

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

January 8, 2009

**PATRICK C. MORROW
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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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
JANUARY 8, 2009**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 8, 2009

Chairman Patrick Morrow presiding.

Earl King, Jr.
Stephen Oats
Stephen Sagrera
Robert Samanie, III
Ann Taylor

Secretary Robert Barham was also present.

Commissioner Frederic Miller was absent from the meeting.

Chairman Morrow called for a motion for approval of the **December 4, 2008 Commission Minutes**. A motion for approval was made by Commissioner Samanie and seconded by Commissioner Oats. The motion passed with no opposition.

For **Commission Special Announcements/Personal Privilege** for this month, Chairman Morrow mentioned that he has received a lot of comments on the deer tagging system. He suggested the Department study the deer tagging provisions in the statute and address some of its flaws.

To receive and hear Enforcement & Aviation Reports/December began with Lt. Col. Keith LaCaze stating the overall focus was primarily on deer and waterfowl hunting. A total of 1,584 citations and 212 written warnings were issued and agents responded to 28 public assists during the month. A lot of focus has been on deer tagging and its regulations and helping the public understand the program and be in compliance. Lt. Col. LaCaze added there were 70 hunting deer at night citations issued. Chairman Morrow felt one of the biggest misconception was that deer hunters can wait until they get to the camp to tag their kill, but the regulations indicate tagging needs to be done in the field. Lt. Col. LaCaze added that the DMAP and LADT had the regulation of placing the tag in the deer before it was moved and the Department just made it apply for the statewide tagging program. The Aviation Report showed that the three planes flew a total of 68.2 hours. There were no fatalities from the 6 boating accidents reported, but there were 5 injuries. A total of 141 accidents were reported for the year. Chairman Morrow felt the PFD's were in use during the accidents which may have alleviated any deaths. Lt. Col. LaCaze agreed that PFD's do

save lives. Commissioner Oats asked what was the compliance of PFD's and kill switches on hand tiller boats. Lt. Col. LaCaze stated there was a lot of public education on the use of PFD's and kill switches and it has showed with much better compliance. News Releases for December included: hunting ducks over bait in Vermilion Parish; the Oyster Strike Force worked in St. Bernard Parish on the closed areas; a rescue effort in St. Bernard Parish; and 4 Plaquemine men were cited for night hunting.

Before moving on to the next item, Secretary Barham stated it was a pleasure to welcome the newest Commission Member, Ms. Ann Taylor who would serve a 6 year term in the at-large position. He then noted that Ms. Taylor and her husband own and operate the Louisiana Sportsman Magazine. Secretary Barham then congratulated and welcomed Ms. Taylor to her first meeting. Chairman Morrow also welcomed Ms. Taylor on behalf of the Commission.

To receive and hear Oral Presentation Relative to Changes for Hunting Season Dates and General and WMA Hunting Regulations was handled by Mr. Randy Myers. He stated that the Department has been looking at next year's seasons as well as the 2010-2011 resident small game and deer seasons. At the next meeting, a formal recommendation on seasons would be presented to the Commission. Mr. Myers stated there would be no significant changes on the WMAs as well as the general seasons. One possible change was a new design for the pamphlet which would make it simpler to read and more consistent. Hunting seasons for the 2010-2011 season would be calendar adjustments except for the possibility of combining Area 4 deer season with Area 1. Another change would be clarifying language on regulations that were burdensome and unclear. The majority of changes on the WMAs would be calendar adjustments to the season dates except for a few increased days on select WMAs for deer hunting. In regards to the hog problem on the WMAs, Mr. Myers noted staff would ask the Commission to increase the take of hogs with dogs on those areas already with seasons as well as ask for hog seasons on other WMAs that did not have a season. Another change would be to eliminate the requirement for daily permit hunts, and utilize the self-clearing permit. UTV regulations for vehicles larger than the ATV current restrictions are being considered for use on the Department's roads and trails. With the budget situation, staff was looking at roads that requires a lot of operation and maintenance and possibly closing them and only allowing ATV use. Possible changes also would be presented by the Kisatchie National Forest and they may include: a reduction in the number of days for deer hunting with dogs; a change in the hunter orange requirement which may affect small game hunters; a possible increase in the take or harvest of feral hogs; and a change in off-season dog training and use of ATVs. There were no questions from the Commission, so public comments were accepted at this time.

