

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

August 4, 2011

**STEPHEN W. SAGRERA
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the
Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

For more information, call (225) 765-2806.

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
August 4, 2011

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, August 4, 2011

Chairman Stephen Sagrera presiding.

Billy Broussard
Patrick Morrow
Stephen Oats
Ann Taylor

Secretary Robert Barham was also present.

Commissioners Ronny Graham and Mike Voisin were absent from the meeting.

Chairman Sagrera called for a motion for approval of the **July 7, 2011 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Morrow. The motion passed with no opposition.

There were no **Commission Special Announcements/Personal Privilege** for this month.

To consider changes to Notice of Intent on the Calcasieu Lake Oyster Harvester Permit was handled by Mr. Cole Garrett. He reminded the Commission that at the last meeting a Notice of Intent was passed which established a permit to be valid from October 1 to December 31 the following year. The permit would require current applicants to hold several licenses and required they come to the Baton Rouge office to apply in person on a first come-first serve basis. During the discussion at the last meeting, the Commission asked that the in-person application process be re-evaluated. Also, in the current proposal, there was a 3 month overlapping period and with a limit of 126 permits each year, this could create the possibility of more than 126 fishermen out at a given time. After having discussions with the legislators that were instrumental on this legislation, the following changes were presented. The first change was to have the permitted season coincide with the harvest season and run from October 1 through September 30. The next change was not to require the applicant have gear or vessel licenses as a prerequisite. The applicants will be allowed to submit applications on-line, which will be the exclusive method of application. On the last Monday of September at 9 AM, a "submit" button would be active for submission of applications. Mr. Garrett then listed the required information for the applications (name, physical address, phone number, 2 license numbers, personal identification number, and whether that person harvested oysters since 2001). Commissioner Morrow asked if a prerequisite was that a person will have had fished in

Calcasieu previously. Mr. Garrett explained that of the 126 permits, 63 applicants must meet all of the prerequisites and have harvested oysters since 2001 and the other group of 63 will not have had fished Calcasieu. Commissioner Oats asked if the “submit” process had been tested, will it be administered through the Department, and will there be an audit trail. Mr. Garrett stated the process will be done in-house. Commissioner Broussard asked if the actual license would be issued and Mr. Garrett stated this was for the application process. Mr. Garrett knew that the submit was a concern and the Department would certainly test and retest. Mr. Randy Pausina added that the process would be thoroughly tested since this was the first time to do this. Commissioner Broussard asked if it was still first come-first serve basis and he was told yes. Then he asked how many fishermen historically fished that area and where did the number of permits come from and Mr. Garrett stated the permit number came from the legislation. Commissioner Broussard thought he remembered there were about 180 people that fished the area with about 50 not being able to fish the area. He then asked if the idea behind the legislation was to have a tighter control on the resource and Mr. Garrett could not answer. Commissioner Broussard then asked when would the sack limits be addressed and Mr. Patrick Banks stated they would come to the September Meeting and make that presentation. Commissioner Taylor asked if the application had to be submitted by computer or could it be mailed in. Mr. Garrett answered the exclusive process would be on-line since it has to be first come-first serve. Commissioner Oats emphasized the importance of testing the process so it does not break down and have something to show the people that did not get a permit. Mr. Pausina stated if external help would be needed, a request would be made. Hearing no further discussion, Commissioner Oats made a motion to accept the amended Notice of Intent, seconded by Commissioner Morrow and passed with no opposition.

(The full text of the amended 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 relative to the Calcasieu Lake Oyster Harvester Permit. Authority to establish such rules and regulations is vested in the Wildlife and Fisheries Commission by R.S. 56:6 and R.S. 56:435.1.1.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§533. Calcasieu Lake Oyster Harvester Permit

A. Permit. Beginning July 1, 2011 and extending through June 30, 2014, any oyster taken from the Calcasieu Lake Public Oyster Area for commercial purposes during the open season shall only be taken by a person legally issued a Calcasieu Lake Oyster Harvester Permit by the department. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit shall be valid for a period beginning on October 1 of a given year and ending on ~~December 31~~ September 30 of the following year. There is no cost for the permit and no more than one hundred twenty-six (126) permits shall be effective at any one time. In the event that a permit is vacated, that permit may be re-issued to the next eligible applicant. The Department may retain the information for an additional 30 applicants in the event that permits are vacated. This permit is only applicable for commercial harvest. Recreational fishermen may harvest one sack per person per day.

B. Eligibility. Only those persons meeting the eligibility requirements outlined in R.S. 56:435.1.1 and this rule shall be issued a permit. To be eligible for this permit the applicant must hold current and valid licenses and permits required for the harvest of oysters, including a commercial fisherman license, and an oyster harvester license, ~~commercial oyster gear license, and vessel license.~~ ~~In lieu of a vessel license issued in the applicant's own name, the applicant may provide evidence of permission to use a vessel license issued in the name of another individual.~~ As outlined in R.S. 56:435.1.1, one hundred twenty-six (126) permits will be made available, and completed permit applications will be processed on a first-come-first-served basis determined by the order in which the completed permit application is received by the Department. Of the available permits, sixty-three (63) shall be issued to persons who can prove through Department trip-ticket landings data that he commercially harvested oysters from Calcasieu Lake during open season at any time since January 1, 2001. The remaining sixty-three (63) permits shall be issued to any person who holds all other licenses and permits required for the harvesting of oysters.

