

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

August 17, 2011

STEPHEN W. SAGRERA
CHAIRMAN

BATON ROUGE, LOUISIANA

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Louisiana Department of Wildlife and Fisheries
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Wednesday, August 17, 2011

Chairman Stephen Segrera presiding.

Patrick Morrow
Stephen Oats
Ann Taylor
Mike Voisin

Secretary Robert Barham was also present.

Commissioners Billy Broussard and Ronny Graham were absent from the meeting.

Chairman Segrera stated that in order to proceed, a two-thirds majority vote was needed to suspend Commission rules dealing with the hunting protocol. Commissioner Oats made a motion to suspend the protocol in order for the Commission to consider a Declaration of Emergency to amend the 2011-2012 hunting season to allow hunting deer with dogs on Kisatchie National Forest. The motion was seconded by Commissioner Morrow and it passed with no opposition.

Chairman Segrera then began the agenda item, **To consider Declaration of Emergency to amend the 2011-2012 hunting season to allow hunting deer with dogs on Kisatchie National Forest**, by noting the dates would be a repeat of last year's. Hunting on the Catahoula, Winn and Kisatchie Ranger Districts and the Evangeline Unit of the Calcasieu Ranger District will be December 17-December 25 - with or without dogs and December 26-January 1 - still hunt only. A permit will be required from the Department for hunting deer with dogs which was the same as last year. Commissioner Oats made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner Taylor. Commissioner Oats commented that this was a special meeting due to extraordinary circumstances presented by the reversal of a decision to allow deer dog hunting on Kisatchie National Forest. At the time the Commission went through their protocol, the National Forest Service had made a decision to not allow deer dog hunting in Kisatchie. But with the appeal and reversal, Commissioner Oats felt there was extraordinary circumstance that warranted a special meeting to reconsider the issue.

Commissioner Morrow asked for input from the federal officials on what their position is, what happened and what may happen if the Commission takes action, and any other information. Mr. Mike Balboni began stating the decision by the Regional Forester went through an appeals process and then to the Chief's Office. In July, the Chief rendered an appeal decision that reversed the Regional Forester's decision. That decision was to amend the Forest Plan to prohibit deer dog hunting on the Forest which would make it a Federal order from a legal standpoint. When the decision was reversed, instructions were received on deficiencies based on things appellants brought up and a review of the analysis. If the Forest Service went forward, a new decision was needed along with correcting the deficiencies, which is what the Regional Forester intended to do. The process for the new decision will take a few months and the Regional Forester will render another decision whether to prohibit or not to prohibit deer dog hunting. In this process, Mr. Balboni added that the public would again be engaged for comments on the proposal to prohibit. Once the Environmental Assessment was completed, it would be sent for review and after a decision was made, there would be another appeal period. Mr. Balboni could not state what the decision would be. Commissioner Morrow asked for the timeline for the new appeal. Mr. Balboni stated the Regional Forester's intent was to complete the process as quickly as possible, with the possibility of having a decision by early to mid-fall. Once the decision was made, there would be an appeal period of 45 days for the public to respond to the decision. Following that there was a long period (160 days) for the Chief's Office to render a decision, however, Mr. Balboni noted they do not have to take that long to decide. The process allows the decision can be implemented immediately. Commissioner Morrow asked if the federal government would have the final word on whether the public can hunt with or without dogs on Kisatchie, despite any action by the Commission. Mr. Balboni stated if the decision was to prohibit deer dog hunting, the next question to be answered was when to implement. He could not speculate when the Regional Forester would implement the decision. Commissioner Morrow again asked if the Regional Forester's decision would override any Commission decision since they were the landowners. Mr. Balboni stated the Forest Service was upheld on that question during the appeal. Commissioner Voisin thanked Mr. Balboni for the information he sent, and asked if the appeal to the Forest Plan was specific to dog hunting only or were other deficiencies pointed out in the process. Mr. Balboni stated the deficiencies were in the process itself, some items were not adequately addressed to determine the rationale for the decision. Some items would be easy to correct but others were more difficult. Commissioner Voisin asked, of the people that appealed, were their comments specific

just to dog hunting and he was told it was tied to the decision to prohibit dog hunting. Next, Chairman Sagrera asked for public comments.

Mr. Trent Hollingsworth, Secretary/Treasurer of Louisiana Sportsmen Alliance, stated his group was one of the 7 appeals mentioned, but added there 1,034 appeals filed against this issue. The number of appeals for the Alliance was 700. He felt the technical deficiencies mentioned by Mr. Balboni could not be changed in 2 to 3 months because there were no economic studies on dog hunting. Mr. Hollingsworth understood that the Forest Service owns the land, but why come to the Commission to regulate the deer. He then asked the Commission to give the dog hunters their days.