Ms. Adagria Haddock stated, as discussed the last time she was at the meeting on the Christmas in the Country Trail Ride, this ride was one Allen Parish was famous for and people plan to come to this rural area. The tourism dollars received in the area from the ride were a very big boost to the local economy. The trail ride creates a sense of pride for the locals. Ms. Haddock asked the Commission for help in keeping the tradition and

develop a plan of action that would help the parish and the Department as well. Chairman Morrow asked how did the trail ride work out this past year. Ms. Haddock stated there were 250 to 300 people that showed up but some did leave upset and there were some enforcement issues. She added that it was really important to come up with a plan of action to continue this activity. Commissioner King asked how many participants and horses usually attended the trail ride. Ms. Haddock thought there were about 1,000 people and as many as 1,200 horses. Commissioner King then asked how long did the Christmas event last. Ms. Haddock stated the trail ride was on Saturday only, but the people use the campground area on the WMA for 4 to 5 days.

Mr. Phillip Turner, Chairman of the Elizabeth Recreation District, stated he represented a lot of people that wanted the trail ride back. This ride affects between 4,000 to 5,000 people, from the riders to the spectators. The town of Elizabeth has 3 businesses and having the trail ride results in a tremendous impact to those people. This past year was the 37th for the festival. Mr. Turner provided a brief history on the event and how it has grown over the years. The Elizabeth Recreation District manages the festival and charges \$5 per rider only to pay for the expenses to clean up, pick up the garbage, provide water and toilet facilities, provide guide service on the WMA, a sheriff's deputy and an EMT. Chairman Morrow asked what type of damage was there on the roads or trails by the horses. Mr. Turner stated the top of the surface was affected, but after the first rain, there was no way to tell where the horses had been. In response to Commissioner King's question on the number of days they utilize the area, Mr. Turner mentioned that the Wednesday before the ride was when most of the people start coming in and camp. The problem for this past year was the only place the horses could be ridden was on State Highway 112. Chairman Morrow stated they understood the situation and suggested the Department look to see if an exception could be issued for this WMA. He added that with exceptions, you could have a domino effect at times. The Chairman also noted the Commission understood the unique problem for the town of Elizabeth. Mr. Turner added that there was no where else in the area to go for this ride. He then pledged his committee would work with the Department. Commissioner King suggested a protocol be developed that would answer the enforcement objections. Chairman Morrow asked to hear from Enforcement. Lt. Col. LaCaze stated when the riders showed up this year, they used the camping area but not the WMA. The question came up as to whether the riders had to lead their horses to the gate and trough from their campsites or could they ride them. Enforcement allowed the riders to ride their horses to the front but emphasized they would not allow any abuse. Lt. Col. LaCaze stated, to his knowledge, everyone abided by that agreement.

Mr. Dave Moreland stated he made several hunting trips to Pearl River and Jackson-Bienville WMAs and would try to make more since there were extended either-sex seasons. He also stated his neighbor, Dr. Jim Avault was very much in favor of an extended season in Area 4 since their rut occurs right before Christmas and the second peak usually occurs after the season closes. Mr. Moreland felt Area 2 had the best deer season in the state since the first and second peak of breeding occurs during the season. Hunters from Areas 1 and 6 are fortunate if they see the first peak of breeding, so Mr. Moreland asked for a

later season for Areas 1 and 6. He suggested doing away with the early November gun hunt and run the season through the end of January.

Mr. Vance Gordon, Louisiana Wildlife Federation, stated a possible resolution for their annual meeting would address the hog problem. He felt the use of horses and dogs, especially Catahoulas, was the best way to catch wild hogs. Hogs are a real problem since their reproductive rates far exceed a deer. Mr. Gordon stated he has leases in Clinton and southwest Mississippi and has hogs on both areas. Hunters on the property in Mississippi have been trying for 3 years to kill hogs and have not been able to shoot one. He added he was glad to hear the proposal to allow horses and dogs on some WMAs. Mr. Gordon suggested easing the restrictions on when and how to hog hunt and aggressively go after them. Chairman Morrow agreed that hogs were a major problem throughout the state.

Chairman Morrow then recognized Representative Gordon Dove and Senator Reggie Dupre and welcomed them to the meeting.