C. Applications. The Department shall make available on its website an online application form. Applicants must complete an online application form and submit the completed form to the Department no earlier than 9:00 A.M. on the last Monday of September. A complete application shall include the applicant's name, physical address, mailing address, phone number, commercial fisherman license number, oyster harvester license number, a personal identification number (issued by a state or Federal agency), and indicate if the applicant has harvested oysters commercially in Calcasieu Lake since January 1, 2001. The above described online submission of the application shall be the ONLY acceptable method for the Department and ONLY applicants who submit a completed application in that manner will be processed. ~~Permit applications shall be made available by the Department and completed permit applications shall be accepted by the Department from any person who qualifies to obtain a permit. The Department, by public notice, shall set a date on which applications for permits will be accepted. Applications~~

~~shall only be accepted from the applicant, in person, at the Baton Rouge Headquarters office of the Department at 2000 Quail Drive. Completed permit applications will be processed on a first come-first served basis determined by the order in which the completed permit application is received by the Department. Upon receipt and processing of the permit applications, 63 permits shall be issued to the first applicants to submit completed permit applications who commercially harvested oysters from Calcasieu Lake during open season at any time since January 1, 2001 as verified by the Department's trip ticket landings data. Thereafter, an additional 63 permits shall be issued to the first applicants remaining who submitted completed permit applications and who are otherwise eligible. Completed permit applications will only be processed for those persons who meet eligibility requirements as outlined in R.S. 56:435.1.1 and this rule. Applicants must present a complete application, personal identification with photo issued by a state or Federal agency, along with all qualifying licenses as stated herein.~~

D. Enforcement. The penalties for violation of these Commission regulations pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake shall be as provided for in R.S. 56:435.1.1(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 and R.S. 56:435.1.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife and Fisheries 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 statements, 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 Patrick D. Banks, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., September 1, 2011.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries 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 W. Sagrera
Chairman

Mr. Larry Reynolds then began the next item, **To consider Waterfowl Season Dates** by showing the U.S. Fish and Wildlife Service status video. From the video, Mr. Reynolds felt there was lots of good news with numbers above average for ducks and average for geese. The mid-continent mallard population determines the season length and bag limits. This year there were 9.46 million birds and ponds in prairie Canada was 4.9 million which

enables for a liberal 60 day season with 6 duck limit. There will be no species changes from last year and will consist of 6 ducks per day daily bag limit and may include no more than 4 mallards of which no more than 2 can be hens, 3 wood ducks, 2 red heads, 2 scaup and 2 pintails, 1 mottled duck, 1 canvasback and 1 black duck. The limit on mergansers will be 2 per day, 5 total in addition to daily duck bag limit. Bag limit on coots will be 15. Possession limit will be twice the daily bag limit. At the last Commission meeting, proposed season dates were presented for public comment. Those dates were: west zone - November 12-December 4 and December 17-January 22 with youth weekend moved to December 10-11; east zone - November 19-November 27 and December 10-January 29 with youth weekend occurring during the split. The east zone was different from the traditional dates by taking one week off the first split and adding it to the beginning of the second split. Mr. Reynolds noted he has been collecting public comments since the last meeting on these dates through e-mail, letters, phone calls, personal contacts and internet postings. The two questions asked were on season dates and youth hunts and were summarized separately. Mr. Reynolds received comments from 256 individuals and 1 letter from the 15 member Hunting and Fishing Advisory Education Council. Of those comments, 101 were from the east zone, 76 from the west, 30 hunted both zones and 49 were not determinable as to which zone they hunted. Results of the question on season dates were: 66 people were for the season dates in the east zone, 47 were against and 18 were unknown; in the west zone - 51 were for the dates, 17 were against; and the unknowns had 15 for the dates and 1 against. The reason most of the hunters were opposed to the changes in the east zone was due to the fact they wanted 2 weeks in the first split. Of the 17 against the season dates in the west zone, 9 wanted to hunt later and 8 wanted to hunt earlier. On the question for the youth hunt, Mr. Reynolds felt there was strong animosity on moving the youth hunt especially in the west zone (19 were for and 75 were opposed). The comments in the east zone on the youth weekend was 30 for and 50 against. The west zone comments opposed to the change in the youth hunt wanted the weekend before the season (67 of the 75) and 4 wanted it out of the split, 2 after the season and 2 wanted it eliminated. For the east zone, 36 of the 50 against wanted the youth hunt before the season, 7 wanted it out of the split, 5 wanted it after the season and 2 wanted it eliminated. The letter from the Hunting and Fishing Advisory Education Council wanted the youth hunt before the season. Then with the group Mr. Reynolds could not determine which zone they hunted, all 33 wanted the youth hunt before the season. Based on the public comments, the Department's recommendation for the duck season would be exactly as proposed except the youth hunts for the east and west zones would be moved prior to the opening of the first segment of the duck season. For the goose season, two days were added to the season allowing for an opening on a Saturday and closing on a Sunday. The dates were calendar adjustments from the past; west zone - November 12-December 4 and December 17-February 5; east zone - November 5-November 27 and December 10-January 29. Bag and possession limits for the goose season would remain the same. There will be a 44 day Canada goose season with a calendar adjustment from last year, December 17-January 29. Dates for the Conservation Order will be December 5-December 16 for the west zone and November 28-December 9 in the east zone and then reopen after the goose season ends until March 11. Remainder of the season for rails and gallinules will begin November 12-January 4 with no change in the bag and possession limits. Snipe season runs for 107

