

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**December 6, 2007**

**EARL P. KING, JR.  
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  
DECEMBER 6, 2007**

|     |  | Page |
|-----|--|------|
| 1.  | Roll Call  | 1    |
| 2.  | Approval of Minutes of November 1, 2007  | 1    |
| 3.  | Commission Special Announcements/Personal Privilege  | 1    |
| 4.  | To receive and consider Proposal on Delta Waterfowl Contract Renewal   | 1    |
| 5.  | To present Appreciation Award to Mr. Joe Elder for Donations to the Department's Youth and Physically Challenged Hunting Program   | 4    |
| 6.  | To receive Status Report on Repairs to Department Facilities   | 4    |
| 7.  | To receive and hear Enforcement & Aviation Reports/ November   | 5    |
| 8.  | To receive and consider Notice of Intent to Adopt Rules and Regulations Requiring all Operators of "Class A" (up to 16 feet) and "Class One" (16 to less than 26 feet) Vessels Operated by Hand Tiller Outboard Motors Equipped with Emergency Engine Cut-Off Devices to Utilize and Wear such Devices while Motorboat is Underway | 5    |
| 9.  | To receive and consider Notice of Intent to Adopt Rules and Regulations Requiring all Persons Onboard "Class A" Vessels with a Hand Tiller Operated Outboard Motors Wear a Personal Flotation Device (Life Jacket) while Motorboat is Underway   | 8    |
| 10. | To receive and consider Notice of Intent to Adopt Rules and Regulations to Define a "Marine Events" for which a "Marine Event Permit" is Required  | 12   |
| 11. | To receive and consider Notice of Intent to Amend  |      |

|     |  |    |
|-----|--|----|
|     | Rules and Regulations for Vessel Monitoring Systems<br>VMS for Out-of-State Oyster Landing Permits, Closed<br>Season Shrimping Violations and certain Oyster<br>Violations | 15 |
| 12. | To receive and hear briefing on Regulations for<br>Vessel Titling Notice of Intent   | 29 |
| 13. | To receive an update on Marine Fisheries Division<br>Federally Funded Hurricane Debris Removal Project -<br>Lake Pontchartrain Basin                                       | 29 |
| 14. | To receive and consider Resolution and Declaration<br>of Emergency on a Closure of Portions of State<br>Outside Waters to Shrimping  | 31 |
| 15. | To receive and consider Rule Ratification on<br>Designation of Additional Lake Mechant Public<br>Oyster Seed Grounds   | 34 |
| 16. | Set April 2008 Meeting Date  | 37 |
| 17. | Receive Public Comments  | 37 |
| 18. | Adjournment  | 38 |

MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, December 6, 2007

Chairman Earl P. King, Jr. presiding.

Patrick Morrow  
Stephen Oats  
Wayne Sagrera  
Robert Samanie, III

Secretary Bryant Hammett, Jr. was also present.

Commissioners Frederic Miller and Henry Mouton were absent from the meeting.

Chairman King called for a motion for approval of the **November 1, 2007 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Samanie. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Morrow stated this meeting marked the end of the tenure for Commissioner Sagrera. Commissioner Sagrera has served 6 years representing commercial interests. Commissioner Morrow felt Commissioner Sagrera represented all of the interests of all sportsmen. Commissioner Morrow went to Commissioner Sagrera 2 years ago to learn the system and the duties of a Commissioner. With an extreme debt of gratitude, Commissioner Morrow presented a plaque to Commissioner Sagrera in recognition of his 6 years as a Commission Member. Commissioner Sagrera stated it has been a pleasure and learning experience for him over the last 6 years. He felt the Department had progressed with the wonderful personnel and great Commission Members. Commissioner Sagrera encouraged everyone to continue to do a great job.

**To receive and consider Proposal on Delta Waterfowl Contract Renewal** began with Dr. Frank Rohwer apologizing for the confusion in who would make the presentation. He then stated Delta Waterfowl was asking for a one year extension to continue their contract. Delta asked and was given 5 years ago a portion of the money dedicated to duck production and they have been doing trapping on 4 sites with those funds. Dr. Rohwer felt the program was successful even though it was not what was requested, but it turned into some adaptive management. The obvious goal was to increase duck production with nest

success being the key driver for mallard populations. Trapping research, which began in 1994 but not on an as large scale, showed it was consistent in improving nest success. Dr. Rohwer stated that the adaptive part has been a great addition to the contract and they were learning as they attempted this management phase. He knew, going into the project, that nest success increased with predator reduction. Two big studies, which should be finished this year, looked at building populations on a site and influencing brood survival. A new project, which began last year, was finding where ducks were going by putting internal radios in the ducks and tracking where they go in the fall. The contract has been a catalyst for expansion of the trapping program by expanding into Saskatchewan. The information learned from work in the prairies did not apply to the parklands. The research has shown that they can improve nest success even though there are a different breed of predators, a lot more permanent predators and more woodland. The parklands are fabulous habitat in terms of wetlands, but does not produce many ducks. Delta has expanded their trapping research into South Dakota with 2 trap sites for pheasants. The Nature Conservancy asked for trapping information on the Virginia Coast Reserve. Then Dr. Rohwer talked about their work with the U.S. Fish and Wildlife Service and other state agencies which led to changes in the prairie pothole joint venture. He felt the contract increased accountability for duck management on a short term scale. But on a larger scale, people would criticize predator management and felt it could not have a significant impact. Delta was trapping on 300,000 acres and Dr. Rohwer knew that no one would see an impact in Louisiana. The cost for predator management was \$470,000 each year. When land is bought, there are a lot of maintenance costs associated with protecting the easement, maintaining the grass and making sure people do not infringe on what you want from the land. Maintenance cost in prairie Canada ranges from \$25 million to \$40 million. Cost per duck averages between \$6 and \$7 for a short term management plan. Predator management versus habitat management seems to sharpen their focus on what the goals should be. The answer may be more ducks, but is it that you want those ducks immediately or do you want to protect habitat for the long term. If Louisiana wants more ducks, they have to improve nest success in the short term; but for the long term, there is a serious problem with wetland habitat. The vast majority of improvement in nest success in prairie Canada has been due to farm policy, which Dr. Rohwer stated was a good program. There has been some changes in the farm policy in prairie Canada which has been real beneficial for the short term. But, for the long term, there has been nothing to protect wetlands, so the support for ducks has declined. A solution would be to consider risk and reward. Dr. Rohwer asked for the 1 year extension on the contract. Commissioner Sagrera asked if Delta's contract would be extended would it expire at the same time as Ducks Unlimited's contract. Mrs. Janice Lansing stated the Ducks Unlimited Cooperative Endeavor Agreement expires June 30, 2008. Then Commissioner Sagrera noted the Delta contract expired on July 31, 2008. He then made a motion to extend Delta's contract until June 30, 2008 and let it expire at the same time as Ducks Unlimited. Both groups could submit their plans for the future at the same time. Chairman King asked Commissioner Sagrera if his motion was to have it retroactive to the expiration date and he answered yes. Commissioner Oats seconded the motion. He then asked that there be committee meetings or information sessions leading up to the discussion on renewing the contracts. Information Commissioner Oats wanted

were from the provision in Title 56 that funds the contracts and the 10 percent that goes to quail and doves.