Ms. Maria Davidson stated the next item, **To receive and hear Oral Presentation Relative to Protocol for Wildlife Conflict Resolution**, was in response to recent cougar sightings. The first sighting was on September 4 in Natchitoches Parish. The second sighting occurred on September 29 in Allen Parish, 100 miles from the first sighting. Both sightings were investigated and verified. In October, a Department press release was issued on the sightings. After that, a meeting was held to develop the Department's management philosophy in regards to cougars and a response plan on how to deal with them. While developing the plan, a cougar showed up in a neighborhood in Bossier City along the Red River. Department enforcement agents and biologists went to the area and confirmed the animal was a cougar. Ms. Davidson communicated with the Region Supervisor, Mr. Steve Hebert on a plan of action, drugs and dosages in an effort to capture the animal. Bossier City Police Department provided public safety and when the animal was darted, they felt there was a safety risk and the cougar was shot. This result was not what the Department wanted to occur. Necropsy sample results were typical of a wild, free ranging cougar. Other samples were taken of every organ, tissue and hair. DNA samples were sent to Texas Parks and Wildlife and to Florida. At the request of the Florida Panther Recovery Team, extensive disease samples were taken and all results were customary as found in a wild cougar. Staff has finalized the SOP which involved both biologists and enforcement agents so that future outcomes may have the results everyone wants. Chairman Morrow felt it an unfortunate situation the cougar had to be killed and hoped the SOP would alleviate this unfortunate situation in the future.

Mr. Vance Gordon stated he supported what Ms. Davidson and the Department did to develop a protocol in handling those animals. He added that he was glad to see cougars returning in Florida as well as the healthy habitat out west and hoped for the same in Louisiana.

To receive and consider Notice of Intent on Changes to Road Use on Spanish Lake, Iberia Parish was handled by Mr. Gary Tilyou. He began noting the Commission was in charge of many of the State's Lake Game and Fish Commissions and any regulations have to be adopted by Wildlife and Fisheries before it can be enforced. The Lake Commission for Spanish Lake would like to change the ring levee road from one-way to two-way. Chairman Morrow asked if the Department was in favor of the proposed change and was told yes. Mr. Tilyou stated there was no opposition at the Lake Commission Meeting. Commissioner Oats made a motion to adopt the Resolution and Notice of Intent and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

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

A RESOLUTION OF THE
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
January 8, 2009

WHEREAS, the Louisiana Wildlife and Fisheries Commission oversees many of the state's lake commissions, including the Spanish Lake State Game and Fish Preserve Commission and,

WHEREAS, the Spanish Lake Game and Fish Preserve Commission has requested the Department to amend the rules governing the use of the Spanish Lake State Game and Fish Preserve in Iberia and St. Martin Parishes.

THEREFORE BE IT RESOLVED that the Wildlife and Fisheries Commission does hereby promulgate a Notice of Intent, attached to and made a part hereof, to amend the rules governing the use of the Spanish Lake State Game and Fish Preserve and,

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the Final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and Final Rule and the preparation of reports and correspondence to other agencies of government.

Patrick C. Morrow, Chairman
Wildlife & Fisheries Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on the Spanish Lake State Game and Fish Preserve located between New Iberia and Lafayette in Iberia and St. Martin Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

PART III. STATE GAME AND FISH PRESERVES AND SANCTUARIES

Chapter 1. Responsibilities, Duties, and Regulations

§329. Spanish Lake State Game and Fishing Preserve

A. General

1. Parking is restricted to designated parking areas.

~~2. The levee road will have one-way traffic with the entrance at the boat ramp and the exit on Bernard Drive.~~

~~3~~ 2. ATV's (three wheelers and four wheelers) and motorbikes are prohibited on the levee.

~~4~~ 3. Discharge of any firearms on the levees is prohibited.

~~5~~ 4. Overnight camping is prohibited, except by special permit issued by Spanish Lake Game and Fishing Preserve Commission for supervised groups only.

~~6~~ 5. The possession or use of commercial nets, including hoop nets, trammel nets, gill nets and fish seines, is prohibited, except by special permit issued by the Louisiana Department of Wildlife and Fisheries.

~~7~~ 6. No trapping of furbearing animals, except by special permit issued by the Louisiana Department of Wildlife and Fisheries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:721, et seq., R.S. 56:801 and R.S. 36:610.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 23:872 (July 1997), amended LR 30:1734 (August 2004), amended LR .

Interested persons may submit written comments of the amended rule to Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, March 5, 2009.

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

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).