days through the end of February and will be November 5-December 7 and December 17-February 28 in the west zone and November 5-November 30 and December 10-February 28 in the east zone with a bag limit of 8 and possession limit of 16. Extended falconry also has 107 days and that season extends to February 3. Commissioner Morrow stated Mr. Reynolds did an excellent job and felt to get comments, was to recommend a change. He felt the system worked with the number of responses received. Then Commissioner Morrow urged the Commission to take advantage of the comment period. He agreed the youth hunt should be the weekend prior to the regular opening weekend. Hearing no further questions from the Commission, Commissioner Morrow made a motion to adopt the Department recommendations on the waterfowl hunting seasons and it was seconded by Commissioner Oats. Public comments were accepted at this point.

Mr. Luke Laborde stated, as a graduate student, that his professors insist he try to watch for bias in the information received from data. The last U.S. Fish and Wildlife Service count for waterfowl hunters exceeded 80,000 which was an increase from 2 years ago. He noted he learned about the proposed changes from an e-mail and felt the 256 responses from the 80,000 hunters could have the potential for stakeholders bias. Mr. Laborde asked that the change in the east zone be deferred until next year and include the question in the small game harvest survey which could give better feedback. In his area, he noted they get a different mix of birds in the early season and he really enjoys hunting then with the culture and social gatherings traditionally held. Mr. Laborde felt the rest time was important. Commissioner Oats asked Mr. Laborde his recommendation for the youth hunt. Mr. Laborde stated he preferred maintaining the traditional season dates including the youth hunt for this year and then get better feedback and possibly change the seasons next year.

Mr. Bryan Abadie had the intent of reading an e-mail on keeping the youth hunt as it has been, but wanted to reinforce how much they value the youth hunts and the emphasis the Department puts on the youth hunts. These type events were the future of the hunting legacy in the state. Mr. Abadie supported leaving the youth waterfowl hunt as it was.

Commissioner Oats commented the information presented was not the only statistics staff uses for making season recommendations. Mr. Reynolds added there was difficulties in looking at preferences for season dates as well as biologically. The decision for the seasons was primarily based on hunter opinion. Mr. Reynolds appreciated the comments from Mr. Laborde from a scientific standpoint and knew that was how they would have to approach changes in zone boundaries and season dates next year. Chairman Sagrera felt that if there was a large group that did not like the recommendation, the Commission would hear from them before the next season.

Mr. Perry Scioneaux stated he hunts the same parish, Avoyelles Parish, as Mr. Laborde and a large number of hunters he knew were in favor of the changes to the east zone dates. He knew there was considerable support to keep the youth hunt prior to the season, but asked the Commission to consider several things for the east zone specifically. Mr. Scioneaux felt the east zone has been in a severe drought for the last 18 months and were in a neutral weather pattern with precipitation being below average before the season

begins. This may result in youth hunting areas not being in optimum conditions. Another consideration was the waterfowl numbers were typically low in early November.

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

Mr. Jason Adriance began the first of his 2 items, **To consider Notice of Intent on Bluefin Tuna Size Limits** by stating this action would change recreational bluefin tuna limits to be consistent with federal regulations. The minimum size limit would change to 73 inches and the bag and possession limit would be 1 bluefin per year per vessel. Commissioner Broussard asked if the Department would have any involvement with issuing the tuna tag. Mr. Adriance stated that would be done through the National Marine Fisheries Service and it would be issued to the vessel. Hearing no questions, Commissioner Oats made a motion to adopt the Notice of Intent, seconded by Commissioner Taylor 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 amend a Rule, LAC 76:VII.361, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6(25) (a), 56:325.1(a) (2), and 56:326.3. Said Rule is attached to and made part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§361. Tuna - Harvest Regulations

A. Bag and possession limits, recreational.

<u>Species</u>	<u>Bag and Possession Limit</u>
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1. Yellowfin Tuna	3 fish per person
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2. Bluefin Tuna 1 fish per vessel per year as incidental catch during open seasons.

B. Size limits, recreational and commercial

<u>Species</u>	<u>Minimum Size Limit</u>
1. Yellowfin Tuna	27 inches Curved Fork Length (CFL)
2. Bigeye Tuna	27 inches Curved Fork Length (CFL)
3. Bluefin Tuna*	27 <u>73</u> inches Curved Fork Length (CFL)

*The size class of a bluefin tuna found with the head removed shall be determined using pectoral fin curved fork length (PFCFL) multiplied by a conversion factor of 1.35.

NOTE: Curved Fork Length (CFL): the length of a fish measured from the tip of the upper jaw to the fork of the tail along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel. Pectoral Fin Curved Fork Length (PFCFL) means the length of a beheaded fish from the dorsal insertion of the pectoral fin to the fork of the tail measured along the contour of the body in a line that runs along the top of the pectoral fin and the top of the caudal keel.

