balboni, Kisatchie National Forest, stated that they were proposing what was proposed last year, which was also what was proposed to the public in September 2009. He noted this was just a proposal and not a decision. Mr. Balboni felt the proposal would come soon. Chairman Oats asked if the deer season proposal was still hunting only, no dog hunting? Mr. Balboni noted that was the proposal. Chairman Oats asked who was the proposal coming from and Mr. Balboni answered it was Kisatchie National Forest's proposal. But the decision for deer hunting with dogs had not been made. Commissioner King asked Mr. Balboni if he had any recommendation for with or without deer dog hunting in Kisatchie and was told they did not have a

final decision. Commissioner King added that the hunters were still feeding their dogs and thinking there would be a season. Commissioner Morrow asked who would make the decision and Mr. Balboni answered it was Liz Agpaoa, the Regional Forester. Commissioner Morrow then asked if there was any additional information Ms. Agpaoa would need and Mr. Balboni answered no, that she had all of the information needed to make a decision. Then it was mentioned that the Commission has to decide in May up or down on changes and today's meeting was the last day to make any amendments. Commissioner Morrow agreed with Commissioner King that a lot of hunters were waiting; he then urged the Forest Service to make a decision as soon as possible. Commissioner King asked if the Commission could send a registered letter to Ms. Agpaoa stating that the Commission needs a decision. Chairman Oats asked if Ms. Agpaoa would make the final decision and he was told that was correct. Then the Chairman asked Mr. Balboni what did he recommend to Ms. Agpaoa. He stated that he did not have a recommendation for Ms. Agpaoa, but the information presented was their proposal. Then the Chairman asked Mr. Jim Caldwell if he made a recommendation on this season and Mr. Caldwell answered no. Chairman Oats again asked Mr. Balboni or Mr. Caldwell if they had a recommendation for their superiors. Mr. Balboni stated they did not, and added that the way the process works was they give Ms. Agpaoa their analysis based on the 3 alternatives, she would take and analyze that information and sometimes ask for a recommendation but Ms. Agpaoa had not asked. Commissioner King asked Mr. Balboni if he or Ms. Agpaoa had read the Memorandum of Understanding on enforcement activities. Mr. Balboni answered absolutely. Chairman Oats felt the Commission should do what was done last year and take the 8 days of deer dog hunting and make it the season. Commissioner King made a motion to amend the seasons to have the same seasons as last year. Chairman Oats asked Commissioner King if he would include the permitting process and the Commissioner agreed by adding that to the motion. Chairman Oats felt the motion would give staff the discretion to adjust the permitting system in any way that meets the Commission's principles. Commissioner Voisin seconded the motion and it passed with no opposition. Mr. Myers asked if the amendment was to accept the dates as last year but with calendar adjustments and he was told yes.

Mr. Eric Sunstrom, representing the Marine and Motorcycle Dealers Association, stated they were in support of allowing the use of personal watercrafts which would help their business.

Mr. Dennis Good, a retired boat builder from Slidell, began

stating he lives adjacent to the Pearl River WMA and wanted to offer the opportunity for other personal watercraft operators to enjoy the beauty of Pearl River. He proposed an amendment which would allow the use of a Type A personal watercraft, year model 2003 and beyond (8 feet in length and greater), be operated in the WMA south of Highway 90 from April 1 through sunset on the Monday of Labor Day weekend. No personal watercraft should be operated with a speed greater than slow, no wake within 100 feet of an anchored or moored vessel, shoreline, docks, piers, or persons engaged in angling or any other powered vessel.

Chairman Oats commented that Senator Crowe was not able to attend the meeting but asked the Commission to consider this amendment. The amendment would be to allow the use of small watercraft on an area within the Pearl River WMA during the limited period.

Mr. Duane Cowart, representing the National Marine Manufacturers Association and the Personal Watercraft Industry Association, stated this business has not been doing well during the economic downturn. He supported the limited access on one WMA for personal watercraft which were environmentally friendly. Mr. Cowart felt this would be a very productive thing to do not only for the industry and dealers, but for the thousands of people that own personal watercraft.

Lt. Col. Jeff Mayne, State Boating Law Administrator, stated he recognized that this was an area of regulation that they had not pursued. The draft language for the use of personal watercraft or jet skis in the WMA was done with the help of the Wildlife Division in order to minimize any ecological or environmental impact on the area. The year model 2003 or greater meets the California Emission Standards and has less emissions and less noise output than normal outboard motors. The area to be designated for this use also allows bass boats, mudboats or go devils. Commissioner Morrow asked how big was the area being proposed. Lt. Col. Mayne stated that area south of Highway 90 was about half of the WMA. Commissioner Morrow asked if they were asking for the use of jet skis and the Lt. Col. stated jet skis was the common term, but the proposed models were 8 foot or greater. Then Commissioner Morrow asked if the Enforcement Division was comfortable with the proposal and Lt. Col. Mayne answered yes.