Patrick C. Morrow
Chairman

To receive and consider a Resolution and Declaration of Emergency - 2009 Recreational Red Snapper Season was the first of several items to be presented by Mr. Harry Blanchet. Federal regulations were changed last year on the harvest of red snapper in the Gulf of Mexico and the Commission adopted compatible regulations. This year those same regulations would be in effect, but some of those initial regulations were not passed by all states which may have resulted in the recreational fishery over run its allowable catch. The proposed Resolution and Declaration of Emergency would allow the Secretary to make adjustments in the season dates if the dates were modified by the National Marine Fisheries Service. Hearing no questions, Commissioner Samanie made a motion to adopt the Resolution and Declaration of Emergency, Commissioner King seconded and it was unanimously approved.

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

RESOLUTION
DECLARATION OF EMERGENCY TO SET
2009 RECREATIONAL RED SNAPPER SEASON

Louisiana Wildlife and Fisheries Commission
January 8, 2009

WHEREAS, the reef fish resources in the Gulf of Mexico off the coast of Louisiana are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with the advice of the Gulf of Mexico Fisheries Management Council (Gulf Council), and

- WHEREAS, regulations promulgated by NMFS are applicable for waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and for federally permitted reef fish harvesters, and
- WHEREAS, regulations promulgated by the Louisiana Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, have provided rules for the harvesting of reef fish in Louisiana's state waters, and
- WHEREAS, NMFS is constrained by statute and court ruling to limit both recreational and commercial take of red snapper in the Gulf of Mexico, and
- WHEREAS, on January 29 2008, NMFS published final rules for Amendment 27 / 14 in the Federal Register, which included a reduced total allowable catch of red snapper in the Gulf of Mexico to 5.0 million pounds, as well as a recreational season of June 1 through September 30 of each year, with a bag limit of 2 fish per person, other than for captain and crew of a vessel under charter, who had a bag limit of zero, and
- WHEREAS, the initial estimates of harvest within the season and bag limit framework were developed under the assumption that the adjoining states would enact compatible regulations, and
- WHEREAS, adoption of compatible regulations for Louisiana state waters where feasible enhances effectiveness and enforceability of the regulations already in place for reef fishes harvested in the EEZ off of Louisiana, and
- WHEREAS, not all states have promulgated compatible regulations, which may lead to modification of the recreational season, or other measures to restrain the fishery within the recreational quota, requiring a modification in regulations, and
- WHEREAS, fisheries for reef fishes also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and
- WHEREAS, R.S. 56:320.2(C) provides that all vessels fishing in the federal exclusive economic zone (EEZ) shall comply with all applicable federal laws and regulations, and
- WHEREAS, R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3 provide authority for adoption of this rule through the Wildlife and Fisheries Commission,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Declaration of Emergency to establish the opening and closing dates of the recreational fishery for red snapper in Louisiana waters, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the opening and closing dates for the recreational harvest of red snapper in Louisiana state waters that are established by this Declaration of Emergency if he is informed by the National Marine Fisheries Service (NMFS) that the recreational red snapper quota for the Gulf of Mexico has been harvested or is projected to be harvested, with such closure order to close the season until 12:01 a.m., June 1, 2010, which is the date expected to be set for the re-opening of the recreational red snapper season in Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also authorizes the Secretary to open additional recreational red snapper seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the recreational red snapper quota for the Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the recreational red snapper harvest including trip and size limits established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that 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 Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency establishing the 2009 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Patrick C. Morrow, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were promulgated by NMFS on January 29, 2008 to enact provisions of the red snapper rebuilding plan (Reef Fish Amendment 27 / Shrimp Amendment 14). These rules included establishing a recreational season of June 1 through September 30 of each year. A compatible season was established for Louisiana waters by the Wildlife and Fisheries Commission at their March 6, 2008 meeting. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Existing rules have established that the recreational red snapper season shall open on June 1, 2009, and remain open until 12:01 a.m., October 1, 2009, with a recreational bag limit for red snapper of 2 fish per person per day during this open season. Captain and crew members shall not harvest or possess red snapper while operating as charter vessels and headboats as defined in Federal Regulations 50 CFR Part 622.2. Their bag limit is zero.

The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the recreational harvest of red snapper in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable recreational quota has been harvested in the Gulf of Mexico and the recreational season closed in Federal waters of the Gulf of Mexico, and if he is requested by the Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the recreational season described here in Louisiana state waters if he is informed by NMFS that the season dates for the recreational harvest of red snapper in the Federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters. Such authority shall extend through January 31, 2010.