C. No person shall take or have in their possession any species of tuna, less than the minimum size or in excess of the take or possession limits. The possession limit on tunas applies to tuna taken within or outside Louisiana territorial waters.

D. Permits

1. Recreational: Persons aboard a vessel whether within or outside Louisiana territorial waters possessing any of the following tuna species: Atlantic bluefin tuna, yellowfin tuna, bigeye tuna, skipjack tuna and albacore are required to have a valid federal recreational tuna permit in their immediate possession on board the vessel.

2. Commercial: Persons harvesting the following tuna species: Atlantic bluefin tuna, yellowfin tuna, bigeye tuna, skipjack tuna and albacore whether within or outside Louisiana state territorial waters for commercial purposes or possessing such tuna species in excess of a recreational take limit are required to have a valid Federal commercial tuna permit in their immediate possession on board the vessel. No person shall sell, barter, trade or exchange or attempt to sell, barter, trade or exchange any species of tuna without a valid federal commercial tuna permit. No person shall purchase, barter, trade or exchange or attempt to purchase, barter, trade or exchange any species of tuna from any person who harvested tuna without a valid federal commercial tuna permit.

3. No person aboard any commercial vessel shall transfer or cause the transfer of fish between vessels on state or federal waters.

E. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for tunas while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange tunas within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:326.1, R.S. 56:326.3 and R.S. 56:320.2(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:2834 (December 2000), amended LR 27:2269 (December 2001), LR 37: .

Interested persons may submit comments relative to the proposed rule to: Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La 70898-9000, or via e-mail to: jadriance@wlf.la.gov prior to Thursday, October 6, 2011.

The Secretary of the Department of Wildlife and Fisheries 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

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 W. Sagrera
Chairman

To consider Notice of Intent on Rules for Commercial Harvest of Live Mullet for Bait, as Part of the Commission Rules for Harvest of Mullet was the second item presented by Mr. Jason Adriance. The proposed changes were made due to the passage of Act 65 from the recent legislative session and required that rules be developed for the commercial harvest of live mullet for bait purposes. The harvest will be with a cast net not exceeding 12 feet in radius. Commissioner Oats made a motion to adopt the Notice of Intent and it was seconded by Commissioner Taylor. The motion passed 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 amend a Rule, LAC 76:VII.343, modifying the existing rule. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:325.1(a)(2), and 56:326.3. Said Rule is attached to and made part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§343. Rules for Harvest of Mullet

A. Seasons

1. The season for the commercial taking of mullet with a mullet strike net shall begin at sunrise of the third Monday in October of each year and close at sunset of the third Monday in January of the following year. Mullet may not be taken commercially with a mullet strike net at any time outside of this season.

2. Mullet may be taken for live bait purposes with a commercial cast net of no more than 12 feet in radius, operated manually, during any season.

3 2. Commercial harvest of mullet shall not be allowed during the period from 5 a.m. on Saturday through 6 p.m. on Sunday. There shall be no commercial taking of mullet during the period after sunset and before sunrise.

B. Commercial Taking

1. Mullet may ~~only~~ be taken commercially with a mullet strike net, which may not be constructed of monofilament. The commercial taking of mullet by using a mullet strike net in excess of 1,200 feet or by using more than one mullet strike net from any vessel at any time is prohibited.

2. Each mullet strike net shall have attached to it a tag issued by the department which states the name, address, and Social Security number of the owner of the net and the permit number of the permit issued to commercially take mullet with a mullet strike net. The department shall not issue any tag to a person who does not have a Social Security number.

3. Live mullet for bait purposes may be taken commercially with a cast net that shall not exceed 12 feet in radius and shall only be operated manually such that no mechanical device is used to hold open the cast net nor propel or deploy the cast net.

4. Any person commercially taking live mullet for bait purposes with a cast net must have a valid cast net gear license issued by the Department of Wildlife and Fisheries for each cast net within their possession while taking live mullet for bait purposes along with other applicable licenses.

C. Commercial Limits. During the season, there shall be no daily take or possession limit for the commercial harvest of mullet by properly licensed and permitted fishermen.

D. Recreational Limits. The daily take and possession limit for recreational harvest of mullet shall be 100 pounds per person per day.

E. Permits

1. The commercial taking of mullet with a mullet strike net is prohibited except by special permit issued by the Department of Wildlife and Fisheries at the cost of \$100 for residents of this state and \$400 for those who are nonresidents. This permit, along with other applicable licenses, authorizes the bearer to sell his mullet catch.

2. No person shall be issued a license or permit for the commercial taking of mullet with a mullet strike net unless that person meets all of the following requirements.

a. The person shall provide proof that he purchased a valid Louisiana commercial saltwater gill net license in any two of the years 1995, 1994, and 1993.

b. The person shall show that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in any two of the years 1995, 1994, and 1993. Proof of such income shall be provided by the applicant, using any of the methods listed below.

i. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

ii. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.), which has been filed and stamped "received" at a local IRS office, accompanied by a signed cover letter acknowledging receipt by the IRS.

iii. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return, including all attachments (e.g., Schedule C of Federal Form 1040, Form W-2, etc.) along with an IRS-stamped transcript and IRS-signed cover letter. Transcripts are available at local IRS offices.

c. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicant's eligibility as defined by R.S. 56:333(D)(1)(b).

d. The person shall not have applied for or received any assistance pursuant to R.S. 56:13.1(C).