Mr. Joe Macaluso stated that there were areas within the Pearl River WMA that were not in the East Pearl River and wondered if this was limited to just the East Pearl River. Mr. Myers

understood the proposal to be the area south of Highway 90 and knew there were areas more narrow than 100 feet.

Chairman Oats asked Mr. Don Puckett if this issue needed to be handled at the meeting. Mr. Puckett felt this was a general regulation issue and wondered if this was being proposed as an amendment to the hunting seasons. Mr. Myers noted the rules and regulations on the WMAs were part of the Notices of Intent. Commissioner Sagrera asked if this proposal was part of the original Notice of Intent and Mr. Myers answered it was not. Mr. Puckett felt this issue should not be held to the protocol and could be adopted at another meeting as a Notice of Intent. Commissioner Graham did not think enough information was available to vote on this issue. Chairman Oats explained to the speakers on this issue that there were some additional questions and that it was not a "no" answer. Mr. Good asked if the issue could be presented at the next meeting and Chairman Oats responded yes.

The next agenda item, **To receive and hear Report on Youth Turkey Hunts** was presented by Mr. Jimmy Stafford. The first picture of the presentation was taken last year when the leaves were fully formed and on the ground which was not what hunters faced on opening day of the youth hunt this year. The next picture, taken at Three Rivers WMA on Friday during youth weekend, showed the forest had yet to break dormancy. The results showed this year 105 youths participated with only 7 turkeys harvested; in 2009, 119 youths harvested 28 birds. Hunter efforts for 2009 was 3.9 birds per hunter effort and this year it was 1 bird per 15 hunter efforts. For the entire state for the youth weekend in 2009 there were 155 birds reported and this year there were 56 turkeys turned in. Mr. Stafford noted this resulted in about a 64 percent drop for birds reported. For the first week of the regular turkey season in 2009, there were 1,127 birds reported and in 2010, 734 have been reported (35 percent decrease). Mr. Stafford mentioned this was a successful year with certain areas having a high success rate. He then thanked the Department staff and volunteers from the National Wild Turkey Federation that helped make the hunt enjoyable. Overall, about 90 percent of the youth heard turkeys gobble but they had trouble calling the birds in. Lots of the turkeys were still in their winter flocks which made it difficult to call them out. The late winter this year lead to disappointing results. Commissioner Morrow asked if the season dates were moved up this year. Mr. Stafford stated the regular season opens the nearest Saturday to March 22 and this pushed the youth hunt a week earlier. Commissioner Morrow asked if it was the opinion of the

Department that they should not have moved the season up or were they satisfied. Mr. Stafford had not had any discussions with his supervisors on the season. Commissioner Morrow wondered if moving the season up affected the kill ratio. Mr. Stafford stated this year was probably affected by the long winter, but added that one season did not make a trend. Commissioner Graham asked what would be the disadvantage of having a later season since he heard comments from north Louisiana that the season opened too early. Mr. Stafford stated he heard similar comments, but heard the opposite comment from hunters in south Louisiana. The discussion on when to open the turkey season has been an issue for debate for his entire career, added Mr. Stafford. Commissioner Graham asked if the season opened the same in north Louisiana as elsewhere and he was told it opens the same day throughout the state.

Mr. Randy Myers handled the next agenda item, **To receive and consider Notice of Intent to amend the Physically Challenged Hunters Permit.** The Notice of Intent would update the current rule and add another category for visually impaired to receive the permit. Act 1226 from the 1995 Louisiana Legislative Session established the Physically Challenged Hunter Program (PCHP) with 3 categories (wheelchair bound, mobility impaired and amputee of the upper extremity). Those that met the criteria received a PCHP permit. The law granted the Commission authority to adopt rules for the PCHP, establish special seasons on WMAs and private lands, and allowed for the use of crossbows. The Commission was being asked to consider general editorial changes throughout the document such as changing "disabled" to "physically challenged", updating the definitions section and any pertinent regulations. The regulation changes included modifying ATV, special use for deer and hog retrieval, crossbow was legalized statewide a few years back and so there was no need to leave that in the regulation, added language that spelled out various qualifications in order to get the permit, established the current application process (application must be approved by Commission Approved Physicians, have the Enforcement Division do a wildlife criminal history check and then to the Division Administrator for his approval or disapproval). The fourth category, pursuant to Act 322 from the 2009 Regular Session, allowed for the use of laser sights for those that are visually impaired. The applicant must have an impairment of visual functioning even after treatment of 20/200 or less to light perception or a visual field of less than 10 degrees from the point of fixation as certified by a Louisiana Optometrist or Ophthalmologist. This must be a permanent disability. The permittee shall be accompanied by another licensed hunter.