Mr. Larry Reynolds, North American Waterfowl Management Plan Coordinator for the Department, stated he was opposed to renewing the contract. He read from the contract on predator control and noted very good answers were received from the research. But he added that they could not determine whether an incremental increase of ducks in the state was realized. Mr. Reynolds agreed with Dr. Rohwer in that predator trapping increased nest success, but it was learned there was no extended benefit beyond the blocks. Another year of research probably would not extend staff's knowledge, commented Mr. Reynolds. It was then noted that monies spent on predator control was not eligible for match to attract other conservation dollars. Staff met with Delta Waterfowl in April 2007 and discussed the research results and expressed their objections on limiting their money just to predator control. Delta was asked to consider pursuing wetland and grassland easements through the Adopt-a-Pothole program and develop the alternative land use services. Mr. Reynolds knew that Delta was receptive to the Department's ideas since the 5-year proposal included these but it was only if additional funding was appropriated. The Mississippi Flyway Council passed a Resolution in 2003 which did not support the practice of predator removal as a management tool to improve waterfowl recruitment. Other states in the Flyway contributes to Delta but with the stipulation that it not be used for predator control. Mr. Reynolds added that he spoke with the people in the Dakota's and they reminded him that there is a need to have habitat before predator removal could be used as a management alternative. The Department has a backlog of land owners willing to provide wetland and grassland easement, but the funds are not available. These types of programs is where the Department would rather Delta, through Adopt-a-Pothole place their priorities. Lastly, Mr. Reynolds quoted the statute in Title 56 in which this allocation was made. Commissioner Morrow asked if the Commission did not follow the law when it granted the contract to Delta. Mr. Reynolds stated that the Wildlife Division was not asked to comment on the contract 5 years ago; all he did was read the law. Commissioner Morrow disagreed with Mr. Reynolds and felt the preservation of breeding grounds may encompass the law broadly.

Hearing no further comments, the motion passed unanimously.

Mr. Mark Roy handled the next item, **To present Appreciation Award to Mr. Joe Elder for Donations to the Department's Youth and Physically Challenged Hunting Program.** He stated that 18 months ago, the Wildlife Division began a new program, the Physically Challenged Program, and he was asked to develop the program. There are 5 areas right now for wheelchair bound duck and deer hunters. Mr. Roy went to Mr. Joe Elder to ask about the materials needed to build duck blinds and deer stands. Mr. Elder donated most of the materials used to build these areas. On behalf of the Department, Mr. Roy presented a certificate and a duck print to Mr. Elder for his donation to the Department. Mr. Elder felt it was an honor to be able to give back to God what was given to him. He added it was a pleasure to work with the State and asked the Department to keep up the good work. Chairman King thanked Mr. Elder for his generosity. Commissioner Morrow

stated he has known the Elder family all his life and they have always given back to the community. He personally thanked Mr. Elder and his family.

**To receive Status Report on Repairs to Department Facilities** was addressed by Mr. Dennis Kropog. He began noting 2 items in the packets on project work orders that FEMA had written. The FEMA funds, \$27,436,375, was the estimated amount FEMA would pay for the repairs on facilities from Pass-a-Loutre to Rockefeller. Katrina repairs totaled \$8,483,241 of which building costs were \$3,580,000 and the remainder went to contents and clean-up. Rita damages totaled \$18,953,134 of which building costs were \$5 million, levee work equaled \$7.5 million, roads \$1.7 million and contents totaled \$4.6 million. Pictures shown included those of Pass-a-Loutre taken right after the hurricane and the estimated cost to repair the facility was \$3.5 million. To be rebuilt was a new office, boat shed with an elevated ramp with a hut on top, as well as raise the other buildings. Flooding occurred on Pointe-aux-Chenes with about \$169,000 worth of content and \$15,000 worth of buildings damaged. On White Lake, no buildings received any flood waters. The main problem on White Lake was the levees. Marsh Island suffered structural damage with the main expense being also an impoundment levee which cost approximately \$1 million to repair. State Wildlife was severely damaged with before and after pictures shown. FEMA gave \$546,000 for the headquarters camp at State Wildlife, and the Department proposed to demolish it and build a new office complex on Marsh Island. Rockefeller Refuge suffered the most extensive damage to facilities, levees, roads, water control structures and content. FEMA estimated repairs would cost over \$13 million. Rockefeller's repairs have been broken into phases. Phase I consisted of repairing the boat house, the lumber shed, airboat shed, tractor shed and generator shed. This phase was due to be completed by mid-January. Phase II would replace the 4 residences and repair the office and general quarters. FEMA's estimated costs to repair these buildings was \$170,000, but the Department decided to replace the residences and repair the other buildings for a total cost of \$1,840,000. Phase III was to rebuild the lab and alligator incubator sheds. A lot of the work on Rockefeller was being done by Department staff and equipment, noted Mr. Kropog. The West End Quarters would be removed and the monies from this would be added to Phase IV for a new Office and Interpretive Center with a Nature Interpretive Drive. Not related to the storms, Mr. Kropog mentioned a new office building and lab was being built on Grand Isle and a new office building was just started in Minden. Chairman King asked if there was any damage to the airstrip on Rockefeller Refuge. Mr. Kropog stated the airstrip was surfaced with limestone and had a contract to apply asphalt the Wednesday after hurricane. The storm washed away a lot of the limestone and FEMA has given the Department \$600,000 to replace the limestone. Chairman King asked when would the airstrip be completed. Mr. Kropog commented the airstrip was not at the top of the list, but it may be worked within the year.

Moving on to the next item, **To receive and hear Enforcement & Aviation Reports/November**, Lt. Col. Keith LaCaze stated there were 1,336 criminal citations and 152 written warnings issued and agents helped in 45 public assists. Main activity was centered around hunting, noting only one hunting accident occurred which was the result of



a firearm malfunction on Boeuf WMA. There were quite a number of deer and night hunting cases made. Enforcement agents and Wildlife Division staff were not seeing a lot of voluntary activity from hunters on the use of the deer tags. Also, there were a good number of waterfowl cases made during the month. For November, there were 3 boating accidents reported bringing the total to 144 for the year. There were no injuries but there was 1 fatality. The Department's three planes flew a total of 99 hours. News Releases discussed included an attempted bribery on West Bay WMA, a deer hunting case from a public road and moving vehicle, duck hunters cited on November 12 in the Henderson area for hunting in closed season, and a St. Charles Parish deer case for hunting illegally. Commissioner Morrow felt the 3 hunters in Henderson were not confused about the season's opening, they were pretty intentional.

**To receive and consider Notice of Intent to Adopt Rules and Regulations Requiring all Operators of "Class A" (up to 16 feet) and "Class One" (16 to less than 26 feet) Vessels Operated by Hand Tiller Outboard Motors Equipped with Emergency Engine Cut-off Devices to Utilize and Wear such Devices while Motorboat is Underway** was the first item for Sgt. Rachel Zechenelly. Staff looked at fatal boating accidents for the state and were concerned with the number of fatalities. With 320,000 boats registered, Louisiana remains in the top 5 in fatalities over the last 5 years. Statistics showed that 57 to 60 percent of the fatalities in Class A vessels were with hand tiller operated outboard motors. Generally, vessel operators are ejected and struck by the propeller. By having a person attach an engine cut-off switch while operating these vessels, between 5 and 7 people could survive over the course of a year and thus would reduce the number of fatalities in this recreational activity. Motors produced since 1998 have been constructed with the engine cut-off devices and this regulation would apply to those boat owners. Again, Sgt. Zechenelly felt reducing fatalities by 5 to 7 would make a significant impact. Commissioner Samanie asked how many lives would be saved if this regulation applied to all Class A and Class One vessels. Sgt. Zechenelly did not know the exact number, but felt it would make an impact. But the most immediate impact would be from imposing this regulation on operators of hand tiller outboard motors. Commissioner Morrow asked if the proposed rule applied to fishermen while engaged in commercial activities and he was told no. He then asked if it was a recreational only statute and Sgt. Zechenelly answered yes. Commissioner Sagrera asked why were commercial fishermen excluded. Sgt. Zechenelly felt it may interfere with their activities and staff has not seen that many fatalities involve commercial activities since they were out in their boats every day and were aware of what was happening. Commissioner Sagrera agreed with Commissioner Samanie in not requiring this regulation for all Class A and Class One vessels. Sgt. Zechenelly stated remote steering was not as dangerous as the hand tiller. Commissioner Samanie stated his concern was with the high speed bass boats. This regulation was one way not to be so intrusive on recreational boaters and still have an impact. Chairman King asked if this regulation was the beginning of more to follow if there were good results. Sgt. Zechenelly answered yes. Hearing no further comments, Commissioner Samanie made a motion to approve the Notice of Intent. It was seconded by Commissioner Morrow and 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 intent to enact rules requiring the use of engine cut-off switches on Class A or Class One motorboat with a hand tiller outboard motor equipped with such devices.

