

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

August 2, 2012

ANN L. TAYLOR  
CHAIRMAN

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting  
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Louisiana Department of Wildlife and Fisheries  
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Baton Rouge, Louisiana 70808.  
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AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LA  
August 2, 2012  
9:30 AM

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Monday, August 2, 2012

Chairman Ann Taylor presiding.

Pat Manuel  
Ann Taylor  
Mike Voisin  
Billy Broussard  
Stephen Oats  
Stephen Sagrera

Secretary Robert Barham was also present.

Chairman Taylor called for a motion for approval of the **July 2, 2012 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Oats. The motion passed with no opposition.

For the agenda item, **Commission Special Announcements/Personal Privilege**, there was nothing.

Lt. Col. Joey Broussard stated, for the agenda item, **To hear Enforcement & Aviation Reports/July**, the Departments planes flew a total of 57.4 aviation hours for the month. There were 25 boating accidents reported with 11 injuries and 6 fatalities. Col. Broussard offered a comparison of boating accidents this year to 2011. In 2011 there were 117 incidents to date versus 102 this year. There were 64 injuries in 2011 versus 47 this year, and 31 fatalities in 2011 versus 26 in 2012. Overall, compared to 2011, boating accidents, injuries, and deaths are lower in 2012. Two news releases were discussed. The first was on two Franklin Parish men cited for shocking fish. The second was on a Winnsboro woman convicted of migratory game bird violations. There were a total of 1683 cases and 703 written warnings issued during July and agents helped with 51 public assists.

The next item, **To announce Youth Hunter of the Year Awards**, was handled by Mr. Scott Durham. Mr. Durham stated that the Louisiana Outdoor Writers Association (LOWA) and the Louisiana Department of Wildlife and Fisheries (LDWF) will recognize the boy and girl selected as the 2011 Youth Hunters of the Year during the 2012 LOWA Conference Awards Banquet in Chalmette on Aug. 11 and introduced Mr. Dave Moreland, with LOWA. Mr. Moreland announced that ten-year-old Chloe Slayter of Pineville, who participated in a youth deer hunt on Buckhorn WMA, was selected as the runner-up for the Female Youth Hunter of the Year. Chloe killed a buck and a doe and wrote that she can't wait to go hunting again. Eleven-year-old Scott

Duplechain of Thibodaux was selected as the runner-up for the Male Youth Hunter of the Year. Scott killed his first deer with a gun when he was 10 and was given a bow for Christmas in 2011. Hunting by himself in a tree stand in January, Scott killed a nice six-point buck in Tensas Parish. He wrote that it was the best day of his life. Mr. Moreland announced that twelve-year-old Emily Williams from Golden Meadow is the 2011 Female Youth Hunter of the Year. She participated in the youth deer hunt on Lake Ophelia National Wildlife Refuge in Marksville where dropped a 210-pound, eight-point. Seven-year-old Joseph Scooter Hayes is the 2011 Male Youth Hunter of the Year. Joseph participated in the youth squirrel hunt on Spring Bayou Wildlife Management Area. His first hunt ended with squirrel gravy that night, which he noted, “tasted really good, and LSU won their football game!”

The next item, **To Hear Proposal for Regional Management of Red Snapper – Presentation to the Gulf Council**, was handled by Mr. Joey Shepard. Mr. Shepard stated that regional management is the regional control of recreational possession and landing within some areas of jurisdiction, noting that it’s all about choice. He touched on harvest allocation regulations and regulatory authority. He stated fishing in federal waters under regional management would be allowed. \*\*\* It cannot be an issue with the Gulf Council because we are out there more than they are. Mr. Shepard stated that the other thing we have to work on is accounting for harvest. He stated that we are currently evaluating methods to evaluate harvest. There are certain criteria that we want to follow: to minimize any burden on recreational fishermen, provide real-time harvest estimates used to forecast when Louisiana’s annual landing allocation will be reached to provide the Commission the ability to modify the regulations, as needed, to better serve the needs of the fishing industry. Mr. Shepard noted that this would give us the flexibility we are after, the ability to choose our seasons. He stated that our proposal to the Gulf Council is to establish a three-year Red Snapper Regional Management Pilot Study with the State of Louisiana. The Gulf Council has to establish an annual recreational landing allocation for Louisiana in numbers of fish. They also need to allow Louisiana’s permitted recreational fishermen and for-hire vessels to harvest in federal waters under regional management regulations. Mr. Shepard stated that we have always had an issue in that our for-hire guys have to follow federal regulations, so when federal waters are closed they cannot fish. The Gulf Council will have to say if you are fishing under Louisiana regional management you are allowed to fish in federal waters as long as Louisiana is open. The Commission would establish a recreational fishing season, which is no more than an annual point of reference to being counting the landings allocation, and establish a recreational offshore landing permit to identify fishery participants, which has already been done, and also to establish harvest tracking and reporting requirements. Part of this has been done, and we are now working on the method by which we will count fish. Mr. Shepard stated that we have a head start on this project already. He stated that Louisiana’s recommendation for consideration when establishing a recreational landing allocation is 15% initially, based on historic contributions to the annual recreational harvest using a recreational harvest from 1986-2011. Mr. Shepard stated that the department recommends that future allocations should be biologically based. The landing allocation could