Those individuals that fall within this category will be eligible for the special physically challenged hunts on the WMAs and private lands and access to any designated WMA trails. One other change on the mobility impaired was that if the disability was not permanent, the applicant could have a one year exemption so they can receive the permit. Hearing no questions, Commissioner Voisin made a motion to adopt the proposal, seconded by Commissioner Sagrera and approved with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

#### NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the Physically Challenged Hunters Permit.

#### Title 76

#### WILDLIFE AND FISHERIES

#### PART XIX. HUNTING AND WMA REGULATIONS

#### Chapter 1. Resident Game Hunting Season

#### §105. Physically Challenged Hunters Permit

##### A. Definitions

~~ATV - a small motorized vehicle designed for off road use, weighing less than 750 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch. an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 lbs; length-85"; width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi as indicated on the tire by the manufacturer.~~

~~Amputee of the Upper Extremity - an individual suffering the loss of at least one arm, hand, or five fingers~~

~~from one hand.~~

Commission - the Louisiana Wildlife and Fisheries Commission.

Commission Approved Physician - any physician licensed to practice medicine by the Louisiana State Board of Medical Examiners who evaluates permit applicants to determine the Physically Challenged ~~disabled~~ Hunter Rule classification of permanent disability. Also, includes any Louisiana licensed optometrist or ophthalmologist to determine visual impairment.

Department - the Louisiana Department of Wildlife and Fisheries.

~~Disabled Hunter Oversight Committee - a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for Disabled Hunter Permits. The five members of the committee shall be appointed by the Commission from the Louisiana Outdoorsmen With Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the Commission.~~

~~Disabled Hunter Review Board - a board of five individuals which collectively review and approve or reject, by majority vote, applications for Disabled Hunter Permits. The Board shall be selected by the Commission with recommendations from: the Louisiana Outdoorsmen With Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).~~

Enforcement Division - the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Helper - an individual who accompanies a permitted physically challenged ~~disabled~~ hunter to assist the physically challenged ~~disabled~~ hunter in accessing a hunting area, carrying hunting gear, and retrieving harvested game.

~~Mobility Impaired - a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.~~

Permanent Disability - a qualifying disability that a



Commission Approved Physician ~~has, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee~~ have determined will not improve over time or with medical treatment.

Physically Challenged Handicap ATV Permit - a permit issued by the Wildlife Division to certain physically challenged disabled hunters to allow access to the specially designated ~~handicapped~~ ATV trails on Wildlife Management Areas.

Physically Challenged Disabled Hunter Permit - a permit issued by the Department of Wildlife and Fisheries to qualified physically challenged disabled individuals.

Special Deer Season - a special deer season only for individuals with valid Physically Challenged disabled Hunter Permits established by the Louisiana Wildlife and Fisheries Commission.

Special physically challenged Handicapped Hunt - special hunt or hunts on certain W.M.A.s only for individuals with valid physically challenged disabled Hunter Permits.

W.M.A. - a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

~~Wheelchair Bound - a permanent disability that prohibits mobility by any means other than a wheelchair.~~

Wildlife Division - the Wildlife Division of the Louisiana Department of Wildlife and Fisheries.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must permanently confine the applicant to the use of a wheelchair. If the Applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

(a). a Commission Approved Physician;

~~(b). the Disabled Hunter Review Board;~~  
and

~~(c). the Wildlife Division.~~

ii. Should the Commission Approved Physician determine the applicant is not permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Enforcement Division must complete a wildlife criminal history check. The application must then be forwarded to the Wildlife Division Administrator for approval or disapproval. ~~and the Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.~~

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions, WMA ~~violations~~ or littering violations within the last five years, as determined by the Enforcement Division, shall not be issued permits. Fishing and boating violations are excluded.

2. Approved Applicants Receive the Following Considerations

a. Special Physically Challenged Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide Physically Challenged Handicapped Hunts.