### Title 76

## WILDLIFE AND FISHERIES

### Part XI. Boating

#### Chapter 1. Vessel Equipment; Requirements; Penalties

##### §111. Emergency Cut-off Switches

A. In accordance with R.S. 34:851.24 and R.S. 34:851.27, the provisions of this act shall apply on all waters within the jurisdiction of this state.

B. Definitions

“Engine cut-off switch” – an operable emergency cut-off engine stop switch installed on a motorboat and that attaches to the motorboat operator by an engine cut-off switch link.

“Engine cut-off switch link” – the lanyard and/or cut-off device used to attach the motorboat operator to the engine cut-off switch installed on the motorboat.

“Hand Tiller Outboard Motor” - an outboard motor that has a tiller or steering arm attached to the outboard motor to facilitate steering and does not have any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic or electronic control systems. Hand tiller outboard motor shall not mean any type of electronic trolling motor.

C. No person shall operate a Class A or Class One motorboat with a hand tiller outboard motor designed to have or having an engine cut-off switch, while the engine is running and the motorboat is underway, unless:

and

1. The engine cut-off switch is fully functional and in operable condition;

2. The engine cut-off switch link is attached to the operator, the operator's clothing, or if worn, the operator's personal flotation device.

D. The provisions of this Section shall not apply to licensed commercial fishermen operating a motorboat while engaged in a commercial fishing activity.

E. Violation of this Section is a class one violation as defined in R.S. 56:31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24 and R.S. 34:851.27.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34: .

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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, February 7, 2008.

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).

Earl P. King, Jr.  
Chairman

Then Sgt. Rachel Zechenelly handled her last item, **To receive and consider Notice of Intent to Adopt Rules and Regulations Requiring all Persons Onboard "Class A" Vessels with a Hand Tiller Operated Outboard Motors Wear a Personal Flotation Device (Life Jacket) while Motorboat is Underway.** She stated the same number of people could be saved as in the previous proposal since none of those killed were wearing life jackets. It was emphasized that a life jacket was one of the most important pieces of equipment in saving lives in an accident. Also, Sgt. Zechenelly felt it was a small, less intrusive device that could increase your chance to survive an accident with this type outboard motor. Commissioner Morrow did not understand the reason for requiring

operators on Class A and Class 1 to wear the engine cut-off switch, but only requiring all persons aboard a Class A to wear a life jacket. Sgt. Zechenelly stated when looking at the statistics, there was a significant number of Class A boaters the life jacket could play a bigger role in saving their lives. Commissioner Morrow knew the ideal situation would be to require everyone on all vessels wear a life jacket. Sgt. Zechenelly agreed and by focusing on these type outboards, this was a good area to start. Commissioner Morrow stated one of the goals of the Commission was to promote safety for all boaters and felt this was a good start. Commissioner Sagrera felt all persons on board all Class A vessels should wear life jackets. Sgt. Zechenelly agreed since Class A were such small vessels and had stability issues. She again noted most of the fatalities were occurring on boats with hand tiller outboard motors, thus the reason for gearing the regulations to this motor. Hearing no further questions, Commissioner Morrow made a motion to adopt the Notice of Intent and it was seconded by Commissioner Sagrera.

Mr. Tom D'Aquin, member of Baton Rouge Power Squadron since 1962, stated that the majority of small boat operators with the hand tillers were hunters traveling in the dark. He felt the kill switches and life jackets were their safety belts. Mr. D'Aquin felt these regulations were good and should be adopted.

Hearing no further discussion, the motion passed unanimously.

(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 intent to amend rules governing the wearing of personal flotation devices being worn by persons aboard Class A motorboats propelled by a hand tiller outboard motor while underway.

### Title 76

## WILDLIFE AND FISHERIES

### Part XI. Boating

#### Chapter 1. Vessel Equipment; Requirements; Penalties ~~Flotation Devices, Fire Extinguishers, Flame Arrestors and Ventilation~~

#### §103. Flotation Devices

A. In accordance with R.S. 34:851.24(F)1, the provisions of this act shall apply on all waters within the jurisdiction of this state.

B. Definitions

“Hand tiller outboard motor” - an outboard motor that has a tiller or steering arm attached to the outboard motor to facilitate steering and does not have any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electronic control systems. Hand tiller outboard motor shall not mean any type of electronic trolling motor.

“Operate” - to navigate or otherwise control the movement of a vessel, including controlling the vessel’s propulsion system.

“Operator” - any person who navigates or is otherwise in control or in charge of the movement of a vessel, including the vessel’s propulsion system.

“Owner” - a person, other than the lienholder, having the property in or registration to the vessel.

“Personal flotation device” or “PFD” - a device approved by the United States Coast Guard under 46 CFR Part 160, which is labeled with such approval and with the appropriate size for the person intended and which is in serviceable condition.

“Readily accessible” - easily located and retrieved without searching, delay, hindrance or being in a locked area.

“Serviceable condition” - a condition as defined by the United States Coast Guard under 33 CFR Part 175.23.

“trick water-skier” - a trick water-skier is a person whose equipment and activities have all of the following characteristics:

a. Type of Skis: For standard double trick skis, a length of no more than 46 inches and width of at least 8 inches, with no keels on the bottom; for single trick boards, a length of no more than 56 inches and width of at least 22 inches, with no keel on bottom; and

b. Tow rope no longer than 50 feet.

“Vessel” - watercraft and airboats of every description, other than seaplane(s), located on the water and, used or capable of being used as a means of transportation on the water.

“Watersports” - activities that involve being towed by, or riding in the wake of, a vessel and include but are not limited to water skiing, wake boarding, wake surfing, and tubing.

### C. Personal Flotation Device Requirements

1. Every operator of a vessel shall ensure that the vessel is carrying at least one readily accessible Type I, II, or III wearable personal flotation device for each person on board. In addition, vessels 16 feet or over in length shall carry at least one Type IV throwable personal flotation device.

2. A United States Coast Guard approved Type V PFD may be used in lieu of a Type I, II, or III PFD required by this Part provided:

a. The approval label on the Type V PFD indicates that the device is approved by the United States Coast Guard:

i. For the activity for which the vessel is being used; or  
ii. As a substitute for a PFD of the Type required by this act on the vessel in use; and

b. The PFD is used in accordance with any requirements of its approval label; and

c. The PFD is used in accordance with requirements in its owner’s manual, if its approval label makes reference to such manual.