3. No person shall receive more than one permit or license to commercially take mullet with a mullet strike net.

4. Notwithstanding LAC 76:VII.343.E.2, the department, upon application from an individual who is currently permitted to commercially take mullet with a mullet strike net, may transfer a valid mullet permit under the following requirements and conditions.

a. The transferee must possess and provide the department his/her Social Security number.

b. The transferee must possess a valid commercial fishing license and shall provide proof that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in the calendar year immediately prior to the year of application. Proof shall be for the tax year immediately prior to the application for transfer, and shall be in the form of an IRS transcript stamped by the local office, plus a copy of the applicant's personal file copy of his or her completed tax return for that year including all schedules and Form W-2s.

c. The transferee shall not currently possess a mullet permit to commercially take mullet with a mullet strike net nor have been permanently barred from the mullet fishery.

d. The transferor and the transferee each must certify that there shall be no financial gain realized for the transfer of such license or permit in accordance with department guidelines.

e. Any mullet permit found to have been transferred for financial gain shall be rendered void, shall immediately be surrendered to the department, and shall not be reissued.

5. In the case of a proven physical hardship, the department, upon written request from an individual who is currently permitted to commercially take mullet with a mullet strike net, may transfer a valid mullet permit into the name of the spouse, parent/legal guardian, or child/legal dependent of such person under the following requirements and conditions.

a. A mullet permit holder shall make a written request that includes the name, address and Social Security number of both the permit holder and the person to whom the license is requested to be transferred and shall set forth in detail the reasons justifying the request.

b. The mullet permit holder must present documentation sufficient to prove relationship as being the spouse, parent/legal guardian, or child/legal dependent, between the permit holder and the person to whom the permit is to be transferred. Examples of documents tending to establish such proof would include marriage license, birth certificate and/or judgment of legal guardianship.

c. The mullet permit holder must provide a signed statement from the treating physician setting forth the specific nature and extent of the disability together with a statement that the condition prevents participation in commercial fishing activities.

6. Any person commercially taking live mullet for bait purposes must possess a valid commercial fishing license issued by the department as well as all other applicable licenses.

F. A valid mullet permit to commercially take mullet with a strike net may only be transferred from a mullet permit holder who has no pending mullet charges for violating any provisions of R.S. 56:333 or any commission rule or regulation adopted pursuant to R.S. 56:333 after August 15, 2001. The provisions of R.S. 56:333.F shall apply to permit transfer recipients. Permits under suspension or revocation shall not be transferable during any suspension or revocation period.

G. Any person who transfers a mullet permit shall be precluded thereafter from obtaining a mullet permit to commercially take mullet with a mullet strike net whether by transfer or other method.

H. General Provisions. Effective with the closure of the commercial season for the taking of mullet with a mullet strike net, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of mullet on the waters of the state with commercial gear in possession except when commercially taking live mullet for bait

purposes as provided for in this rule. Nothing shall prohibit the possession, sale, barter or exchange off the water of mullet legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

I. In addition, all provisions of R.S. 56:333(C) are hereby adopted and incorporated into this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325.1, R.S. 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992), amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR 24:359 (February 1998), LR 26:2332 (October 2000), LR 28:1032 (May 2002), LR 37: .

The Secretary of the Department of Wildlife and Fisheries 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

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).

Interested persons may submit comments relative to the proposed rule to: Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La 70898-9000, or via e-mail to: jadriance@wlf.la.gov prior to Thursday, October 6, 2011.

Stephen W. Sagrera
Chairman

The next item, **To consider Declaration of Emergency on Setting the Opening Dates of the 2011 Fall Inshore Shrimp Season** was handled by Mr. Marty Bourgeois. The opening date of the fall shrimp season before the early 1990's was fixed in statute for the third Monday in August. During the 1990's, that legislation was amended giving the Commission authority to set the season. The proposed action was to open all three shrimp zones at 6 a.m. on August 22, which was the fourth Monday in August. Recruitment was late in the estuaries this year since there was major influences with flood impacts in many basins. These influences also resulted in less than optimum growing conditions. The action would give Secretary Barham authority to close the season and to close certain portions of offshore waters, if a need arises. Chairman Sagrera asked if a statewide opening occurred

in the fall season before and Mr. Bourgeois answered yes, but over the last 10 years, there have been multiple zone openings as well as split zone openings. This action also will reduce competition within the fishing fleet, added Mr. Bourgeois. There being no further discussion, Commissioner Morrow made a motion to adopt the Declaration of Emergency, seconded by Commissioner Oats and unanimously approved.

(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 Fall Inshore Shrimp Season Opening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or parts of state inside waters and shall have the authority to open or close state outside waters, the Wildlife and Fisheries Commission does hereby set the 2011 Fall Shrimp Season in inside waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana inside waters from the Mississippi-Louisiana state line to the eastern shore of South Pass of the Mississippi River, to open at 6:00 a.m. August 22, 2011, and

Shrimp Management Zone 2, that portion of state inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. August 22, 2011, and

Shrimp Management Zone 3, that portion of state inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana-Texas state line, to open at 6:00 a.m. August 22, 2011.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the fall shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop and to close and reopen all or parts of state inside and outside waters if significant numbers of small white shrimp are found in these waters.