~~ii. May take either sex deer on private~~

~~lands statewide during the entire gun deer season and during the muzzleloader season. This provision does not include W.M.A.s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.~~

~~e. Crossbow. May use a crossbow to archery hunt during the statewide archery season.~~

~~d c. Access To Wildlife Management Areas. Upon request, Permittees of this class shall receive a Physically Challenged Handicapped ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.~~

~~e d. Hunting From Vehicles. May hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.~~

~~f e. Helpers. Permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.~~

### 3. Conditions of Approval

a. Nontransferable. The Physically Challenged Disabled Hunter Permit is non-transferable and is valid for named permittee only.

#### b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of ~~picture~~ photo identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying Physically Challenged Handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or

W.M.A. regulations. (See Subparagraph B.2.f e.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and ~~handicapped~~ specially designated ATV trails ~~as specifically designated~~ on W.M.A. maps.

ii. Approved individuals (Permittees & Helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer or hogs. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer or hogs, is prohibited.

e. Other Licenses Required. The issuance of a Physically Challenged ~~Disabled~~ Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division Administrator. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative actions.

h. Cost. None

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and impair the applicant sufficiently to preclude walking farther than very short distances (Cannot walk 200 feet without stopping to rest less than 150 yards) even with mechanical aids. If the applicant may eventually recover, ~~or he or she does not qualify.~~ ~~If~~. if the future prognosis is uncertain, the applicant does not qualify at this time; provided however, individuals who are temporarily disabled for a minimum of one year duration may be issued this permit for a period of one year only. If the condition still exists after one year, the individual would have to reapply and be issued a new permit.

ii. Qualifying disabilities under this class may include, but are not limited to:

(a). Permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect. Cannot walk without the assistance of another person, walker, cane, crutches, braces, or prosthetic device, or temporary use of a wheelchair.

(b). Defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect. Applicant must be restricted by a lung disease to such an extent that the person's forced (respiratory) volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest, or uses portable oxygen, or has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association, or has a diagnosed disease or disorder, including a severe arthritic, neurological, or orthopedic impairment, which creates a severe mobility limitation.

iii. Nonqualifying disabilities may include, but are not limited to:

(a). Vision impairment;

(b). Arm, hand, shoulder, or other impairments that do not affect walking;

(c). Any impairment considered to be a part of or resulting from the normal aging process;

(d). Any impairment resulting from or due to a lack of physical conditioning.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

(a). a Commission Approved Physician;

~~(b). the Disabled Hunter Review Board;~~  
and-

~~(c). the Wildlife Division.~~

ii. Should the Commission Approved Physician determine the applicant is not permanently mobility impaired, the application is rejected and no permit shall be issued. If approved by the physician, ~~the application must then be approved by the Enforcement Division must complete a wildlife criminal history check. The application must then be forwarded to the Wildlife Division Administrator for approval or disapproval. and the Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.~~

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions, WMA ~~violations~~ or littering violations within the last five years, as determined by the Enforcement Division, shall not be issued permits. Fishing and boating violations are excluded.

2. Approved Applicants Receive the Following Considerations

a. Special Physically Challenged Handicapped-

Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide Physically Challenged Handicapped hunts.

c. Access To Wildlife Management Areas. ~~Upon request,~~ Permittees of this class shall receive a Physically Challenged Handicapped ATV permit/~~sticker~~ for access to specially designated ATV trails on W.M.A.s.

d. Helpers. Permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.

### 3. Conditions of Approval

a. Nontransferable. The Physically Challenged Disabled Hunter Permit is non-transferable and is valid for named permittee only.

#### b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of ~~picture~~ photo identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying Physically Challenged handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph C.2.d.)

#### d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and ~~specially designated~~ ATV trails as ~~specially designated~~ on W.M.A. maps.

e. Other Licenses Required. The issuance of a Physically Challenged Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittee's possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division Administrator. If said change is sufficient to enable the permittee to walk more than 200 feet without stopping to rest more than 150 yards the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Physically Challenged Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost. None

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one hand to qualify for a permit of this class.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a Commission Approved Physician.

ii. Should the Commission Approved Physician determine the applicant is not an amputee of the upper



extremity, the application shall be rejected. If approved by the physician, ~~the application must then be approved by the Enforcement Division must complete a wildlife criminal history check. The application must then be forwarded to the Wildlife Division Administrator for approval or disapproval. and the Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.~~

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions, WMA ~~violations~~ or littering violations within the last five years, as determined by the Enforcement Division, shall not be issued permits. Fishing and boating violations are excluded.