Patrick C. Morrow
Chairman

Next, Mr. Harry Blanchet presented **To receive and consider a Resolution and Declaration of Emergency to Modify Reef Fish Harvest Rules - Gag Recreational**

Season and Harvest Limit, Federally Permitted Vessel Regulations for the Commission's consideration. This rule modification dealt with an on-going change in gag regulations in the Gulf of Mexico. The 2006 assessment showed that the harvest of gag resulted in an overfishing situation and there was a need to reduce the fishing pressure. The Gulf of Mexico Fishery Council was proposing to establish new regulations for the commercial and recreational harvest of gag and the National Marine Fisheries Service adopted interim rules effective January 1, 2009. These rules would remain in effect until the permanent rules were established for gag. The Resolution and Declaration of Emergency would establish the same regulations for Louisiana's state waters. The recreational bag limit for gag would be reduced to 2 fish out of the 5 fish recreational bag, the creel limit for captain and crew under charter would be zero, and commercially and recreationally permitted vessels, when fishing in state waters, has to follow the more stringent rules when harvesting gag, red snapper, greater amberjack or triggerfish. A motion to adopt the Resolution and Declaration of Emergency was made by Commissioner Samanie and was seconded by Commissioner Sagrera. The motion passed with no opposition.

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

RESOLUTION
DECLARATION OF EMERGENCY TO
MODIFY REEF FISH HARVEST RULES – GAG RECREATIONAL SEASON AND
HARVEST LIMIT, FEDERALLY PERMITTED REEF FISH VESSEL REGULATIONS

Louisiana Wildlife and Fisheries Commission
January 8, 2009

WHEREAS, the reef fish resources in the Gulf of Mexico off the coast of Louisiana are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with the advice of the Gulf of Mexico Fisheries Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable for waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and for federally permitted reef fish harvesters, and

WHEREAS, regulations promulgated by the Louisiana Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, have provided rules for the harvesting of reef fish in Louisiana's state waters, and

WHEREAS, in December 2008, NMFS promulgated an interim rule that modified size limits for the recreational season and harvest limit for gag, and established regulations for federally permitted vessels in the reef fish fishery (charter, headboat, and commercial), and

WHEREAS, the NMFS interim rule is intended to be replaced during the next year with permanent regulations intended to reduce fishing mortality rates on gag, and to enact permanent regulations on federally permitted vessels in the reef fish fishery, as well as other actions, and

WHEREAS, NMFS has requested the Department of Wildlife and Fisheries to implement consistent regulations in Louisiana state waters, and

WHEREAS, adoption of compatible interim regulations for Louisiana state waters where feasible would enhance effectiveness and enforceability of the regulations already in place for reef fishes harvested in the EEZ off of Louisiana, and

WHEREAS, fisheries for reef fishes also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and

WHEREAS, the harvest and size limits established as part of this rule require emergency action in order to be effective near the same time as these rules will become effective in adjacent Federal waters of the EEZ, and

WHEREAS, R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3 provide authority for adoption of this rule through the Wildlife and Fisheries Commission,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby adopts a Declaration of Emergency to modify reef fish management measures by adoption of rules consistent with those in effect in Federal waters offshore of Louisiana, and

BE IT FURTHER RESOLVED, the complete copy of the Declaration of Emergency is attached to and made part of this resolution, and

BE IT FURTHER RESOLVED, that this Declaration of Emergency shall become effective at 12:01 a.m., January 10, 2009, and

BE IT FURTHER RESOLVED, that 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 Declaration of Emergency, including but not limited to the preparation of reports and correspondence to other agencies of government.

Patrick C. Morrow, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to modify the recreational gag season, reduce the recreational gag creel limit, and require operators of federally permitted Gulf of Mexico commercial and for-hire reef fish vessels to comply with the more restrictive of federal or state reef fish regulations when fishing in state waters for red snapper, greater amberjack, gray triggerfish, and gag. NMFS has requested consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana water to coincide with the regulation set forth by NMFS, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Effective 6 a.m., January 10, 2009, recreational anglers can retain 2 gag per person within the 5 fish grouper daily take and possession limit. Anglers may only have a two day limit in possession aboard a charter vessel or headboat on a multi-day trip, if the vessel has two licensed operators as required by the U.S. Coast Guard for trips more than 12 hours, and if each angler has in possession a receipt issued on behalf of the vessel verifying the length of the trip.

The closed season for recreational harvest of gag is modified to run from February 1 through March 31.