be based on a relative abundance of harvestable size Red Snapper in the SEAMAP Vertical Line study, which gives you a good estimate across the Gulf of where the highest concentrations of fish are. Mr. Shepard stated that another method might be a landing allocation where 50% the TAC is based on the first alternative and the remaining 50% is based on a recreational reef fishing effort. Another option would be each state receiving a base amount and base the remaining allocation on the first alternative. Mr. Shepard stated that there needs to be some sort of biological basis for allocation in the Gulf. Mr. Shepard went on to discuss the potential benefits of regional management, including more effective control of recreational harvest, elimination of effort compensation, or derby fishing, in the recreational fishery by allowing more opportunities, and states sharing management responsibility and accept more ownership in the fishery. Mr. Shepard stated that this plan would allow flexibility and, like he said earlier, it's all about choice.

Commissioner Voisin asked if the concept is to allow Red Snapper fishing out to the 200 mile limit. Mr. Shepard stated that this would encompass the entire Gulf, Louisiana out and the EEZ. Commissioner Voisin asked if a Mississippi registered charter boat company were to get an out of state license for Louisiana, they would have to land the fish in Louisiana, and that would be ok if they went into the EEZ under our regional management plan. Mr. Shepard answered yes, and the opposite is that we cannot go into Texas or Mississippi state waters and be illegal. For example, if the federal waters for Red Snapper are closed, but if you are fishing under Louisiana regional management you can fish in the EEZ or Louisiana waters, just not in other state waters. Commissioner Voisin asked what the chance is that the Gulf Council will implement something by next season. Mr. Shepard stated that he feels it may be mechanics if they cannot implement something by next season, as he is not sure they can implement something that quickly, but if they are taking the actions necessary to move us toward regional management that is acceptable. Commissioner Voisin asked when the meeting is, and Mr. Shepard answered August 20 or 21. Commissioner Voisin asked for clarification on what Mr. Shepard meant by "mechanics". Mr. Shepard answered that they will have to allow our for-hire fishermen to fish under regional management when the EEZ is closed, so that mechanism will have to go through a process. As long as they are taking action and moving forward we will do whatever we need to do to move that way. Commissioner Voisin asked about the timing and process. Mr. Shepard stated that he does not know the exact process.

Mr. Shepard stated that Secretary Robert Barham has been working on some things regarding the state gulf-ward boundary, and he would like to provide information on that. Secretary Barham stated that in concert of our support of regional management is the issue about state waters and our territorial line. He stated that we spoke in relation to the three league line, but in the long run we are talking about the end game, what is doable and what is logical. He stated that in the gulf two states have 9 miles, Texas and Florida, and the remaining three states, Alabama, Mississippi and Louisiana, have 3 miles. Our position is that there is no reason to have a difference in the gulf, and all states should have a 9 mile line. Mr. Barham stated that, in that effort, we put

together a meeting involving his comparable in Mississippi and Alabama, Dr. Bill Walker and Gunner Guy. Dr. Walker and Corky Perret, Mississippi's at-large delegate to the Gulf Council, came to the office for a meeting, and Gunner Guy joined via conference call. Secretary Barham stated that they all agree that we should push for all states to have 9 miles. He stated that Dr. Walker is preparing a joint letter for all three states to send to the federal marine fisheries folks and the Gulf Council. He stated that all three states are also moving ahead in trying to get our congressional folks to get together to discuss the issue and to designate a legislative champion to advance the idea that all states in the Gulf would manage 9 miles out for fisheries management only. Secretary Barham stated that we are moving ahead. We know that we can do a better job than the feds. Secretary Barham added that he has spoken with his comparable in Florida and Texas and they support the idea as well, as they have nothing to lose. Mr. Shepard stated that the purpose in this is to provide consistency in fisheries management authority for the five Gulf States. He stated the key points, including that state fisheries management regulations will extend to 9 miles, licensing will not change in the "extension area", gear regulations will not change in the extension area. Mr. Shepard also stated that seasons, size limits and bag limits will be under the authority of the Louisiana Wildlife and Fisheries Commission or any appropriate fisheries management agency. He stated that we are interested in managing the fisheries, and that they will keep working and updating the Commission on where we stand.

Mr. Marty Bourgeois handled the next item, **To Receive Information and Consider a Declaration of Emergency on Setting the Opening Dates of the 2012 Fall Inshore Shrimp Season.** Mr. Bourgeois stated that the state has been actively involved in assessing the impacts of the Deepwater Horizon Oil Spill on the ecosystem and shrimp resource, so in recognition of litigation sensitive analysis the presentation will be limited. Mr. Bourgeois presented a chart of size frequency by basin in samples that were collected Monday and Tuesday of this week. In the Pontchartrain Basin there are sizeable numbers of small shrimp, but there is a broad distribution of large shrimp, over 100 count per pound (ct./lb.). Mr. Bourgeois stated that under state statute the minimum possession size on saltwater white shrimp on board a vessel is 100 ct./lb. Mr. Bourgeois stated that in the Pontchartrain and Black Bay system there are very few small shrimp in comparison to much larger shrimp. In Barataria Bay there is a mode between 100 and 500 ct. that is fairly sizeable, but there are strong proportions of much larger shrimp. He stated that in the Terrebonne Basin there are not many smaller shrimp, but higher percentages of large, marketable shrimp. In the Caillou Bay system there are good numbers of large shrimp, and about 32% of the population are between 100 and 500 ct./lb. He stated that the Vermillion and the Teche River Basin also have a large mode of 100-500 ct./lb shrimp, but good numbers of marketable size shrimp. Mr. Bourgeois stated that in the Mermentau Basin there are high percentages of small white shrimp, but that this is not a very important fishing ground compared to other areas. With that, Mr. Bourgeois showed the predicted tidal range for the month, showing that high tidal ranges will arrive around the 13<sup>th</sup>, which often trigger shrimp to move. Mr. Bourgeois stated the projected percentages of the population to be larger than 100 ct./lb by area on the 13<sup>th</sup>. He stated that the department proposes a coast wide opening on Monday, August 13<sup>th</sup>. Mr. Bourgeois stated that many fishermen have requested an evening opening because often shrimp tend to bury during daylight. The department proposes the area, inside waters east of the Atchafalaya River to open at 6 p.m., and the areas west of the Atchafalaya