2. Approved Applicants Receive the Following Considerations

a. Special Physically Challenged Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide Physically Challenged Handicapped hunts.

c. Access To Wildlife Management Areas. ~~Upon request,~~ Permittees of this class shall receive a Physically Challenged Handicapped ATV permit/~~sticker~~ for access to specially designated ATV trails on W.M.A.s.

~~d. Crossbow. May use a crossbow to archery hunt during the statewide archery season.~~

~~e~~ d. Helpers. Permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended

helper's ATV and permittee's ATV be placed at separate locations.

### 3. Conditions of Approval

a. Nontransferable. The Physically Challenged ~~Disabled~~ Hunter Permit is nontransferable and is valid for named permittee only.

#### b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of ~~picture~~ photo identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying Physically Challenged ~~handicapped~~ hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph D.2.e ~~d~~.)

#### d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and Physically Challenged ~~handicapped~~ ATV trails as specially designated on W.M.A. maps.

e. Other Licenses Required. The issuance of a Physically Challenged ~~Disabled~~ Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the Permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

#### g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Physically Challenged ~~Disabled~~ Hunter Permits to comply with future

Commission or Legislative action.

h. Cost. None

E. Visually Impaired

1. Qualifications

a. Permanent Disability. The applicant must have an impairment of visual functioning, even after treatment and/or standard refractive correction, and has a visual acuity of equal to or less than 20/200 to light perception, or a visual field of less than ten degrees from the point of fixation, as certified by a Louisiana licensed optometrist or ophthalmologist to qualify for a permit of this class.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled as visually impaired by a Commission Approved Physician.

ii. Should the Commission Approved Physician determine the applicant is not visually impaired, the application shall be rejected. If approved by the physician, the Enforcement Division must complete a wildlife criminal history check. The application must then be forwarded to the Wildlife Division Administrator for approval or disapproval.

c. Disqualification

i. Applicants not disabled sufficiently to meet the visually impaired criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions, WMA or littering violations within the last five years, as determined by the Enforcement Division, shall not be issued permits. Fishing and boating violations are excluded.

2. Approved Applicants Receive the Following Considerations

a. Special Physically Challenged Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide Physically Challenged hunts.

c. Access To Wildlife Management Areas. Permittees of this class shall receive a Physically Challenged ATV permit for access to specially designated ATV trails on W.M.A.s.

d. Helpers. The permittee shall be accompanied by another licensed hunter and only the person holding the physically challenged hunter permit may discharge the firearm. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.

e. The permittee shall be permitted to use a laser sight or sighting device which projects a beam of light to the target only.

### 3. Conditions of Approval

a. Nontransferable. The Physically Challenged Hunter Permit is nontransferable and is valid for named permittee only.

#### b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of photo identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying Physically Challenged hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph E.2.d.)

#### d. All Terrain Vehicles

i. ATVs may be used only on regular public

ATV trails and specially designated ATV trails on W.M.A. maps.

e. Other Licenses Required. The issuance of a Physically Challenged Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the Permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Physically Challenged Hunter Permits to comply with future Commission or Legislative action.

h. Cost. None

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 22:856 (September 1996), amended LR 34:1444 (July 2008), LR 36: .

The Secretary of the Department of Wildlife is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Mr. Randy Myers, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Tuesday, July 6, 2010.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no

impact on the six criteria set out at R.S. 49:972(B).

Stephen J. Oats  
Chairman

The next agenda item was **To receive and hear public comments on the amended Notice of Intent for Elmer's Island Wildlife Refuge** and none were heard. Mr. Joey Shepard added that no written comments were received on the amended Notice of Intent.