3. All persons onboard a Class A motorboat which is being propelled by a hand tiller outboard motor shall be required to wear a USCG approved Type I, II, III, or V personal flotation device while the motorboat is underway.

a. The operator shall be responsible to ensure all persons on board are in compliance with this section. Violation of this section is a class one violation as defined in R.S. 56:31.

3 4. Persons engaged in watersports shall wear a Type I, II, III or V PFD. No vessel operator shall tow a watersports participant who is not wearing such a device. No person shall use an inflatable PFD to meet the requirements of this section. Exceptions to the requirements of this subsection are allowed during Department of Wildlife and Fisheries and/or United States Coast Guard permitted marine events under the following conditions:

a. A skier engaged in barefoot water-skiing who wears a barefoot wetsuit designed specifically for such activity;

b. A skier engaged in trick water-skiing whose movements would be restricted or impeded by the bulk of a PFD.

c. The operator of a vessel towing a trick water-skier or barefoot water-skier shall make a PFD readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24 and R.S. 34:851.27.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 11:705 (July 1985), amended LR 26:1493 (July 2000), LR 33:538 (March 2007), LR 34: .

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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, February 7, 2008.

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).

Earl P. King, Jr.  
Chairman

**To receive and consider Notice of Intent to Adopt Rules and Regulations to Define a “Marine Events” for which a “Marine Event Permit” is Required** was handled by Major Ronald Morris. Under the Memorandum of Understanding with the U.S. Coast Guard, the Department was given the right to issue marine events. This has been going on since 1971 with no rules adopted and promulgated. Marine events were for boat parades, flotillas, blessing of the fleets, firework shows, etc. This proposed rule would give the Department oversight for regulating the events for which permits have been issued. Commissioner Samanie asked if this would include bass tournaments. Major Morris stated they have issued permits in the past for bass tournaments when there were special regulations needed, but not normally. He added that the only time these permits were issued was when they interfered with navigation and the waterways had to be patrolled. Chairman King asked about insurance requirements. Major Morris stated it would be included on the application with the possibility of requiring \$1 million liability to cover the sponsor, the

participants, the observers and agents working the event. Chairman King then asked if the insurance requirement needed to be included in the Notice of Intent. Major Morris stated it should be included, but added that it would not be required for every event. Chairman King then asked if the insurance requirement was imposed on a case by case basis and Major Morris answered yes. The Chairman stated he did not want the State, Commission or Department to be exposed to unnecessary liability with some of the events. On the question of whether \$1 million was an antiquated figure, Major Morris agreed and noted it could be changed. The U.S. Coast Guard did not consider insurance when they issued a permit, commented Major Morris. But the Department started requiring certain events to have liability insurance 10 to 12 years ago. Commissioner Oats made a motion to adopt the Notice of Intent, it was seconded by Commissioner Samanie 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 intent to enact rules governing the permitting of marine events on the navigable waterways within the jurisdiction of the state of Louisiana.

### Title 76

## WILDLIFE AND FISHERIES

### Part XI. Boating

#### Chapter 3. Boating Safety

#### **§305. Marine Event Permits**

A. The following regulations shall prescribe the permitting requirements for marine events on the navigable waterways within the jurisdiction of this state so as insure the safety of life. Through Memorandum of Understanding between the United States Coast Guard and the Louisiana Department of Wildlife and Fisheries and authority vested in the Commission, the Department of Wildlife and Fisheries has the responsibility to permit and regulate marine events on navigable waters over which the state has jurisdiction.

#### B. Definitions



“marine event or events” – an organized event of limited duration held on the water, including but not limited to regattas, parades, fireworks displays, and boat races, which by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters within the jurisdiction of the state of Louisiana.

a. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to:

- i. an inherently hazardous competition;
- ii. an event occurring in an area where there is a customary presence of pleasure craft;
- iii. any obstruction of navigable channel which may reasonably be expected to result; and
- iv. the expected accumulation of spectator craft.

C. An individual or organization planning to hold a marine event, shall submit an application to the LDWF.

- 1. The application shall be submitted 30 days prior to the proposed event.
- 2. The application shall include the following details:
  - a. Name and address of sponsoring person or organization,
  - b. Name, address, and telephone of person in charge of the event,
  - c. Nature and purpose of the event,
  - d. Information as to general public interest,
  - e. Estimated number and types of watercraft participating in the event,
  - f. Estimated number and types of spectator watercraft,
  - g. Number of boats being furnished by sponsoring organizations to patrol event,
  - h. A time schedule and description of events, and

i. A section of a chart or scale drawing showing the boundaries of the event, various water courses, or areas to be utilized by participants, officials, and spectator craft.

D. The department's law enforcement division may issue regulations to promote safety of life on waters before, during, and after a marine event. The departments law enforcement division can limit, exclude or restrict movement of vessel traffic before, during, and after a marine event and may assign patrol boats, if safety requires, to enforce regulations and provide assistance work.

E. Violation of this section is a class one violation as provided in R.S. 56:31. The department is authorized to prohibit, suspend or terminate any marine event in order to protect life, public safety or for failure to secure a marine event permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24 and R.S. 34:851.27.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34: .

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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, February 7, 2008.

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).

Earl P. King, Jr.  
Chairman

**To receive and consider Notice of Intent to Amend Rules and Regulations for Vessel Monitoring Systems VMS for Out-of-State Oyster Landing Permits, Closed Season Shrimping Violations and certain Oyster Violations** began with Lt. Col. Jeff Mayne stating this regulation would not change anything that was already in existence. In the 2000 Legislative Session, statutes were passed requiring vessel monitoring systems for certain oyster violations. Since there were regulations for oyster violations and then another section on shrimp violations, Lt. Col. Mayne asked that they be consolidated into one section within Title 76. This would enable the Department to add this requirement onto

industries as they require the device. Hearing no questions, Commissioner Samanie made a motion to adopt. Commissioner Oats seconded the motion and it was unanimously approved.

(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 intent to enact rules governing the use of Vessel Monitoring Systems (VMS) for Out-of-State Landing Program for Oysters, VMS requirements as provided for in Title 56 and closed season shrimp penalty provisions in R.S. 56:495.1 and 56:497.1. Provides for consolidation of VMS regulations.

### Title 76

## WILDLIFE AND FISHERIES

### Part VII. Fish and Other Aquatic Life

#### Chapter 3. Saltwater Sport and Commercial Fishing

#### §369. Shrimping Closed Season, Vessel Monitoring System

A. Purpose. To maximize voluntary compliance with shrimping regulations and to reduce purposeful shrimping violations by providing adequate deterrence thereby reducing recidivism.

B. Persons who are required to be monitored:

1. Any person subject to a court order requiring monitoring.
2. Any person having two or more convictions during the preceding five (5) year period for harvesting shrimp during closed season.

C. Persons required to be monitored shall not be present on board any vessel harvesting or possessing shrimp, or which has any trawl, skimmer, or butterfly net on board, unless that vessel is equipped with and is using and employing an approved, fully functional and operating vessel monitoring system (VMS) as required by R.S. 56:495.1 and R.S. 56:497.1 and these regulations.

D. Required monitoring periods:

1. Persons who are subject to a court order requiring that they be monitored shall be monitored and who do not have two (2) or more convictions during the preceding five (5) year period for harvesting shrimp during closed season for the period specified by the order of the court.

2. Persons who have had two (2) convictions during the preceding five (5) year period for harvesting shrimp during closed season shall be monitored for a period of three years from the date of the most recent conviction.

3. Persons who have had three (3) or more convictions during the preceding five (5) year period for harvesting shrimp during closed season shall be monitored for a period of ten years from the date of the most recent conviction.