Effective at 6 a.m., January 10, 2009, operators of federally permitted Gulf of Mexico commercial and for-hire reef fish vessels must comply with the more restrictive of federal or state reef fish regulations when fishing in state waters for red snapper, greater amberjack, gray triggerfish, and gag.

Patrick C. Morrow

Chairman

To receive and consider a Resolution and Declaration of Emergency - 2009-10 Reef Fish Commercial Seasons began with Mr. Harry Blanchet stating this was an annual action item. Several reef fish seasons have quotas set and when those quotas are met, the National Marine Fisheries Service closes those seasons. This action would allow the Secretary to take the same action in state waters when requested by the Fisheries Service in order to have compatible regulations. Commissioner King made a motion to adopt the Resolution and Declaration of Emergency, seconded by Commissioner Sagrera and passed with no opposition.

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

RESOLUTION

2009-10 REEF FISH COMMERCIAL SEASONS

Louisiana Wildlife and Fisheries Commission

January 8, 2009

WHEREAS, the reef fish complex is composed of several groups of species that inhabit marine waters off the coast of Louisiana, including red snapper, other species of snappers, groupers, amberjacks, triggerfishes, grunts, wrasses, sea basses, tilefishes and porgies as listed in LAC 76:VII.335, and

WHEREAS, the reef fish fisheries are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, some species are managed with species-specific regulations, while others are managed as species groups, such as the shallow-water and deep-water groupers and tilefishes, and

WHEREAS, the fisheries for reef fish continue to remain open as of January 1 except for some species with seasonal or permanent closures, established in LAC 76:VII.335 and 76:VII.337, and

WHEREAS, additional changes have been established in Federal waters in 2009 through interim regulations to modify some of these commercial seasons, and

WHEREAS, commercial quotas have been established for some of these species and groups, which have the potential to be filled during the course of the fishing year, and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and

WHEREAS, the NMFS and the Gulf Council regularly request the Department of Wildlife and Fisheries to implement consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2009-10 seasons for commercial harvest of reef fish in Louisiana state waters as described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the season for the commercial harvest of any species or group of species of fishes listed in LAC 76:VII.335, and to re-open and re-close these seasons in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the same season has been modified in the federal waters of the Gulf of Mexico, and that the Regional Administrator of NMFS requests that the season be modified in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding reef fish harvest, including possession limits, permit requirements and size limits established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that 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 Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting 2009-10 commercial reef fish seasons in Louisiana state waters is attached to and made part of this resolution.

Patrick C. Morrow, Chairman

Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2009-10 Reef Fish Commercial Seasons

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The commercial fishing seasons for reef fish as listed in LAC 76:VII.335, Reef Fish – Harvest Regulations continue to remain open as of January 1 of each year unless otherwise provided for in LAC 76:VII.335 and LAC 76:VII.337, or as a result of actions by the Secretary as authorized below. These commercial fishing seasons include closed seasons for some species and species groups as listed in LAC 76:VII.335 and in LAC 76:VII.337, including prohibition on harvest of goliath and Nassau groupers.

In addition, the Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the commercial harvest of any species or group of species of the fishes listed in LAC 76:VII.335, Reef Fish – Harvest Regulations, in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable commercial quota has been harvested in the Gulf of Mexico, and if he is requested by the Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the commercial seasons described here in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of these fish species in the Federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters. Such authority shall extend through January 31, 2010.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell the affected species of fish, whether taken from within or without Louisiana territorial waters. Also effective with these closures, no person shall possess the affected species of fish in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish

taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Patrick C. Morrow
Chairman

Last agenda item for Mr. Harry Blanchet was **To receive and consider a Resolution and Declaration of Emergency - 2009-10 Commercial King Mackerel Season.** The commercial king mackerel season opens July 1 each year and runs until the quota was completed. This action would allow the Secretary to close the season when the National Marine Fisheries Service's Regional Director requests the closure. Commissioner Sagrera made a motion to adopt the Resolution and Declaration of Emergency and it was seconded by Commissioner Samanie. The motion passed with no opposition.

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

RESOLUTION

2009-10 COMMERCIAL KING MACKEREL SEASON

January 8, 2009

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and

WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2009-10 commercial king mackerel season in EEZ waters is scheduled to open on July 1, 2009, and

WHEREAS, R.S. 49:953(B) allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons by emergency rule and R.S. 49:967 allows the Wildlife and Fisheries Commission to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and

WHEREAS, R.S. 56:6(25)(a) and R.S. 56:326.3 provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2009 season for commercial harvest of king mackerel in Louisiana state waters, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2010, which is the date expected to be set for the re-opening of the commercial king mackerel season in Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the commercial king mackerel harvest including trip and size limits established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that 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 Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2009-10 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.