**To receive and consider Notice of Intent on Recreational and Commercial Harvest Regulations for Tripletail** began with Mr. Harry Blanchet stating currently there were no regulations for tripletail in either state waters or federal waters. This proposal would establish a minimum size limit for recreational and commercial fishermen and a 3 fish per day limit and possession for recreational harvesters. Commissioner Voisin thanked Mr. Blanchet for the information he provided. He then asked what would happen to a fish below 15 inches when it was released. Mr. Blanchet explained that tripletail were a surface dwelling fish and may not have the challenges with release mortality that occurs with deeper dwelling fish. He added they do not have any information on release mortality of tripletail. Then Commissioner Voisin asked what was the mortality for other top dwelling fish and Mr. Blanchet felt it was in the order of 5, 10 or 15 percent. This depended upon hook type, bait type or general species condition. Commissioner Voisin asked for the purpose of presenting this proposed rule. Mr. Blanchet stated this fish has always been a low fraction of the commercial finfish, but there seemed to be an increased interest from the recreational sector especially with the beginning of limiting other offshore activities for other species normally targeted. Commissioner Sagrera asked if the fish was not regulated at all and were Louisiana fishermen taking too many tripletail. Mr. Blanchet felt this was more a proactive measure than a conservation concern at this time. He added they do not have enough information on the species in the state to run a formal stock assessment. But other Gulf states have established a size limit and bag limit control on this species. Commissioner Sagrera then asked if 3 fish per day was conservative or liberal and where did staff come up with that number. Mr. Blanchet noted it was consistent with what other states have for bag limits. Commissioner Sagrera asked what was the commercial bag limit and Mr. Blanchet explained there was not one in the proposal. The minimum size range from other states was 15 inch minimum in Florida to 18 inches in Mississippi and the daily recreational creel limit was 2 or 3 fish. Commercial creel

limits was from 3 fish to 10 fish per person or per vessel whichever was less. Commissioner Morrow asked if the recreational fishermen were being penalized while giving the commercial fishermen an advantage by not limiting them. He understood there were no studies to indicate the proposal was needed other than being proactive. The commercial harvest per year for the state, according to Mr. Blanchet, was under 2,000 pounds. Most of the harvest from the Gulf of Mexico came from Florida which were several fish per day whereas Louisiana's harvest was an incidental fishery. Commissioner King asked if the fish were caught from the Lake Borgne and Lake Pontchartrain area and he was told some came from that area and others from offshore. Commissioner King knew they were an excellent eating fish. Commissioner Morrow asked what was the recreational take if the commercial was only 2,000 pounds. Mr. Blanchet stated he had no reliable estimate adding that between 1981 and 1987, they measured between 40 and 50 fish total in their creel surveys. Commissioner Morrow stated he did not see that another regulation was needed if there was no need. No motion was made on this agenda item.

Mr. David Cresson, Executive Director for CCA Louisiana, stated that CCA did support the proposal on tripletail by the Department. They supported it since it was a proactive measure and it was being targeted by recreational fishermen. The CCA Board was unanimous in its support on this proposal. Commissioner Morrow stated if there was a reason to do it, the Commission would do it, but not to add another regulation. Mr. Cresson felt they could provide some of the science used from the other states. If that information can be provided, Chairman Oats encouraged this issue be brought back.

Commissioner Morrow wanted to revisit the Pearl River WMA issue from earlier in the meeting. Enforcement asked that this be passed so it could be dealt with on an experimental basis now, monitored and possibly have in other areas. Chairman Oats asked Lt. Col. Mayne for additional information. Lt. Col. Mayne stated they were very cautious when they developed the language for this proposal. They could not see prohibiting this Type A watercraft when a bass boat or mudboat could operate in the same area with less stringent regulations. Mr. Puckett read the Pearl River amendment, "The use of Type A personal watercraft, model year 2003 and beyond which are 8 feet in length and greater may be operated in the areas of Pearl River WMA south of Louisiana Highway 90 from April 1 until sunset on the Monday of Labor Day Weekend. No person shall operate such watercraft at a speed greater than slow/no wake within 100 feet of an anchored

or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel." Commissioner Morrow made a motion to amend the regulations on Pearl River WMA, it was seconded by Commissioner Voisin and unanimously approved.

Next agenda item was to receive **Public Comments**. Mr. Robert Danka, a long time hunter at Atchafalaya Delta and stated he fully supported the idea of limited access. He felt there has been a shift since Hurricane Katrina in improving the technology on surface drive boats which allowed more hunters into places they had not been before. The consequences lead to driving waterfowl out of the WMA. This use of limited access was really just limiting the use of technology, added Mr. Danka. Commissioner King asked Mr. Danka for his position on closing waterfowl hunting at 2 PM on Atchafalaya Delta. Mr. Danka noted he argued against it.

The Commissioners agreed to hold the **August 2010 Meeting** on Thursday, August 5, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.



There being no further business, Chairman Oats **Adjourned** the meeting.