E. The VMS unit must be approved and certified, must be installed onboard the vessel, and must be fully operational. The Department must first be notified of the installation, before a person who is required to be monitored may be present onboard the vessel. If a person who is required to be monitored is found to be on any vessel-harvesting shrimp or possessing shrimp, or possessing any trawl, skimmer, or butterfly net without an approved VMS device being on board and operating, the person who is required to be monitored shall be in violation of VMS shrimping requirements and shall be guilty of a class four violation pursuant to R.S. 56:497.1.C and R.S. 56:34. Each license issued to a person who is required to be on a VMS monitored vessel shall indicate that the licensee may only be present on a VMS monitored vessel.

F. Persons who are required to be monitored shall be responsible for the following VMS Requirements as specified in LAC 76:VII.371.

~~1. The vessel must have installed within it a fully operational and approved VMS Devices. Approved devices are those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and which meet the minimum performance criteria specified in paragraph 2 of this subsection. In the event that a VMS is deleted from the list, vessel owners who purchased a VMS unit on the VMS list prior to approval of the revised list will be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.~~

~~2. Minimum VMS performance criteria: Basic required features of the VMS are as follows:~~

~~a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection must be automatic to provide an optimal fix and must not be capable of being manually overridden.~~

~~b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions.~~

~~c. The VMS shall be fully operable and must track the vessel in all of Louisiana coastal waters and throughout the Gulf of Mexico.~~

~~d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.~~

~~e. The VMS unit shall make all required transmissions to a designated and approved VMS vendor who shall be responsible for monitoring the vessel and reporting information to the Department.~~

~~f. The VMS shall provide accurate position transmissions every half-hour, every day of the year, during required monitoring period. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and permit those monitoring the vessel to receive position reports in real time. For the purposes of this specification, real time shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.~~

~~g. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the Department. Such transmission must be made at any time upon demand of the Department.~~

~~h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three (3) months, as transmitted by the VMS unit, and provide transmissions to the Department of specified portions of archived data in response to Department requests in a variety of media (tape, compact disc, etc.) as specified by the Department.~~

~~3. Operating requirements: All required VMS units must transmit a signal indicating the vessel's accurate position at least every half-hour, 24 hours a day, when a person who is required to be monitored is on board the monitored vessel.~~

~~4. Presumption: If a VMS unit fails to transmit an hourly signal of a vessels position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the shrimp fishery, as applicable, or was not at sea.~~

~~5. — Replacement: Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries Law Enforcement Division Headquarters VMS coordinator, within 3 days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described in this section.~~

~~6. — Access: All vessel owners shall allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.~~

~~7. — Tampering: Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy compute the vessel's position fix.~~

G. 8. Violation: Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be a violation of R.S. 56:497.1.C and requirements of probation where applicable. All shrimp taken or possessed by a person in violation of these rules, and who is identified on his commercial license as required to be VMS monitored, shall be deemed illegally taken and possessed. The provisions of this section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this section shall constitute a class 4 violation.

H. 9. All costs and monthly fees associated with the installation, operation and monitoring of any VMS system in accordance with these rules shall be the responsibility of the person required to be monitored and shall be paid by him directly to the approved VMS supplier and monitoring facilitator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.495.1, and R.S. 56:497.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 32:1255 (July 2006), amended LR 34: .

### **§371. Vessel Monitoring System (VMS) Requirements**

A. The following provisions regarding VMS shall be applicable to all provisions of law requiring the use of VMS:

1. The vessel must have onboard a fully operational and approved VMS Device. Approved devices are those devices approved by NOAA Fisheries Service or the Secretary of the Louisiana Department of Wildlife and Fisheries (LDWF) for fisheries in the Gulf of Mexico Reef Fish fishery and which meet the minimum performance criteria specified in paragraph 2 of this subsection. In the event that a VMS device is removed

from the list of approved devices, vessel owners who installed an approved VMS prior to approval of any revised list will be considered in compliance with requirements of this paragraph, unless otherwise notified by the LDWF.

2. Minimum VMS performance criteria: Basic required features of the VMS are as follows:

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection must be automatic to provide an optimal fix and shall not be capable of being manually overridden.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions.

c. The VMS shall be fully operable and capable of tracking the vessel in all of Louisiana coastal waters and throughout the Gulf of Mexico.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS unit shall make all required transmissions to a designated and approved VMS vendor who shall be responsible for monitoring the vessel and reporting information to the LDWF.

f. The VMS shall provide accurate position transmissions every half-hour, except for those vessels operating solely under the Out-of-State Landing Permit mentioned in paragraph 3 that require accurate position transmissions every hour, every day of the year, during required monitoring period. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and permit those monitoring the vessel to receive position reports in real time. For the purposes of this specification, real time shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

g. The VMS vendor shall be capable of transmitting position data to a LDWF designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the LDWF. Such transmission must be made at any time upon demand of the LDWF.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three (3) months, as transmitted by the VMS unit, and provide transmissions to the LDWF of specified portions of archived data in response to LDWF requests in a variety of media (tape, compact disc, etc.) as specified by the LDWF.

3. Operating requirements: Except as provided in Paragraph 4 (Power Down Exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every half

hour, 24 hours a day, throughout the year. However, those vessels operating solely under the Out-of-State Landing Permit shall transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day throughout the year.

4. Power Down Exemption: Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:

a. The vessel will be continuously out of the water for more than 72 consecutive hours; and

b. A valid letter of exemption obtained pursuant to Subparagraph 5.a. of this Subsection has been issued to the vessel and is on board the vessel and the vessel is in compliance with all conditions and requirements of said letter.

5. Letter of Exemption

a. Application: A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the LDWF and providing the following: Sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again).

b. Issuance: Upon receipt of an application, the LDWF may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a. of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the LDWF may change the time period for which the exemption was granted.

6. Presumption: If a VMS unit fails to transmit the required signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the fishery, as applicable, or was not at sea.

7. Replacement: Should a VMS unit require replacement, a vessel owner must submit documentation to the LDWF Law Enforcement Division Headquarters VMS coordinator, within 3 days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described in this section.

8. Access: All vessel owners shall allow the LDWF, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if



applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

9. Tampering: Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy compute the vessel's position fix.

10. Violation: Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be a violation of the Louisiana Revised Statutes which mandates VMS and requirements of probation where applicable. All fish taken or possessed by a person in violation of these rules, and who is identified on his commercial license or permit as required to be VMS monitored, shall be deemed illegally taken and possessed. The provisions of this section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this section shall constitute a violation of the section of law requiring the use of VMS.

11. All costs and monthly fees associated with the installation, operation and monitoring of any VMS system in accordance with these rules shall be the responsibility of the person required to be monitored and shall be paid by him directly to the approved VMS supplier and monitoring facilitator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:424, 56:424.1, R.S. 56.495.1, and R.S. 56:497.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34: .

## **Chapter 5. Oysters**

### **§515. Oyster Lessee Out-of-State Landing Program**

A. Policy. The oyster lessee out-of-state landing permit is intended for the benefit of an oyster leaseholder, or his duly authorized designee, who desires to land oysters, from privately leased water bottoms only, outside the state of Louisiana, and to provide an effective method of regulating the transportation of oysters landed or off-loaded from a vessel outside of Louisiana. It is for use by Louisiana licensed oyster fishermen. Violation of any provision of the rules, regulations or statutes concerning the oyster out-of-state landing permit by the permittee, oyster harvester or vessel owner while operating under the permit shall result in the suspension and/or revocation of the permit in addition to any citations resulting from activities. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year. The cost per permit shall be \$100.