Mr. Cade Pilcher, Bayou State Dog Hunters Association, reminded the Commission he asked for a decision on this issue be made at the last meeting. All of the studies by the Forest Service did not prove anything, but their homework seemed to follow the rules and the decision was reversed for dog hunting to continue. Mr. Pilcher then stated it was time to deliver justice.

Mr. Larry Robichaux, representing Bagwell Hunting Club on Saline Lake, stated some of the members in the club were also landowners. They asked the Commission to leave the season as it was, still hunting only. A technical issue was a paperwork issue. Since the pamphlets were already printed and if this was changed, there would be a lot of confusion. Mr. Robichaux then asked how could this be considered an emergency. No days were being taken from the hunters, it was just the method of doing it.

Mr. Vic DuBois, Secretary of Northwest Louisiana Fox Hunters Association, stated they wrote one of the 7 appeals used to overturn the decision. In the appeal, they stressed economic issues, looked at safety issues and the usage issues. The appeal was overturned which was the reason for the emergency. Also, he commented to an earlier speaker that this issue affects a lot of people especially for those that this was the only way they deer hunt. Mr. DuBois understood Congressman Fleming had a bill in the U.S. House of Representatives that would keep the Forest Service from prohibiting hunting deer with dogs in Louisiana. He then asked the Commission to allow hunting with dogs on Kisatchie National Forest this season.

Mr. James Chandler, Mr. Bobby Knight, Mr. Floyd Hines, Mr. Chad Hines, Mr. James Veuleman, Mr. Rodney Dobernig, Mr. Brandon Rush and Mr. Randy Painter did not wish to speak but were in favor of the proposal.

Commissioner Oats commented the Commission has received a lot of e-mails on this issue and the copies in the packets were from landowners. He added he would support the motion since it was an extraordinary circumstance with the reversal of the feds decision.

The Commission has looked at deer-dog hunting a lot over the years. Commissioner Oats knew there were responsible deer dog hunters that normally show up for the meetings as opposed to those not responsible. He suggested the dog hunters recognize the landowners perspective also. The permits, marking of dogs, leaving the cell phone numbers with landowners were practices that came from those responsible hunters. Commissioner Oats did not think the deer dog hunting may continue much longer, but urged the hunters to continue to make improvements and stay away from the stereo types. Commissioner Morrow asked if this was exactly like last year's season. Mr. Jimmy Anthony stated last year had an 8 day season within a 9 day framework (closing for Christmas Day), but this year the season was already set and Christmas Day would be open within the same Kisatchie National Forest areas. Chairman Sagrera stated that, after listening to Mr. Balboni, possibly after the hunting season there would be a new decision issued and then an appeals process. He felt there was still ambiguity on how the issue would turn out as a permanent decision. Chairman Sagrera felt inclined to support the proposed action.

Hearing no further discussion, the motion passed with no opposition.

(The full text of the Declaration of Emergency is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2011-12 Deer Seasons on Kisatchie National Forest

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under the authority of R.S. 56:115 and 116, the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

The season dates for deer hunting with or without dogs was changed due to a federal ban on the use of dogs for hunting deer on the Kisatchie National Forest; however, this decision was subsequently reversed and is currently not in effect. Therefore,

effective August 17, 2011, the Wildlife and Fisheries Commission hereby adopts the following dates and regulations:

Catahoula, Winn and Kisatchie Ranger Districts and the Evangeline Unit of the Calcasieu Ranger District:

December 17 - December 25 - With or Without Dogs

December 26 - January 1 - Still Hunt Only

Deer hunting with dogs on the Catahoula Ranger District shall occur only north of La. 8, excluding the National Catahoula Wildlife Management Preserve. Deer hunting with dogs on the Evangeline Unit shall occur only in the portion of the unit located south of La. 121 from near McNutt southwesterly to Spring Creek, east of Spring Creek southeasterly to US 165, except dogs may be used in Palustris Experimental Forest. National Forest lands within the Evangeline Unit, Calcasieu Ranger District, described in still hunt only area shall be still hunt only. Permit required from Department of Wildlife and Fisheries for all deer hunters during the with or without deer season.

This action must be taken by Declaration of Emergency since the Commission's season date rule has already been submitted to the legislative leadership and the Louisiana Register, and insufficient time remains to make these changes via standard rulemaking prior to the opening dates of these seasons.

Stephen W. Sagrera
Chairman

Chairman Sagrera then asked for **Public Comments** and none were heard.

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

Stephen W. Sagrera
Chairman

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