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Robert J. Barham  
Secretary

scf

**Transcript of Item #10, To receive and consider Notice of Intent on Recreational and Commercial Harvest Regulations for Tripletail**

April 1, 2010 Wildlife & Fisheries Commission Meeting

Harry Blanchet: Mr. Chairman, Members of the Commission, I don't think I will be able to beat Joey's record on this one. But this is a relatively simple item compared to some of the things y'all have taken up today. This is a Notice of Intent to establish regulations on tripletail. Currently we have no state regulations on tripletail in either state waters or federal waters off of Louisiana and this would establish a minimum size limit for recreational and commercial users. It would establish a 3 fish per day limit and in possession for recreational harvesters and would set so that that trade or sell, or barter, exchange under the size limit would not be allowed. I will take any questions.

Chairman Oats: Any questions?

Commissioner Voisin: Mr. Chairman?

Chairman Oats: Mr. Voisin?

Commissioner Voisin: Harry, thank you for all of the information you provided in the last couple of days to me. The question that I have, if you release a fish that is below 15 inches, what happens to that fish? I don't know anything much except what you sent me about tripletails.

Mr. Blanchet: Okay, tripletail for the most part are a surface dwelling fish. So you would not expect them to have some of the challenges with release mortality that you would have with some of your deeper dwelling fishes such as your reef fishes. Even though they do occur in very deep waters, they are typically found near the surface. Now you are still going to have some release mortality just like you do when you release any fish that is below a size limit. But, to be perfectly honest, we don't have any detailed information on release mortality of tripletail per se. So you are just going to have to extrapolate from what we know from other species.

Commissioner Voisin: Other species that are top dwelling, what's...?

Mr. Blanchet: We would expect something on the order of 5,

10, 15 percent release mortality depending upon things like hook type, bait type, the general species condition, so something like a red drum is very vigorous and has typically a lower release mortality than something that is more of a delicate fish.

Commissioner Voisin: Is there interest in terms of some targeted harvest for this in a recreational - commercial sense, is that the purpose of why it is coming forward today or is it...

Mr. Blanchet: Not so much in terms of the commercial sense, this is always been a relatively low fraction of the commercial finfish. However there does seem to be some increased interest in some of the recreational sectors especially as we start limiting other offshore activities for other species that have normally been targeted.

Commissioner Voisin: Thank you.

Commissioner Sagrera: Harry, at this time, you say they are not regulated at all.

Mr. Blanchet: That's correct.

Commissioner Graham: Are there some problems with, excuse me.

Commissioner Sagrera: I have more questions. Are Louisiana fishermen taking too many of these, do we really need to regulate at this time?

Mr. Blanchet: Well that's a good question. This is more of a proactive thing than where we see a conservation concern at this time. We really don't have enough information on the species in the state to start running a formal stock assessment.

Commissioner Sagrera: Right.

Mr. Blanchet: However all of the other Gulf states have established some sort of a size limit, bag limit control on the species. So this is similar to what some of them have proposed.

Commissioner Sagrera: In your opinion, is 3 fish per day conservative, liberal, where did you come up with this number?

Mr. Blanchet: It is consistent with what some of the other states have had, all of the other states have either 2 or 3 as

the bag limit.

Commissioner Sagrera: And, I don't see in here, what is the limit, commercial limit? I see the slot, the 15 inch, takes in commercial, but I don't see a possession limit.

Mr. Blanchet: No, we did not put a commercial bag limit or daily take limit as part of this Notice of Intent. Although I've got my pencil here if anyone is interested. In other states, the minimum size ranges from 15 inches in Florida to 18 inches in Mississippi. Daily recreational creel limit is either, as I said, 2 or 3 fish. Commercial creel limits from 3 fish to 10 fish per person or per vessel whichever is less for the Gulf states.

Commissioner Morrow: Mr. Chairman?

Chairman Oats: Are you finished?

Commissioner Sagrera: Yes, for now.

Chairman Oats: Mr. Morrow.

Commissioner Morrow: Are we penalizing the recreational fishermen and giving the commercial fishermen an advantage by not limiting them? And we don't have studies that indicate that we should do this other than being proactive because other states are doing it. I mean that is the concern that I have. We have enough regulations out there now, you have to bring a book to see what you can do.

Mr. Blanchet: Yes sir...and I know this is part of that. The, typically, I have, if you look at the commercial harvest per year for the entire state, it averages just under 2,000 pounds for the entire state. Most of the harvest that we have seen in the Gulf of Mexico comes from the state of Florida. Most of their harvest, when I took a look at their commercial harvest rates, it was on the order of several fish per day and at that point, they had more of a targeted fishery in Louisiana, it seems to be a very incidental fishery.

Commissioner King: ...harvest caught in Lake Borgne, Lake Pontchartrain, in that area?

Mr. Blanchet: ...there is some fish taken from that area, but a lot of the fish also can come from offshore...structure oriented fish that can be taken as far out as the shelf break.