B. Permit Application and Procedures

1. Applications shall be available from the Louisiana Department of Wildlife and Fisheries (LDWF) licensing office in Baton Rouge ~~New Orleans~~ at any time during regular business hours. Completed applications, along with required documentation, will be accepted only by appointment at the LDWF Marine Fisheries Division in Baton Rouge ~~New Orleans~~. Applications shall only be accepted from the oyster leaseholder, or harvester operating on the leaseholder's behalf. All required information shall be provided before a permit is issued.

2. Applications shall include the following information:

a. Applicant information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) and vessel registration or U.S. Coast Guard (USCG) documentation.

b. Leaseholder information including name, address, and leaseholder account identification number.

i. If name of leaseholder is a corporation, partnership, or other legal entity, the Louisiana Secretary of State Charter/Organization number must be provided.

ii. If the name of the leaseholder is different than the applicant, the applicant must provide valid permission from the leaseholder (also refer to Subparagraph B.2.i. below).

c. Harvester information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required.

d. Vessel owner information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required.

e. Vessel information including name of vessel, vessel license number, USCG vessel documentation number, and/or vessel registration number, if applicable.

f. Lease number(s) to be fished, and leaseholder name and identification number for each lease, while operating under the permit.

g. Copies of vessel registration certificate(s) or U.S. Coast Guard vessel documentation certificate.

h. Proof of lease ownership by supplying copies of certified lease plats and/or documents.

i. *Corporation:* If lessee name on plat is a corporation, provide the Louisiana Secretary of State Charter/ Organization number. The applicant must be a registered director or agent of the corporation. If the applicant has been given permission to fish the lease(s) by the corporation, please refer to Subparagraph B.2.i. below.

ii. *Power of Attorney:* If lease(s) listed on the application are not listed under the applicant's account, the applicant shall provide documentation of power of attorney for the estate of the leaseholder. If the applicant has been given permission to fish the lease(s) by the estate of the leaseholder, please refer to Subparagraph B.2.i. below.

i. Written, signed, notarized, and dated permission from the leaseholder to fish the lease(s), if applicable.

i. *Corporation:* The person granting permission must be a registered director or agent of the corporation which owns the lease(s) listed on the application.

ii. *Power of Attorney:* The person granting permission must provide documentation of power of attorney for the estate of the leaseholder which owns the lease(s) listed on the application.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must maintain the original permit on board at all times while operating under the permit, including during times of fishing and transportation. Valid permission from the leaseholder must be present on the permitted vessel while operating under the permit. The complete original permit must be surrendered to the Department in the event the permittee chooses to have the permit modified. Any change in leases fished shall require the permittee to submit a new application at no additional expense prior to fishing different leases. Any change in vessel shall require the permittee to submit a new application and permit fee. At no time while operating under the permit and transporting oysters out-of-state shall the permittee have on board the permitted vessel oysters taken from non-leased water bottoms of the state or from oyster leases not listed on the original permit. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "Oyster Permit" and the permit number shall be placed on these signs in letters at least 12 inches high.

D. Records, Reporting, and Severance Tax. The permittee shall maintain an up-to-date daily record of the number of sacks of oysters landed under the permit on forms provided by the Department for that purpose. The permittee shall submit to the Department

a monthly record of the number of sacks of oysters landed under the permit and the name and Food and Drug Administration interstate certified shellfish shipper's number of the business to whom the oysters were sold no later than 15 days following the last day of the month on forms provided by the Department for that purpose, even if no landings occurred. Failure to submit monthly records or incomplete records to the Department before the reporting deadline shall result in suspension or revocation of the permit, at the discretion of the Department. Payment of severance tax owed, as outlined in Louisiana Revised Statutes (R.S.) 56:446(A) must accompany the monthly report.

E. Monitoring: The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, as provided herein. Oyster vessels, the owner or operator of any vessel issued an oyster lessee out-of-state landing permit or a vessel that landed oysters from a private lease in Louisiana waters, at a location outside of Louisiana, or intends to land, or lands oysters out of state, must have an operable vessel monitoring system (VMS) unit installed on board that meets the requirements of LAC 76:VII.371. The VMS unit must be certified, installed on board and operable, and the Department notified of the installation, before the vessel may begin dredging or transporting oysters.

F. Violation: Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be considered a violation of the section of law requiring the use of VMS and requirements of probation where applicable. All fish taken or possessed by a person in violation of these rules shall be deemed illegally taken and possessed. The provisions of this section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this section shall constitute a class 2 violation. As a condition maintaining and operating under this permit, persons shall comply with the VMS provisions regardless of the vessels location, failure to comply with VMS rules and regulations, the department shall revoke and not reinstate the Out-of-State Landing Permit for that vessel and person for the period in which it was issued.

~~F. VMS Requirements~~

~~1. Approved VMS Devices: These devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and that meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS is deleted from the list, vessel owners that purchase a VMS unit that is part of that VMS list prior to approval of the revised list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.~~

~~2. Minimum VMS performance criteria: The basic required features of the VMS are as follows:~~

~~a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection should be automatic~~

~~to provide an optimal fix and should not be capable of being manually overridden by any person aboard a vessel or by the vessel owner.~~

~~b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection.~~

~~c. The VMS shall be capable of tracking vessels in all Louisiana coastal waters.~~

~~d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.~~

~~e. The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and receive position reports in real time. For the purposes of this specification, "real time" shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.~~

~~f. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the Department.~~

~~g. The VMS shall be capable of providing vessel locations relative to state lines, DHH and LDWF designated growing areas/waters, public oyster seed grounds, unleased state water bottoms and lease lines.~~

~~h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three (3) months and providing transmissions to the Department of specified portions of archived data in response to Department requests and in a variety of media (tape, compact disc, etc.)~~

~~3. Operating requirements: Except as provided in Paragraph 4 (Power Down Exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, throughout the year.~~

~~4. Power Down Exemption: Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:~~

~~a. The vessel will be continuously out of the water for more than 72 consecutive hours; and~~

~~b.——A valid letter of exemption obtained pursuant to Subparagraph 5.a. of this Subsection has been issued to the vessel and is on board the vessel and the vessel is in compliance with all conditions and requirements of said letter.~~

~~5.——Letter of Exemption~~

~~a.——Application: A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the Department of Wildlife and Fisheries and providing the following: Sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again). Any VMS-equipped vessel with an out-of-state landing permit, unless required by other fishery regulations to have on board a fully operational VMS unit at all times, need not transmit a signal when the vessel is in home port.~~

~~b.——Issuance: Upon receipt of an application, the Department of Wildlife and Fisheries may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a. of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the Department of Wildlife and Fisheries may change the time period for which the exemption was granted.~~

~~6.——Presumption: If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction or disruption of the transmission that occurred while the vessel was declared out of the oyster fishery, as applicable, or was not at sea.~~

~~7.——Replacement: Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries, within 3 days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described under Paragraph F.1. of this section.~~

~~8.——Access: As a condition to obtaining an out-of-state landing permit or transporting private lease oysters out-of-state, all vessel owners must allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.~~

~~9.—Tampering: Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy of computing the vessel's position fix.—~~

~~10.—Violation: Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be deemed a violation of this section. All oysters taken, possessed, or transported by an oyster vessel in violation shall be considered illegally taken, possessed, or transported. All persons aboard vessels with oysters on board located in the VMS Demarcation area without complying with the requirements herein shall be in violation of the VMS regulations. No person shall possess, transport, sell, barter, trade, or exchange or attempt to sell, barter, trade, or exchange oysters taken from any waters of the state transported by vessel to any location outside of the state without complying with the provisions of this section. The provisions of this section do no exempt any person from any other laws, rules, regulation, and license requirements for this or other states as they pertain to the interstate shipment of shellfish. Violations of this section shall constitute a class 2 violation.—~~

~~11.—Demarcation Line: The VMS Demarcation Area is defined by a line within one mile of the state territorial line prior to exiting the State of Louisiana (A copy of a map showing the line is available from the Department of Wildlife and Fisheries upon request).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:120 (February 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:1624 (July 2005), LR 34: .