River to open at 6 a.m. because, according to current statute, the shrimp fishery in this area can only operate during daylight hours. Commissioner Voisin moved to adopt the department recommendations, and Commissioner Sagrera seconded the motion. There was one public comment from Mr. Thomas Olander who stated that he agrees with the department recommendations to open the season on the 13<sup>th</sup> statewide. There being 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

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 2012 Fall Shrimp Season in inside waters to open as follows:

All Louisiana inside waters from the Mississippi-Louisiana state line to the Louisiana-Texas state line, shall open at 6:00 p.m. August 13, 2012 except for those inside waters from the western shore of the Atchafalaya River and the Atchafalaya River Ship Channel out to Eugene Island as described by the inside-outside shrimp line in R.S. 56:495 westward to the Louisiana/Texas state line which shall open at 6:00 a.m. August



13, 2012.

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; and, to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact developing brown shrimp populations following notification to the Chair of the Wildlife and Fisheries Commission.

Ann L. Taylor

Chairman

The next item, **To Receive and Consider a Declaration of Emergency on Fisheries Closures due to Oil Spill**, was handled by Mr. Marty Bourgeois. Commissioner Voisin moved the Declaration of Emergency and Commissioner Oats seconded the motion. There being no public comment and no 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

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby closes

all commercial fishing, effective immediately August 2, 2012 in the following areas:

Those waters north of 28 degrees 56 minutes 30 seconds north latitude and south of 28 degrees 59 minutes 30 seconds north latitude from the eastern shore of Southwest Pass of the Mississippi River eastward to a line beginning at 28 degrees 59 minutes 30 seconds north latitude and 89 degrees 19 minutes 50 seconds west longitude and ending at 28 degrees 56 minutes 30 seconds north latitude and 89 degrees 23 minutes 00 seconds west longitude, and those waters north of 29 degrees 02 minutes 00 seconds north latitude and south of 29 degrees 02 minutes 20 seconds north latitude from the western shore of South Pass of the Mississippi River westward to 89 degrees 15 minutes 25 seconds west longitude, and those waters north of 28 degrees 59 minutes 40 seconds north latitude and south of 29 degrees 02 minutes 00 seconds north latitude from the western shore of South Pass of the Mississippi River westward to 89 degrees 15 minutes 25 seconds west longitude and southeastward along a line beginning at 29 degrees 02 minutes 00 seconds north latitude and 89 degrees 15 minutes 25 seconds west longitude and ending at 28 degrees 59 minutes 40 seconds north latitude and 89 degrees 10 minutes 15 seconds west longitude, and those waters west of the western shore of South Pass of the Mississippi River south of 28 degrees 59 minutes 40 seconds north latitude bounded by the

following coordinates: 1) 28 degrees 59 minutes 15 seconds north latitude and 89 degrees 08 minutes 15 seconds west longitude, 2) 28 degrees 58 minutes 20 seconds north latitude and 89 degrees 10 minutes 00 seconds west longitude, 3) 28 degrees 59 minutes 01 seconds north latitude and 89 degrees 11 minutes 00 seconds west longitude, 4) 28 degrees 59 minutes 40 seconds north latitude and 89 degrees 10 minutes 15 seconds west longitude, and those waters east of the eastern shore of South Pass of the Mississippi River and south of 29 degrees 01 minutes 50 seconds north latitude eastward to a line beginning at 29 degrees 01 minutes 50 seconds north latitude and 89 degrees 07 minutes 20 seconds west longitude and ending at 28 degrees 59 minutes 35 seconds north latitude and 89 degrees 08 minutes 00 seconds west longitude, and those waters adjacent to but not including Northeast Pass and Southeast Pass of the Mississippi River and bounded by the following coordinates: 1) 29 degrees 08 minutes 35 seconds north latitude and 89 degrees 04 minutes 20 seconds west longitude, 2) 29 degrees 08 minutes 15 seconds north latitude and 89 degrees 02 minutes 10 seconds west longitude, 3) 29 degrees 04 minutes 50 seconds north latitude and 89 degrees 04 minutes 10 seconds west longitude, 4) 29 degrees 05 minutes 30 seconds north latitude and 89 degrees 05 minutes 10 seconds west longitude, and those waters south and west of Pass a Loutre of the Mississippi River and east of 89 degrees 05 minutes 35