Commissioner King: Well I know they are excellent eating.

Mr. Blanchet: Yes sir.

Chairman Oats: Mr. Morrow, you had something else.

Commissioner Morrow: If the commercial take is only 2000 pounds, what is the recreational take? Any idea?

Mr. Blanchet: No sir. It is at the point where we so seldom intercept these fish in the creel surveys that we really have no reliable estimate. You see, from 1981 to 87, we actually measured on the order of between 40 and 50 fish total over that time period in our creel surveys.

Commissioner Morrow: Mr. Chairman, I don't see where we need to add another regulation on the books if there is no particular need to. I mean, your talking about 40 or 50 fish recreationally and you are talking about 2000 pounds commercially. I think, unless there is a biological need to do so, I don't think we should do it.

Chairman Oats: Hearing no motion, we will move on to the next agenda item.

Commissioner Morrow: Harry, if you come back and bring us a biological reason, then certainly I think the Commission is going to consider it.

Mr. Blanchet: Okay.

Commissioner Morrow: Thank you.

Chairman Oats: Before we move on, I'm sorry, I have one card on this by Mr. Cresson, David Cresson.

Mr. Cresson: I'll be brief, thank you for your time. My name is David Cresson, I'm the Executive Director for CCA Louisiana. I do want it to be known that CCA does support this proposal by the Department, we support the fact that this is a proactive measure to take care of a fish that is more increasingly targeted by recreational fishermen. Our board met about this issue and had 100 percent unanimous support of this particular issue. We applaud the Department in their efforts to be proactive and you do have CCA's support on this particular issue. So, that's it, thank you very much.

Commissioner Morrow: Well let me ask you...

Mr. Cresson: Yes sir.

Commissioner Morrow: You have any, if there is a reason to do it, we will do it, but not just add another regulation.

Mr. Cresson: I think we can provide some of the science that was used in the other states.

Commissioner Morrow: All right.

Mr. Cresson: It's excellent science and it is hard to argue with when you see it.

Chairman Oats: Bring it back, the issue is not dead, just bring it back.

Mr. Cresson: I'm sure we can do that. Thank you.

Chairman Oats: I think that is all of the cards. The next item on the agenda...

TRANSCRIPT OF CHAIRMAN OATS' REQUEST FOR KISATCHIE NATIONAL FOREST PERMIT SYSTEM

Chairman Oats: At a loss here, but left to my own devices, what I would probably recommend is that we do what we did last year and that is to take the dates and with regard to the, I think we had 8 days that you could deer dog hunt, what was it...

Commissioner King: Yes, that's correct.

Chairman Oats: ...8 days, that would be what it is but I would strongly ask us to consider that through that whole exercise the last few years, we tried to find a way to divine or try to discern between the what we saw the responsible deer dog hunter, the man who went out ahead of time and met the private landowners, gave his telephone number, his cell phone number, to all of the landowners and said if you had any problems I'm going to be in the area, call me, I'll come pick the dog up. They marked their dogs clearly with spray paint on the sides so you don't have to capture the deer dog if he happens to be on your property, you can call some central place and know that's Bob's dog and you call him on his cell phone. So, I would strongly recommend that that be the direction we go, we are in a box right now. But...Mr. King.

Commissioner King: I would strongly recommend that we don't do this to our citizens and I would make that motion to amend the seasons to have the same season we had last year ??? on time. That's bull.

Chairman Oats: Would you...

Commissioner King: I put that in the form of a motion.

Chairman Oats: Would you also consider the requirement, our staff this year said that we will administer the permits ourselves.

Commissioner King: Is that correct, Mr. Secretary?

Secretary Barham: I think that is correct (inaudible)

Commissioner King: Mr. Anthony? Yes, we can put that in there.

Chairman Oats: And, I would suggest the permitting process have the principles that we described, but it sounds like the

motion is to give our staff the discretion to adjust that permitting system in any way that meets those principles, so it doesn't have to come back before us. Okay, we have a motion, do we have a second?

Commissioner Voisin: Second.

Chairman Oats: It has been seconded by Commissioner Voisin. Any discussion? Hearing none, all those in favor, say aye. (All responded) Opposed nay? The amendment passes. Thank you Mr. Balboni.

Mr. Myers: Mr. Oats, just to clarify on the amendment. The amendment was to accept the dates last year but with calendar adjustments?

Chairman Oats: Well, yes with the calendar adjustments as you presented.

Mr. Myers: I was just making sure...