Stephen W. Sagrera
Chairman

Lt. Col. Joey Broussard stated, for the agenda item, **To receive and hear Enforcement & Aviation Reports/July**, the Department's planes flew a total of 57.8 hours for the month. There were 27 boating accidents reported with 17 injuries and 4 fatalities (31 year to date total fatalities). The fatalities occurred in Concordia, St. Bernard and East Baton Rouge Parishes and no PFD's were used in any of the fatalities. News releases discussed included 34 citations issued for littering on Rockefeller Refuge, citation for closed season shrimping issued to a resident of Dulac, and a red snapper violation. Total citations issued for the month were 1,691 and 744 warnings. Commissioner Morrow asked about DWI enforcement on the waterways. Lt. Col. Broussard stated the majority of agents out on the waters on weekends and holidays were focused on DWI patrols. Then Commissioner Morrow asked if the DWI vans still go out and Lt. Col. Broussard answered yes. He added that there are 2 DWI vans, one in north Louisiana (Shreveport, Monroe and Alexandria areas) and the other is in south Louisiana (Lake Charles east to New Orleans). Commissioner Morrow commended the Department and agents for their efforts on Rockefeller and hoped the public would better understand their duties on the weirs and WMAs.

Lt. Col. Jeff Mayne presented the next enforcement agenda item, **To consider Notice of Intent on Boating Regulations**. The action would repeal the Rules of the Road section from Title 76 as they were moved into Revised Statutes Title 34. Staff worked with District Attorney's during the last legislative session on this issue since they were having difficulties prosecuting careless operation violations. The action would consolidate statutes. Commissioner Oats made a motion to adopt the Notice of Intent, seconded by Commissioner Morrow 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 repeal the Rules of the Road for Vessels.

Title 76 Wildlife and Fisheries

Part XI. Boating

Chapter 3. Boating Safety

§301. Rules of the Road For Vessels

Repealed.

A. ~~The following regulations shall dictate the operation of vessels upon the waters of the state and shall set forth a standard of operation. In construing and complying with these Rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from the Rules necessary to avoid immediate danger.~~

B. ~~Any violation of the Rules of the Road as referred to in this section shall be prima facie evidence of careless or reckless operation.~~

C. ~~Boating accidents caused by deviation from the Rules of the Road shall be documented as such in accident reports.~~

D. ~~The Rules of the Road for vessels upon the waters in the state shall be as follows:~~

1. ~~Vessels passing head-on shall each keep to their respective right.~~

2. ~~A vessel overtaking another vessel may do so on either side, but must grant the right-of-way to the vessel being overtaken.~~

3. ~~When vessels are passing at right angles, the vessel on the left will yield right-of-way to vessel on the right.~~

4. ~~Motorboats shall yield right-of-way to non-motor powered boats except as follows:~~

a. ~~When being overtaken by non-powered vessels.~~

b. ~~For deep draft vessels that have to remain in narrow channels.~~

c. ~~When vessel is towing another vessel.~~

5. ~~Motorboats must maintain a direct course when passing sailboats.~~

6. ~~A vessel approaching a landing dock or pier shall yield the right-of-way to any departing vessel.~~

7. ~~A vessel departing shoreline or tributary shall yield right-of-way to through traffic and vessels approaching shoreline or tributary.~~

8. ~~Vessels will not abruptly change course without first determining that it can be safely done without risk of collision with another vessel.~~

~~9. If an operator fails to fully comprehend the course of an approaching vessel he must slow down immediately to a speed barely sufficient for steerageway until the other vessel has passed.~~

~~10. Vessels yielding right-of-way shall reduce speed, stop, reverse, or alter course to avoid collision. Vessel with right-of-way shall hold course and speed. If there is danger of collision, all vessels will slow down, stop, or reverse until danger is averted.~~

~~11. Vessels will issue warning signals in fog or weather conditions that restrict visibility.~~

~~12. No mechanically propelled vessel shall be operated so as to traverse a course around any other vessel underway or any person swimming.~~

~~13. In a narrow channel, vessels will keep to the right of mid-channel.~~

~~14. Vessels approaching or passing another vessel shall be operated in such manner and at such a rate of speed as will not create a hazardous wash or wake.~~

~~15. No vessel shall obstruct or interfere with take-off, landing, or taxiing of aircraft.~~

~~16. All vessels shall be operated at reasonable speeds for given conditions and situations and must be under the complete control of the operator at all times.~~

~~17. No person shall, under any circumstances, operate a vessel in excess of an established speed or wake zone.~~

~~18. No vessel or person shall obstruct or block a navigation channel, entrance to channel, mooring slip, landing dock, launching ramp, pier or tributary.~~

~~19. Vessels shall keep at least 100 feet clearance of displayed diver's flag.~~

~~20. Operator shall maintain a proper lookout.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.27A.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 29:1835 (September 2003), repealed LR .

The Secretary of the Department of Wildlife and Fisheries 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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than Wednesday, October 5, 2011.