seconds west longitude bounded by the following coordinates: 1) 29 degrees 11 minutes 25 seconds north latitude and 89 degrees 03 minutes 30 seconds west longitude, 2) 29 degrees 11 minutes 00 seconds north latitude and 89 degrees 02 minutes 25 seconds west longitude, 3) 29 degrees 09 minutes 00 seconds north latitude and 89 degrees 05 minutes 35 seconds west longitude, 4) 29 degrees 11 minutes 00 seconds north latitude and 89 degrees 05 minutes 35 seconds west longitude, and those waters south of North Pass of the Mississippi River bounded by the following coordinates: 1) 29 degrees 11 minutes 35 seconds north latitude and 89 degrees 02 minutes 55 seconds west longitude, 2) 29 degrees 12 minutes 35 seconds north latitude and 89 degrees 01 minutes 05 seconds west longitude, 3) 29 degrees 11 minutes 35 seconds north latitude and 89 degrees 01 minutes 10 seconds west longitude, 4) 29 degrees 11 minutes 10 seconds north latitude and 89 degrees 02 minutes 00 seconds west longitude, and those state inside and outside waters adjacent to Grand Terre Island bounded by the following coordinates: 1) 29 degrees 18 minutes 20 seconds north latitude and 89 degrees 54 minutes 50 seconds west longitude, 2) 29 degrees 17 minutes 10 seconds north latitude and 89 degrees 53 minutes 50 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude and 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 00 seconds north latitude and 89 degrees 57 minutes 20 seconds

west longitude, and those state inside waters in the upper Barataria Basin north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 29 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to 89 degrees 57 minutes 00 seconds west longitude.

Recreational fishing is open in all state inside and outside territorial waters, except in the following areas, where only recreational angling and charter boat angling is allowed: those state inside and outside waters adjacent to Grand Terre Island bounded by the following coordinates: 1) 29 degrees 18 minutes 20 seconds north latitude and 89 degrees 54 minutes 50 seconds west longitude, 2) 29 degrees 17 minutes 10 seconds north latitude and 89 degrees 53 minutes 50 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude and 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 00 seconds north latitude and 89 degrees 57 minutes 20 seconds west longitude, and those state inside waters in the upper Barataria Basin north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 29 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to 89 degrees 57 minutes 00 seconds west longitude.

The Deepwater Horizon drilling rig accident has resulted in a significant release of hydrocarbon pollutants into the waters

offshore of southeast Louisiana and these pollutants have the potential to impact fish and other aquatic life in portions of these coastal waters. Efforts have been made and are continuing to be made to minimize the potential threats to fish and other aquatic life.

The Commission hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to open, close, reopen-reclose, broaden or otherwise modify the areas closed and opened to fishing if biological, environmental and technical data indicate the need to do so, or as needed to effectively implement the provisions herein upon notification to the Chairman of the Wildlife and Fisheries Commission.

Ann L. Taylor

Chairman

Mr. Patrick Banks handled the next item, **To Receive and Consider a Declaration of Emergency to Set the 2012 Oyster Season on the Public Oyster Seed Grounds.** Mr. Banks stated that he is here to provide the annual stock assessment and the department's recommendations for the upcoming oyster season on the public grounds of Louisiana. Mr. Banks stated that we have a strong oyster industry and harvest. He stated that 2010 was one of the lowest harvest years on record, likely due to closures surrounding the BP oil spill, but in 2011 the harvest jumped up considerably to the long-term average. Mr. Banks stated that Louisiana has a strong industry and consistent harvest over time. The consistency of harvest and strong harvest is dependent upon a very good management program in Louisiana, coupled with private leases and public grounds. He stated that the management goals of our public grounds are to conserve and promote the wise use of the public resource; however, a large management goal for the public grounds is also to provide seed oysters for transplant to those leases. He stated that a large percentage of our annual harvest comes from private leases, and a lot of that harvest is dependent upon the seed oysters that are annually taken from the public grounds and moved to leases for grow-out purposes. Mr. Banks stated that an additional management goal is to provide market size oysters for the industry to take directly to market. The department achieves these management goals through habitat enhancement projects, harvest restrictions and regulations, and extensive biological sampling. Mr. Banks stated that the results of over 500 individual samples taken by field biologists throughout the coast show that there has been about