Patrick C. Morrow, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2009-10 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2009 and remain open until the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2010, which is the date expected to be set for the re-opening of the 2010-11 commercial king mackerel season in Federal waters.

The Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell king mackerel, whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess king mackerel in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Patrick C. Morrow
Chairman

To receive and hear an Overall Review of Act 922 was addressed by Ms. Karen Foote in response to a request from the Commission. The Legislature worked with the oyster industry and passed a permit that was to be required beginning January 1, 2009 in order to harvest oysters off of the public seed grounds except in Calcasieu and Sabine Lakes. The law goes through November 15, 2013. The 2009 year was a key year in getting a permit and after that only renewals would be issued. A News Release was issued mid-November on the permits and the Department began selling it on November 15. Cost of the permit was \$15 for residents and \$60 for non-residents and so far, there have been about 350 resident and 50 non-resident permits sold. The law provides for an Appeals Board of 9 members appointed by various oyster fishing associations and each member must have a permit and a license. Thus far, 5 members have been appointed. There was one official appeal pending and several others have indicated they would appeal. The basic qualifications and specific issues with course of action were then reviewed by Ms. Foote. Statute has that all rules were to be in place by April 1, 2009 and all were on track for that to occur. One problem was that fishermen that recently started fishing oysters after May 31, 2007 will not qualify for the permit. The staff was having to explain to lots of fishermen why they can no longer fish the grounds they began fishing in May 2007. Ms. Foote felt this law was one of the most complicated rules she has ever dealt with. Commissioner Samanie felt Act 922 was one of those “be careful of what you ask for, you might get it” situation with the oyster industry wanting limited entry. He thanked Ms. Janis Landry and her staff and Mr. Patrick Banks for their work on this issue. Chairman Morrow asked if this legislation would limit everyone from going to fish the seed grounds if they did not have a permit or boat under construction within certain timeframes, and Ms. Foote stated, that was what the Act did. Ms. Foote added that if someone really wanted to go fishing and they found someone getting out of the business, they could have that permit reissued to them. Commissioner Samanie felt it was only a matter of time before a discriminatory lawsuit was filed. He thought it would be repealed. Ms. Foote noted the industry had strong support for this legislation and strong criticism.

Election of Chairman and Vice-Chairman was the next agenda item for discussion. Commissioner Sagraera nominated Commissioner Samanie for Chairman and it was seconded by Commissioner Oats. Hearing no other nominations, Commissioner Samanie was elected Chairman by acclamation. Commissioner Samanie stated one of his favorite places to visit was the American Museum of Natural History in New York. He found a quote by President Theodore Roosevelt which read, “The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased; and not impaired in value.” The quote further read, “Conservation means development as much as it does protection.” Commissioner Samanie hoped to follow the President’s lead and possibly do as good of a job as his predecessor.

Senator Reggie Dupre thanked each Commissioner for their service. He added that he and Representative Gordon Dove wanted to stop by the meeting with both of them serving as Chairman of the Natural Resources Committees and living in Terrebonne Parish. He congratulated Commissioner Samanie and noted he always had a broad view and was willing to look at the big picture on wildlife and fisheries and the natural resources of the

state. Senator Dupre added that he looked forward to working together in an official capacity. Representative Dove also congratulated Commissioner Samanie and felt he would do a great job. He then commented that the Commission has done a great job also.

Senator Dupre stated that the 2009 Legislative Session was a fiscal year and each legislator was limited to 5 bills. He noted both he and Representative Dove would save one of their bills for the Department. Senator Dupre then announced that he was the only Chairman with 2 Senate Counsels working for him.

Chairman Morrow then asked for nominations for Vice-Chairman. Commissioner King nominated Commissioner Miller and it was seconded by Commissioner Oats. Hearing no other nominations, Commissioner Miller was elected Vice-Chairman by acclamation. Chairman Morrow noted Commissioner Miller could not attend the meeting, but assured him he would be at the next meeting.

The Commissioners agreed to hold the **May 2009 Meeting** on Thursday, May 7, 2009, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next was to receive **Public Comments** and none were heard.

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

Robert J. Barham
Secretary

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