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 W. Sagrera
Chairman

Mr. Fred Kimmel stated the next agenda item, **To hear Presentation of Louisiana Hunting Heritage Program**, was a new program to address declining numbers of hunters and provide support to those that want to hunt. The decline in hunter numbers was not only occurring in Louisiana, but across the Nation. In 1991, a national survey estimated there were in excess of 300,000 hunters in Louisiana and by 2006 that number had dropped to 270,000. Research shows that most hunters are initiated into hunting by age 20 by a father figure from a rural environment. The changes today are that most people do not live in a rural environment and lots of families lack a father figure. The problem goes to not having a strong social support system to recruit new hunters and provide support for those that do want to hunt. The Department has introduced several programs such as youth hunts and outreach activities but they have not gone that next step to support people to become long term hunters. Questions that a person may need answers before hunting were where to go, what to hunt, how to hunt, what equipment is needed, regulations, and carcass care. Nationally 77 percent of the people approve of legal hunting and 45 percent of youth have expressed an interest in hunting. The Hunting Heritage Program will provide a support network for novice hunters to have the skills and confidence needed to become independent hunters. The idea was to develop a network of volunteers that would serve as a mentor by teaching hunting skills, how to shoot, what to look for in the woods, be an advisor and a resource of information and to actually be a hunting partner for the novice. For this program, the apprentices, which must be at least 10 years of age, will be paired with a mentor. This new program was being coordinated through the Department's Education Program. Staff will work to recruit and train volunteer mentors; they work to recruit apprentice hunters; and then pair the hunters with a mentor and provide support to the mentor. Also, staff will track and evaluate the results to see if there has been an impact. Mr. Kimmel noted there are other hunter recruitment programs such as the youth hunts, other organizations programs, Becoming an Outdoors Woman program, and women's hunting skills workshop. These programs, including the Hunting Heritage Program were designed to provide the next step in becoming independent hunters and in the future possibly be a mentor for others. This first year will be a pilot year and will involve identifying about 25 mentors, pair them with apprentices and learn what works and what does not work. Chairman Sagrera asked how was the word getting out on this program. Mr. Kimmel stated, for this first year, he has asked the Department's Education staff to

recommend individuals that may be interested. Chairman Sagrera felt this would be a worth while program.

The Commissioners agreed to hold the **December 2011 Meeting** on Thursday, December 1, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Chairman Sagrera then asked for **Public Comments**. Mr. Ronald Coco, representing Avoyelles Wildlife Federation and those that hunt Red River WMA, stated he has spoken before on the bridge on Yakey Road being closed. The main issue was money to repair the bridge. The bridge was closed by the state in 2006, but the Department did not close it until 2008 after logging was completed. The concern from the people was why was it left open for logging if the bridge was condemned. Knowing that the bridge cannot be repaired, the hunters would like to ask that it be opened for 4-wheeler traffic so they can hunt the area this year. Mr. Scott Longman stated the Department receives numerous complaints on this issue. The bridge was condemned by DOTD in 2006 and the Department reduced the weight limit on the bridge to allow public access. In 2007, a letter was sent to the Department to condemn the bridge and so it was closed. The Department sent a letter asking if the bridge could be used for ATV traffic and they were told by DOTD no, it should not even be used for pedestrian traffic. The bridge would cost \$400,000 to replace and the Department was seeking funds to have it repaired. Mr. Coco then mentioned that the Avoyelles Parish School Board would be leasing some of their property which adjoins Pomme de Terre WMA and in the middle of Grassy Lake WMA. He felt this would cut down on the number of hunters for those WMAs even though these are popular areas.

Mr. Joe Macaluso mentioned the next week the Louisiana Outdoor Writers Conference would be held. Those to be honored included fish of the year in the rod and reel and fly fishing categories (new state records for white bass and sheepshead), 13 youth from the youth journalism program (8 writers and 5 photographers), and announce the boy and girl youth hunters of the year. News from the Grand Isle Tarpon Rodeo was a 7th place record tripletail weighing 30 pounds 1 ounce. Commissioner Oats asked where would the Conference be held and Mr. Macaluso stated Houma.

Mr. Trent Behan, Bayou State Dog Hunters Association, asked that the judgement be upheld on Kisatchie so he and his children can enjoy dog hunting.

Mr. Hank Hollingsworth began reminding everyone of the decision from Ms. Liz Agpaoa, Regional Forester on December 16 which took away the deer dog hunting season on Kisatchie National Forest for 2011. In early January, he participated in a conference call with Representative James Armes, members of the Louisiana Sportsmen Alliance, press members and representatives of the Kisatchie National Forest. The outcome was that Ms. Agpaoa made her decision based on information given to her from the Kisatchie region and her trip to Kisatchie during the deer dog season. Mr. Hollingsworth then commented that 10 years ago, there were 10 deer dog hunting days, then in 2007 it went to 14 days, 2008 - 7 days, 2009 - 8 days and 2010 - 8 days. Questions to Ms. Agpaoa on dates she visited Kisatchie resulted in her not having the information available. She did mention that there