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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, February 7, 2008.

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).

Earl P. King, Jr.  
Chairman

Major Ronald Morris noted the next item, **To receive and hear briefing on Regulations for Vessel Titling Notice of Intent** was for information only. During the Legislature's last session, a law was passed in Title 34 to title all vessels. He stated he has been working with the Motorboat Section and Mrs. Janis Landry on developing the rules and regulations. Major Morris added they have also been meeting with financial institutions that proposed and had the legislation passed. Staff was working with an electronic system which would allow for a more modern system. The title would be a one time fee and could be used as a lien. He felt that when the regulations were presented to the Commission, all of the bugs would be worked through. Chairman King asked if this was in response to a state statute and Major Morris stated that was correct.

Mr. Marty Bourgeois presented the next agenda item, **To receive an update on Marine Fisheries Division Federally Funded Hurricane Debris Removal Project - Lake Pontchartrain Basin**. He began noting that funding for this project came from a \$54 million grant the Department received through NOAA Fisheries, Department of Commerce and the Gulf States Marine Fisheries Commission. The Department recognized that marine debris removal was a huge problem and stretched from one end of the state to the other. About \$15 million was specifically allocated to deal with removal of marine debris. Through a RFP (request for proposal) process, Crowder Gulf Joint Venture was awarded a contract to do the removal. When structuring the contract, the Department wanted Louisiana fishermen and charter boat operators and their vessels to be a part of this program. Also, they assigned the contractor 4 nautical square mile grids and asked that they remove everything in the grid. A map of Lake Borgne broken into grids and numbered with dots scaled to size on the targeted debris was shown. One area that was avoided were private oyster leases due to liability reasons. Ten grids were assigned in Lake Borgne and the contractor made very good progress. They even asked for additional assignments. The Department grid all of Lake Pontchartrain including the Middle Ground in Lake Catherine. All of the Lake Pontchartrain and Lake Catherine grid areas plus 2 from Lake Borgne were assigned to the contractor bringing to a total of 37 grids assigned to date. Marine debris removal has been completed in 29 of the 37 grids. Mr. Bourgeois noted documentation on marine debris removal was important. A slide was shown of side scan sonar transects of the Chef Mentuer area and how it was an effective way of identifying where debris was located. A report included an image of every target that was surveyed as well as vessel tracks. Another part of the report included the target number, its position, length, width and what exactly it was. Next, Mr. Bourgeois showed slides of examples of the 1200 items pulled from the lake. The contractor invoiced the Department for 29 of those 37 grids at a price of about \$1.1 million. The Department recognizes also the need for marine debris removal in Calcasieu Lake. Calcasieu Lake has been divided into 41 4-square mile grids and assigned the contractor 31 of those grids. There was still more side scan sonar survey work in Calcasieu Lake to be done; however, some items have already been removed. Once this project was completed, about 30 grids would remain under the contract. The Louisiana Recovery Authority (LRA) and Louisiana's Congressional Delegation has



pressed FEMA to treat Louisiana as they did Mississippi and Alabama. After the contract for the minimum 100 grids was completed, the Department would take the money allocated for marine debris removal and use it in other ways beneficial to fishing. Some of those ways included shoreline stabilization projects and marsh creation projects. Commissioner Morrow asked how much money would be left once the contract was terminated. Mr. Bourgeois stated \$15 million was allocated for marine debris removal, of which half was executed as an Interagency Agreement with the Department of Natural Resources (DNR) which has an underwater obstruction removal program. Once the obligation with the contract was finished, there would be a balance of about \$12.3 million that could be used other ways to benefit habitat. Commissioner Oats asked how was the progress going with LRA and the Coast Guard. Mr. Bourgeois felt there would be a document from the federal level assigning the Coast Guard with the mission assignment. He added there has been meetings and a verbal acknowledgment of taking this mission assignment. DNR has become the lead agency and this Department would assist them as best possible. The Coast Guard has to evaluate the project and determine what was eligible and what was not. The LRA and GOSHEP were concerned with private waters since federal dollars are not allowed to be spent in cleaning those areas. Commissioner Oats felt some of the money could be used to document the problem and prod the Coast Guard along. Mr. Bourgeois mentioned that NOAA received funding to do side scan sonar surveys to identify the debris fields. He did not know if the NOAA money was to be used behind the contractor to see if he has done an appropriate job or in advance to try to identify what was where. Chairman King stated the slides reminded him of the important role the Department played in the Hurricane Katrina extraction relief in New Orleans. He felt that was one of the Department's finest hours. Mr. Bourgeois stated the Department's intent, after completing the Calcasieu area, was to move into Vermilion Bay and lower Plaquemines Parish.

**To receive and consider Resolution and Declaration of Emergency on a Closure of Portions of State Outside Waters to Shrimping** was also handled by Mr. Marty Bourgeois. The action would close to shrimping offshore waters south of the Inside/Outside shrimp line from the western shore of Freshwater Bayou Canal eastward to the U.S. Coast Guard Navigational Light. If approved, the action would become effective at 6 a.m. on Tuesday, December 18 which would be in conjunction with the closure of all inside waters to shrimping. Mr. Bourgeois noted this closure comes about 3 weeks earlier than it had in the past. He then stated the shrimp in this area of the closure would allow them to grow to larger and more valuable sizes. The action would authorize the Secretary to close remaining outside waters if data indicated the need or to reopen an area when the closure was no longer necessary. The Declaration of Emergency would authorize the Secretary to open and close special shrimp seasons in portions of inside waters when it would not be detrimental to small brown shrimp. Commissioner Samanie made a motion to approve the Resolution and Declaration of Emergency. The motion was seconded by Commissioner Sagrera and it passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION

2007 Closure of State Outside Waters to Shrimping  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
December 6, 2007

WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, R.S. 56:497 provides the Commission shall also have the right to set special seasons for all or part of the state waters, and

WHEREAS, R.S. 56:497 provides the Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest, and

WHEREAS, R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, in state outside waters, water temperatures remain below 15 degrees Centigrade and the growth rate of white shrimp is therefore slow, and

WHEREAS, current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in a portion of state outside waters average smaller than 100 possession count and additional small white shrimp are expected to recruit to these waters during the remainder of winter and early spring, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby order a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude at 6 a.m. on Tuesday, December 18, 2007.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp,

any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the State's inside waters where such a season would not detrimentally impact developing brown shrimp populations.

BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

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Earl P. King, Jr., Chairman  
Wildlife and Fisheries Commission

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 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 have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate, the Wildlife and Fisheries Commission hereby orders a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude. This closure is effective at 6 a.m., Tuesday, December 18, 2007.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of state outside waters do not average 100 possession count and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and more valuable size.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp,

any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries 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.

Earl P. King, Jr.  
Chairman

**To receive and consider Rule Ratification on Designation of Additional Lake Mechant Public Oyster Seed Grounds** began with Chairman King stating the Commission adopted the Notice of Intent and it had already gone through the public comment period. Mr. Patrick Banks asked the Commission to consider ratifying the rule which would add approximately 500 acres to the existing 2100 acre Lake Mechant Public Oyster Seed Grounds. Hearing no questions, Commissioner Sagrera made a motion to adopt, it was seconded by Commissioner Morrow and approved with no opposition.