a 10% drop in seed oyster stocks this year, and a 24% drop in market size oysters along the public oyster grounds in Louisiana. Shown together there is about a 19% drop in oyster stock this year as compared to 2011. Mr. Banks stated that the Mississippi Sound area has a nice increase in seed stock and market stocks over the previous year, but there are not many resources to speak of, and in the Black Bay area, unfortunately, there is not much stock. The vast majority of our stock is located in the western basins of Calcasieu and Sabine. Mr. Banks provided an overview of the 2012 stock assessment, stating an overall decrease of about 19%, a large increase in both seed and market size in the Mississippi Sound area, the traditional primary public grounds of Black Bay is almost devoid of harvestable quantities of oysters, Sister Lake had about a 50% drop in seed and market oysters, and the vast majority of the stock, about 70%, is held in Calcasieu and Sabine. Mr. Banks moved to the oyster season recommendations, which were presented to the Oyster Task Force earlier in the week. Mr. Banks began with proposed openings on September 5 which include Little Lake and the Vermillion Bay system. The vast majority of the remaining public oyster areas are recommended to open on October 29<sup>th</sup> with restrictions in the Black Bay area, making it a sacking only area. Finally, in the Calcasieu Lake area, the department proposes to open the west cove of the lake on November 1 with a 10 sack limit. The vast majority of the stock in Calcasieu Lake is located in the west cove, so the department recommends, for the second year in a row, to keep the east side of Calcasieu Lake closed. In addition, the department proposes to close Bay Gardene, Sister Lake, Sabine Lake and the recent clutch plants that were put in last fall and this spring. Commissioner Sagrera asked how long it is expected for the east side of Calcasieu lake to rebound. Mr. Banks answered that it is a difficult answer to give, but through history it has taken awhile for the lake to bounce back, and it could be a number of years before it bounces back. He also noted that Calcasieu Lake is about as true of a population of oysters as the state has, and depends on itself for rebirth, so very conservative management is essential. Commissioner Voisin asked about closure dates. Mr. Banks stated that these are being proposed as open-ended on the back end so we can close areas as they need to be closed, which is the same way it was done last year. Commissioner Voisin asked what the differences were between the department recommendations and the task force recommendations. Mr. Banks answered that the task force recommended that Sister Lake open on September 22, which helped to drive all the October 29 opening dates to October 22. They also recommended to open Sabine Lake for two months, March 1 through April 30 of 2013. Commissioner Voisin moved to adopt department recommendations, and Commissioner Manuel seconded the motion. There being no public comments and 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

In accordance with the emergency provisions of the  
Administrative Procedure Act, Louisiana Revised Statutes (R.S.)

49:953, and under the authority of R.S. 56:433, R.S. 56:435.1, and R.S. 56:435.1.1(D) notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare the 2012/2013 oyster season as follows:

The Little Lake Public Oyster Seed Grounds as described in Louisiana Administrative Code (LAC) 76:VII:521, and the Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds as described in LAC 76:VII:507 and 76:VII:509 and shall open one-half hour before sunrise on Wednesday, September 5, 2012.

All remaining public oyster seed grounds and reservations, as described in R.S. 56:434, LAC 76:VII.511, LAC 76:VII.513, and LAC 76:VII.517, shall open at one-half hour before sunrise on Monday, October 29, 2012, except for the Bay Gardene and Sister Lake Public Oyster Seed Reservations which shall remain closed. That portion of the public oyster seed grounds east of the Mississippi River, south of the Mississippi River Gulf Outlet (MRGO), and east of a line running generally from California Point northeast to Point Garnder shall be restricted to the harvest of market sacks only and no seed oyster harvest shall be allowed.



The oyster season in west cove portion of the Calcasieu Lake public oyster area, as described in R.S. 56:435.1.1, shall open one-half hour before sunrise on Thursday, November 1, 2012. The sack limit for west cove portion of Calcasieu Lake is set at 10 sacks per person per vessel per day as provided for in R.S. 56:435.1.1. However, these conservation actions shall not supersede public health closures.

The following areas shall remain closed for the entire 2012/2013 oyster season:

1. The Bay Gardene Public Oyster Seed Reservation;
2. The Sister Lake Public Oyster Seed Reservation, including the 2012 cultch plant;
3. The east side of the Calcasieu Lake public oyster area;
4. Sabine Lake Public Oyster Area (as described in R.S. 56:435.1);
5. The 2011 and 2012 cultch plants within the following coordinates:

Mississippi Sound (2011) - St. Bernard Parish

- A. 30 degrees 07 minutes 17.56 seconds N  
89 degrees 27 minutes 52.39 seconds W
- B. 30 degrees 07 minutes 26.94 seconds N  
89 degrees 27 minutes 36.20 seconds W
- C. 30 degrees 07 minutes 07.11 seconds N  
89 degrees 26 minutes 45.48 seconds W
- D. 30 degrees 06 minutes 40.93 seconds N

89 degrees 27 minutes 14.09 seconds W  
California Bay (2011) - Plaquemines Parish

A. 29 degrees 30 minutes 40.42 seconds N

89 degrees 34 minutes 03.19 seconds W

B. 29 degrees 30 minutes 27.18 seconds N

89 degrees 33 minutes 21.85 seconds W

C. 29 degrees 29 minutes 54.99 seconds N

89 degrees 33 minutes 20.24 seconds W

D. 29 degrees 30 minutes 02.74 seconds N

89 degrees 34 minutes 03.93 seconds W

Hackberry Bay (2012) - Lafourche Parish

A. 29 degrees 25 minutes 21.16 seconds N

90 degrees 02 minutes 59.53 seconds W

B. 29 degrees 24 minutes 58.30 seconds N

90 degrees 02 minutes 51.34 seconds W

C. 29 degrees 24 minutes 29.25 seconds N

90 degrees 03 minutes 24.92 seconds W

D. 29 degrees 24 minutes 45.37 seconds N

90 degrees 03 minutes 35.33 seconds W

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered. The

Secretary shall notify the Chairman of the Wildlife and Fisheries Commission of his intention to close an area.