was an appeals process for the decision. The Louisiana Sportsmen Alliance hired an attorney who asked for 26 pieces of information Ms. Agpaoa used to base her decision on and nothing was received. Another deciding factor in Ms. Agpaoa decision was the number of citations issued during deer dog season but the citations could not be produced. On July 11, Ms. Agpaoa's decision was overturned due to the appeal process. During the appeal process, 1033 appeals were submitted, but about 300 were dismissed. Of the remaining appeals, the Forestry Commission looked at them and set them aside except for 7 (Mississippi Hunting Dog Association, Texas Dog Hunters Association, Donald Gohmert, Tasha Massey, Louisiana Sportsmen Alliance, Kevin Hull and Northwest Louisiana Fox Hunters Association). These 7 were instrumental in getting the decision overturned on July 11 which was a joyful day for them. Mr. Hollingsworth then stated they were at the meeting wondering how many days the deer dog hunters would be allowed to have. With the decision overturned, he wondered if they would get any deer dog days for this year. Commissioner Oats stated this issue could not be decided at this meeting. He then asked for members of the Forestry Service to comment on Mr. Hollingsworth's procedure to where it was now. Mr. Hollingsworth read from the minutes of the February 2011 Commission Meeting. He then presented signatures from 2,803 concerned hunters that wanted their season back.

Mr. Vic DuBois stated he wanted to speak on the same issue. He was Secretary for the Northwest Louisiana Fox Hunters Association and their organization was 1 of the 7 used in overturning the ruling. Mr. DuBois felt the decision was now in the laps of the Commission. This type of hunting was a way of life in north Louisiana. There are 102 members in the Association and many hunt on Kisatchie National Forest and all agreed they would like to see deer dog hunting reinstated with the same number of days as in Area 2.

Mr. Michael DuBois, board member of Northwest Louisiana Fox Hunters Association, stated there are about 22,000 deer dog hunters in Louisiana and if the Commission does not get behind them, those hunters will go away. Mr. DuBois explained that he takes youth from his school hunting on his property each year. He then challenged any biologist on the fact that the density of deer on Kisatchie was greater than anywhere else in the state. Mr. DuBois then commented his remarks were to let the Commission know how important this issue was to all of them.

Mr. Cade Pilcher, Bayou State Dog Hunters Association, stated this was a fairly new association with 512 members and 72 youth. The main reason of forming the group was to unite all hunters and preserve their rights. Bayou State set guidelines and enforces them so the public knows there are good hunters out there. He then commented he would like to see Kisatchie National Forest allow deer dog hunting.

Mr. Gary Carroll thanked the Commission for the doe days in the Atchafalaya Basin. In dates he has seen printed, hunting with or without dogs was previously set as December 10 through January 22. Now he was seeing the season end on January 15, which cuts 7 prime rut days for hunters. Mr. Carroll wondered if this was a misprint or if indeed there was a lose of 7 days. Mr. Scott Longman stated he would clarify the season dates. Mr.

Carroll then mentioned he was a dog hunter and supported the Kisatchie issue 100 percent.

Mr. Scott DuBois, Mr. Trent Hollingsworth, Mr. Bobby Knight, Mr. Graham Meadows and Mr. Randall Painter did not wish to speak but were in favor of the proposal.

Secretary Barham commented Representative Billy Chandler called him that morning and was in favor of reinstating dog days on Kisatchie National Forest.

Commissioner Oats asked representatives of the Kisatchie National Forest to provide information on Mr. Hollingsworth's presentation. Mr. Mike Balboni, Forest Supervisor on Kisatchie National Forest, stated they respect the Commission's process for setting hunting seasons and felt it was complete for the next season. With the Forest Service overturning their decision, this meant there was no mechanism to prohibit hunting through a closure order of their own. He however noted, this did not mean their recommendation to the Commission changed nor did it mean the decision was bad. It meant they were given instructions to correct the deficiencies. Mr. Balboni did not recommend any changes with the Commission's process and the recommendation made in February for still hunting only would stay the same. The Region Supervisor intended on correcting the deficiencies. Mr. Balboni felt the appeals process was a good one which allowed the public a chance to review decisions and bring up things that are hard to understand. Commissioner Taylor asked if the Commission had the power to reinstate deer dog hunting. Chairman Sagrera stated, procedurally, that the seasons were set in the winter. Commissioner Broussard asked if anything could legally be done. Mr. Don Puckett stated the last date to add amendments to hunting seasons, according to the Commission protocol, was May and these seasons were already a final rule. Chairman Sagrera felt this would be an issue for the next season.

Mr. Trent Behan asked if he understood that the deer dog hunting was closed and it could not be overturned. Chairman Sagrera stated the Commission begins the process in February and it ends in May which sets the season for the following year. Mr. Behan added that he saw a game warden the first day of the dog season last year and the agent said that would be the last season for dog hunting. He wondered how the agent would know that. Commissioner Oats stated he shared their frustration and noted this issue has been going on for longer than 5 years. He did not know of anything the Commission could do; but as an attorney, he felt they should continue with legal counsel. Commissioner Oats then noted there are bad apples in every group but those that come to the meetings are those that are trying to solve problems. Mr. Hollingsworth expressed appreciation on behalf of the Louisiana Sportsmen Alliance and other organizations for the Commission's time and understanding. He added they would "step it up". Commissioner Oats added that they have tried to separate and identify the bad apples by having special permits and identifying marks on dogs.

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

Stephen W. Sagrera
Chairman

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