(The full text of the Resolution and Rule are made a part of the record.)

## RESOLUTION

### PROMULGATION OF FINAL RULE FOR THE EXPANSION OF THE LAKE MECHANT PUBLIC OYSTER SEED GROUNDS

December 6, 2007

WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and

WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside areas from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and

WHEREAS, the additional public oyster resources would assist the oyster industry in rehabilitation efforts on the private oyster leases to help recover from the 2005 hurricane impacts, and

WHEREAS, portions of un-leased water bottoms in Lake Mechant that are not part of the current Lake Mechant Public Oyster Seed Ground as described in LAC 76:VII.517 contain harvestable oyster resources, and

WHEREAS, the current oyster lease moratorium effectively prohibits harvest of this oyster resource as these water bottoms are not available for lease, and

WHEREAS, the proposed additional acreage would create a contiguous seed ground by adding acreage to the existing Lake Mechant Public Oyster Seed Ground that could be effectively managed and patrolled in the best interest of the state, and

WHEREAS, the Louisiana Oyster Task Force has recommended that the additional acreage be added to the Lake Mechant Public Oyster Seed Ground, and

WHEREAS, the oyster resource in this area would be immediately placed under active state management for the long-term benefit of the resource and protection of the natural reefs, and this would allow harvest of this resource during an open oyster season providing rehabilitation and economic benefit to the oyster industry, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission passed a Resolution and Notice of Intent on August 2, 2007 to designate these water bottoms as additions to the Lake Mechant Public Oyster Seed Grounds, and

WHEREAS, that Notice of Intent has completed the public notice and legislative oversight process.

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby promulgate the Final Rule to designate additional public oyster seed ground acreage on those state-owned water bottoms of Lake Mechant within the areas described in the attached Final Rule, and

BE IT FURTHER RESOLVED, a Final Rule describing the additional Lake Mechant Public Oyster Seed Grounds is attached to and made part of this resolution.

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Earl P. King, Jr., Chairman  
Wildlife and Fisheries Commission

## RULE

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby designate additional state-owned waterbottoms in Lake Mechant in Terrebonne Parish to be added to the Lake Mechant Public Oyster Seed Ground as described in Louisiana Administrative Code (LAC) 76:VII.517. Authority to establish this addition to the Lake Mechant Public Oyster Seed

Ground is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

##### Chapter 5. Oyster

##### **§517. Public Oyster Seed Grounds – Portions of Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake, and Barataria Bay**

The following areas are designated as oyster seed grounds:

1. a. Lake Mechant, Terrebonne Parish: The state waterbottoms within the following corners:

|                     |                     |
|---------------------|---------------------|
| 29° 19' 45.36273" N | 90° 58' 19.84034" W |
| 29° 18' 52.50955" N | 90° 57' 32.90680" W |
| 29° 18' 41.04086" N | 90° 55' 58.95532" W |
| 29° 16' 47.29750" N | 90° 56' 44.37133" W |
| 29° 18' 33.55333" N | 90° 57' 37.82946" W |
| 29° 18' 46.69380" N | 90° 59' 21.09926" W |

b. Additional portions of the Lake Mechant Public Oyster Seed Grounds are described as follows:

i. Addition 1: Beginning at a point on the border of the existing Lake Mechant Public Oyster Seed Grounds at latitude 29 degrees 18 minutes 33.5533 seconds N and longitude 90 degrees 57 minutes 37.8295 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 14.8543 seconds N and longitude 90 degrees 57 minutes 39.1397 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 03.4928 seconds N and longitude 90 degrees 57 minutes 38.8965 seconds W; then southerly to a point at latitude 29 degrees 17 minutes 42.1030 seconds N and longitude 90 degrees 57 minutes 28.7632 seconds W; thence southwesterly to a point at latitude 29 degrees 17 minutes 36.2469 seconds N and longitude 90 degrees 57 minutes 35.9244 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 29.3388 seconds N and longitude 90 degrees 57 minutes 30.9068 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 18.0878 seconds N and longitude 90 degrees 57 minutes 26.2988 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 12.1229 seconds N and longitude 90 degrees 57 minutes 22.7942 seconds W; thence southeasterly to a point at latitude 29 degrees 17 minutes 04.4969 seconds N and

longitude 90 degrees 56 minutes 57.2000 seconds W; thence southeasterly to a point at latitude 29 degrees 17 minutes 01.3854 seconds N and longitude 90 degrees 56 minutes 51.4572 seconds W; thence northwesterly along the existing Lake Mechant Public Oyster Seed Grounds border to the point of beginning.

ii. Addition 2: Beginning at a point on the border of the existing Lake Mechant Public Oyster Seed Grounds at latitude 29 degrees 18 minutes 41.0409 seconds N and longitude 90 degrees 55 minutes 58.9553 seconds W; thence southerly to a point at latitude 29 degrees 18 minutes 30.9866 seconds N and longitude 90 degrees 56 minutes 01.3860 seconds W; thence southeasterly to a point at latitude 29 degrees 18 minutes 15.9476 seconds N and longitude 90 degrees 55 minutes 53.2347 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 59.3179 seconds N and longitude 90 degrees 56 minutes 07.0156 seconds W; thence southerly to a point at latitude 29 degrees 17 minutes 21.1676 seconds N and longitude 90 degrees 56 minutes 21.2961 seconds W; thence southerly to a point at latitude 29 degrees 16 minutes 47.2975 seconds N and longitude 90 degrees 56 minutes 44.3713 seconds W; thence northerly along the border of the existing Lake Mechant Public Oyster Seed Grounds to the point of beginning.

2. - 6. ...

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:214 (February 2001), repromulgated LR 27:431 (March 2001), amended LR 33: (December 2007).

Earl P. King, Jr.  
Chairman

The Commissioners agreed to hold the **April 2008 Meeting** on Thursday, April 3, 2008, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Charles Mesch stated he was a handicapped hunter that deer hunts on Sherburne WMA and ran into other hunters on the handicapped trails that were not handicapped. When he asked a Department employee who could hunt on a handicapped trail he was told that his wife could not ride on the 4 wheeler with him, she had to walk. Mr. Mesch felt this regulation was handicap unfriendly. Another problem was the placement of the handicap trails on the WMA. A question he asked was why could his wife not ride on his 4 wheeler or on her own 4 wheeler and the answer he received was this was not his problem. Mr. Mesch wanted to see a handicapped hunters spouse or helper allowed to use their own 4 wheeler and open more trails. Chairman King stated he would have someone with the WMA office and Enforcement call Mr. Mesch to get him some answers.

Mr. Tom D'Aquin asked how many ducks can he have in his freezer at home. Col. Winton Vidrine answered 12 ducks. Then Mr. D'Aquin asked how many ducks can he have at his camp in the marsh and Col. Vidrine again answered 12. Lastly Mr. D'Aquin asked how many could he have on his houseboat in the marsh and Col. Vidrine said 12. Mr. D'Aquin stated this regulation was not being enforced. Col. Vidrine asked for further information and stated the agents would handle it.

Mr. Joe Macaluso, outdoor writer for the Advocate, stated that when Committee Meetings to discuss disbursement of hunting related funds were held, there was a 72 hour notice needed for that meeting. Commissioner Oats and Commissioner Morrow felt there was only a 24 hour notice required.

There being no further business, Commissioner Morrow made a motion to **Adjourn** the meeting and it was seconded by Commissioner Samanie.

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Bryant O. Hammett, Jr.  
Secretary

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