The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Ann Taylor

Chairman

The next agenda item, **To Receive and Consider a Notice of Intent on the Take and Possession of Apple Snails and Rio Grande Cichlids**, was handled by Mr. Rob Bourgeois. Mr. Bourgeois stated that this NOI addresses some issues with two exotic species in Louisiana. The first is Rio Grande Cichlids, and this will fix a loophole in the law where you can catch the fish but you cannot keep it or throw it back. This will fix the law so that you can keep the fish dead. Mr. Bourgeois stated that Apple Snails are a South American snail that eat mass amounts of vegetation and is an agricultural pest. Mr. Bourgeois provided two letters of support on adopting this NOI to only possess Apple Snails dead, which should help slow the spread across Louisiana. Commissioner Oats moved to adopt the NOI and Commissioner Broussard seconded the motion. There being no public comment and no further discussion 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

Take and Possession of Apple Snails and Rio Grande Cichlids

(LAC 76:VII.199)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a rule to allow recreational fishers to harvest specified exotic fish with specific gears.

**TITLE 76**

**WILDLIFE AND FISHERIES**

**Par VII. Fish and other Aquatic Life**

**Chapter 1. Freshwater Sports and Commercial Fishing**

§199. Designation and Taking of Exotic Fish

1A. Exotic fish that may be sold commercially

A1. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

- 1a. grass carp (*Ctenopharyngodon idella*);
- 2b. silver carp (*Hypophthalmichthys molitrix*);
- 3c. bighead carp (*Hypophthalmichthys nobilis*);
- 4d. black carp (*Mylopharyngodon piceus*).

B2. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain as bycatch all such designated exotic species of fish which may be caught in all legal commercial fishing gear, which gear is being legally fished. While alive, such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

€3. Recreational fishers, both residents and non-residents, possessing a current license allowing for the take of freshwater species of fish, and anglers exempted from the purchase of a basic fishing license, may take silver and bighead carp (*Hypophthalmichthys molitrix* and *H. nobilis*) by means of boats, dip nets, spears and by snagging.

B. Exotic Fish that may not be sold commercially

1. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

a. apple snails (*Pomacea* spp):

b. Rio Grande Cichlid (*Herichthys cyanoguttatum* formerly *Cichlasoma cyanoguttatum*)

2. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain all such designated exotic species of fish taken by any legal method, provided that such action as necessary is taken to kill the species immediately upon capture.

3. Such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:319.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:728 (March 2005), LR 38:

Interested persons may submit comments relative to the proposed Rule to: Robert Bourgeois, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to: [rbourgeois@wlf.la.gov](mailto:rbourgeois@wlf.la.gov) prior to Friday, August 31, 2012.

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).

Ann Taylor

Chairman

Mr. Larry Reynolds handled the next item, **To Receive and Consider a Declaration of Emergency to Establish 2012-2013 Waterfowl Season Dates.** Mr. Reynolds stated that the recommended waterfowl season dates are based on an annual assessment, and played the video assessment from the Fish and Wildlife Service. Following the video, Mr. Reynolds restated that there are lots of ducks, but poor habitat conditions and an expected lower reproductive rate, so we expect the same or a slightly smaller flight coming down the fall flyaway this year, but everything looks good for regulation setting. Mr. Reynolds stated that the mallard population this year is almost 11 million, the number of ponds fell from 4.89 to 3.89 million, but if there are more than 8 million mallards it does not matter how many ponds there are, we will have a liberal season. Mr. Reynolds stated that we are solid in the liberal, meaning a 60 day season with a six duck limit. Every species, with the exception of pintail and widgeon, were either stable or up. There was a nice increase in the scaup population which allows for an increase in the bag limit from 2 birds to 4. The daily bag limits are 6 ducks per day with limits of 4 mallards of which no more than 2 can be hens, 4 scaup, 3 wood ducks, 2 redheads, 2 pintails, and 1 each of mottled duck, canvas back and black duck. Mr. Reynolds stated that the limit on mergansers is separate from the duck limit, 5 per day, of which no more than 2 can be hooded mergansers, 15 coots, and the possession limit is two times the daily bag limit. Mr. Reynolds stated that we now have three zones which allow us to set duck season separately in each of those three zones. Last month the Commission recommended the following hunting dates: in the West zone from November 10 to December 9 and then again from December 22 to January 20 with the youth weekend prior to the first split, November 3 & 4. In the East zone, November 17 to November 25 and December 8 to January 27 with the youth weekend moved to the end of the second split, February 2 & 3. In the Coastal zone, November 10 to December 2 and December 15 to January 20 with the youth hunt also prior to the first split. Mr. Reynolds stated that he has been collecting public comment on these proposed regulations since the last Commission meeting. He stated that the public comment, collected from emails, phone calls, letters, personal contacts and internet postings, individuals have been identified by zone, and the comments have been summarized separately. Mr. Reynolds had 193 unique individuals contact him with comments on proposals for all three zones. A petition with approximately 650 signatures was also received, addressing proposed season dates only in the East zone. Mr. Reynolds stated that 35 comments were received from

people who hunt in the West zone, of which 18 wanted an earlier season with a shorter split, 5 wanted the same opening day with a shorter split, 5 individuals said the season was ok, 5 said the season should open later, and 2 wanted the youth hunt moved to after the season. Mr. Reynolds stated that there were 36 total comments in the Coastal zone of which 18 wanted the season to open and close later, 4 wanted it to open and close earlier, 10 said the dates were ok, 3 wanted to move the split later for more earlier hunting, and 1 wanted to move the split earlier for more late hunting. For the East zone Mr. Reynolds received 158 comments, of which 78 want to return to a two-week first split, 8 said the season dates were ok, and 4 wanted some other configuration. For the youth hunt 57 people wanted to move the youth hunt back to before the season, 8 were ok with the proposed, and 3 wanted to move it to the split. Mr. Reynolds stated that the second piece of public comment for the East zone was a petition from hunters in Northeast Louisiana, of which 428 supported the return to traditional dates, 172 people supported the traditional opening day but only wanted a five day split and were willing to lose the seven days at the end of the season to do that, and there were 48 people who wanted two weeks in the first split with no specified dates. For the youth hunt 507 signed the petition to move it to before the season rather than as proposed. Commissioner Manuel made a motion to keep the West zone and Coastal zone dates as proposed and change the East zone to the more traditional dates, as well as move the youth hunt to the weekend prior to the season opening. Commissioner Broussard seconded the motion. Chairman Taylor asked what the traditional dates are, and Mr. Reynolds stated that November 17 to December 2 and December 15 to January 27. Historically these have been the dates, until last year. There was a public comment from Mr. Tom Dufour who suggested having one Saturday before and one Saturday after the season for the youth hunt. There being no further public comments or discussion the motion passed with no opposition.

Moving on, Mr. Reynolds stated that Snow and White-fronted Goose season is 74 days. In the West zone the dates are November 10 to December 9 and December 22 to February 3, in the East zone November 3 to December 2 and December 15 to January 27, and in the Coastal zone November 10 to December 2 and December 15 to February 3. He stated that Light Geese have a bag limit of 20 per day with no possession limit and White-fronted Geese have a bag limit of 2 per day with a possession limit of 4. When the Canada Goose season is open there will be a dark goose limit of 3 dark geese, of which no more than 2 can be white-fronted geese. Mr. Reynolds stated that there has been a change in framework for Canada Goose hunting in the Mississippi Flyaway where all states have the opportunity to set the same season. The department is proposing to run the Canada Goose season concurrent with the White-fronted Goose season. The Canada Goose season can only go to January 31. In the West zone proposed dates are November 10 to December 9 and December 22 to January 31, in the East zone November 3 to December 2 and December 15 to January 27, and in the Coastal zone November 10 to December 2 and December 15 to January 31. Mr. Reynolds stated the bag limit of 3 dark geese, of which no more than 2 can be White-fronted Geese, with a possession limit of 6 Canada Geese. Mr. Reynolds moved to the Conservation Order for Light Geese, which are open during the split when no other waterfowl seasons are open. In the West zone it is December 10 to December 21, then February 4 to March 9, in the East zone December 3 to December 14 and January 28 to March 9, and in the Coastal zone December 3 to December 14 and February 4 to March 9. There is no bag or possession limit, use of electronic calls and unplugged shotguns allowed, and shooting hours are extended to a half hour after sunset. Next, Mr. Reynolds moved to Rails and Gallinules which have a 70 day season, 16 of those days are used during the Teal season and

only one split is allowed so the season runs straight through, November 10 to January 2. The bag limits are the same as in the past, 15 for King and Clapper with 30 in possession, 25 for Sora and Virginia with 25 in possession, and 15 for Gallinules with 30 in possession. The Snipe season opens December 3 in all zones and in the West zone runs to December 10 then December 22 to February 28, and both East and Coastal zones run to December 3 and December 15 to February 28. The bag limit is 8 per day, 16 in possession. Mr. Reynolds stated the extended Falconry dates are November 3 to February 1. Commissioner Voisin moved the administration's recommendations related to all above species, and Commissioner Oats seconded the motion. Commissioner Oats asked for clarification on Canada Geese, and Mr. Reynolds stated that 3 dark geese are allowed with no more than 2 specs, meaning that you could shoot 3 Canada Geese, with the opportunity. Mr. Reynolds answered yes, except for those days beyond January 31. Commissioner Broussard clarified not south of the Intercostal. Mr. Reynolds stated that the Canada Goose closure zone remains in effect. There being no further discussion and no public comment 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

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, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting season for ducks, coots and geese during the 2012-2013 hunting season shall be as follows:

**DUCKS AND COOTS:** 60 days

Coastal Zone: November 10 - Dec. 2  
December 15 - January 20  
West Zone: November 10 - December 9  
December 22 - January 20



East Zone: November 17 - December 2

(Including December 15 - January 27

Catahoula Lake)

Youth Waterfowl Weekend - November 3-4 in the Coastal Zone and West Zone, November 10-11 in East Zone

Daily Bag Limits: The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 1 canvasback, 1 mottled duck, 1 black duck, 3 wood ducks, 4 scaup, 2 redheads, and 2 pintails.

Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

**GEESE:**

**LIGHT GEESE (SNOW, BLUE and ROSS') and WHITE-FRONTED GEESE**

Coastal Zone: November 10 - December 2

(74 days) December 15 - February 3

West Zone: November 10 - December 9

(74 days) December 22 - February 3

East Zone: November 3 - December 2

(74 days) December 15 - January 27

Daily bag limit on light geese (snow, blue and Ross'): 20

Possession limit on light geese (snow, blue and Ross'): None

Daily Limit on white-fronted geese: 2

Possession Limit on white-fronted geese: 4

NOTE: During the open Canada goose season, the daily bag limit is 3 dark geese (White-fronted and Canada) no more than 2 of which may be White-fronted geese.

**CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW**

Coastal Zone: November 10 - December 2

(71 days) December 15 - January 31

West Zone: November 10 - December 9

(71 days) December 22 - January 31

East Zone: November 3 - December 2

(74 days) December 15 - January 27

Daily Limit on Canada geese: 3 in aggregate with White-fronts

Possession limit on Canada geese: 6 in aggregate with White-fronts

NOTE: During the open Canada goose season, the daily bag limit is 3 dark geese (White-fronted and Canada) no more than 2 of which may be White-fronted geese.

The Canada goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows: Beginning at the Texas State Line, proceeding east along Hwy. 82 to the Calcasieu Ship Channel, then north along

the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82.

**CONSERVATION ORDER FOR LIGHT GEESE (SNOW, BLUE AND ROSS'S):**

Coastal Zone: December 3 - December 14

February 4 - March 9

West Zone: December 10 - December 21

February 4 - March 9

East Zone: December 3 - December 14

January 28 - March 9

Only snow, blue and Ross's geese may be taken under the terms of the Conservation Order, which allows the use of electronic calls and unplugged shotguns and eliminates the daily bag and possession limits. During the Conservation Order, shooting hours begins one-half hour before sunrise and extends until one-half hour after sunset.

**RAILS:** November 10 - January 2

**KING AND CLAPPER:** Daily bag limit 15 in the aggregate, Possession 30.

SORA AND VIRGINIA: Daily bag and possession 25 in the aggregate.

**GALLINULES:** November 10 - January 2

Daily bag limit 15, Possession limit 30

**SNIPE:**

Coastal Zone: November 3 - December 3

December 15 - February 28

West Zone: November 3 - December 10

December 22 - February 28

East Zone: November 3 - December 3

December 15 - February 28

Daily bag limit 8, Possession limit 16

Shooting Hours: One-half hour before sunrise to sunset, except at the Spanish Lake Recreation Area in Iberia Parish where shooting hours, including the Conservation Order, end at 2 p.m.

**EXTENDED FALCONRY SEASONS FOR DUCKS, RAILS AND GALLINULES:**

STATEWIDE: November 3 - February 1

(16 days of the total season lengths for rails, gallinules and extended falconry seasons were used during the September teal season.)

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting

opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 2012 and extend through one-half hour after sunset on March 9, 2013.

Ann L. Taylor

Chairman

Mr. Scott Durham handled the next item, **To Receive a Presentation of the 2012 Deer Season Harvest Information.** Mr. Durham stated that the department considers several sources of data when analyzing deer harvest. The first source, and the source that the most confidence is put into, is the mail survey that has been done since the 1960's. Mr. Durham stated that the number of hunters has remained stable, the harvest is about 13% below last year, and the number of days hunters hunted dropped about 9%. The other source of data Mr. Durham addressed was the reporting system, pure data by phone or internet. The past three years on the public side were relatively stable, increasing a bit last year, and on the private side there has been a steady decline through the four years since mandatory reporting began. Mr. Durham stated that WMA managed hunts have been pretty stable, DMAP data dropped this year, partially due to an acreage reduction. Mr. Durham stated that the reporting data shows a good representation of the harvest across the state. The top ten parishes remain pretty much the same year after year, Union remaining at the top. The bulk of the deer harvest occurs in central west Louisiana and northwest Louisiana. Another source of data is from the WMA's. The data show that hunters have success hunting deer on WMA's, and it takes fewer efforts to kill a deer on a WMA managed hunt than it used to. Mr. Durham stated that total harvest data was down about 12% this year. Moving to the DMAP program, Mr. Durham stated that we went from a deer per 92 acres last year to about a deer per 108 acres this year, which is about a 15% decline. There is still strong participation at 1.5 million acres and 704 clubs. Mr. Durham pointed out that we gained acreage in the Tier I clubs which is where the meat of the data come from.

Mr. Durham stated that the department is still working through some issues with the reporting system. There are still some difficulties with the automated voice recognition system and the department is working on improving it. Mr. Durham stated that the mast crop was huge last year, and hunters who stuck to hunting food plots were not as effective. The hunter effort was down about 9% which may be attributable to the price of gas. Mr. Durham stated that forestry practices are changing across the state which can impact deer populations, hogs and predators are increasing, two years of summer droughts and dry June's, and exurbia have all contributed to this decline. Finally, Mr. Durham commented on the fairly long, liberal seasons, stating that it has been six years now that we have had season-long, either-sex opportunities. In light of these habitat changes there is a possibility, in the low to moderate habitat types, that we are pushing it.

Mr. Durham stated that populations seem to be doing fine where we have rich habitats. It is important to look at long-term trends rather than single-year data.

The Commissioners agreed to hold the **December Commission Meeting** on Thursday, December 6, 2012.

There were no **Public Comments**.

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

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Ann L. Taylor  
Chairman