

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

January 6, 2011

**STEPHEN J. OATS
CHAIRMAN**

BATON ROUGE, LOUISIANA

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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
JANUARY 6, 2011

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 6, 2011

Chairman Stephen Oats presiding.

Billy Broussard
Ronny Graham
Patrick Morrow
Stephen Sagrera
Mike Voisin

Secretary Robert Barham was also present.

Commissioner Ann Taylor was absent from the meeting.

Chairman Oats called for a motion for approval of the **December 2, 2010 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Sagrera. The motion passed with no opposition.

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

To announce 2009-2010 Employee Rewards and Recognition Winners began with Ms. Marianne Burke stating it was her honor to announce the winners. This program acknowledges employees at all levels for outstanding performances, achievements and accomplishments. Co-workers nominated the winners and were evaluated through a committee. Winners for the Secretary's Award were Mr. Daniel "Todd" Baker and Mr. Evan Thames. Employees of the Year Award recipients were Ms. Chantelle Coates for the Office of Management and Finance, Captain Rachel Zechenelly for the Office of the Secretary, Mr. Mike Carloss for the Office of Wildlife and Mr. Robert Gough for the Office of Fisheries. Winners of the Customer Service Award were Ms. Susan Newsom, Office of Management and Finance; Ms. Patsy Ball, Office of Secretary; Mr. Wayne Huston, Office of Wildlife; and Ms. Melissa Crouch, Office of Fisheries. There were 4 group winners for Special Achievement by a Team. The first team award was for the Deepwater Horizon Oil Spill and new Department websites designed during the disaster and those recipients were Mr.

Thomas Gresham and Mr. Hank Yates. The next team award was to Ms. Chantelle Coates and Ms. Paula Breaux with the Office of Management and Finance and Ms. Linda Bennett and Lt. Spencer Cole with the Office of the Secretary. The third team award was for the Deepwater Horizon Oil Spill Response and Disaster Recovery Team within the Office of Fisheries and included Ms. Lisa Appelbaum, Mr. Mark Belter, Ms. Kristie Carraway, Mr. Vince Cefalu, Ms. Melissa Crouch, Mr. Michael Harden, Ms. Michelle Kasprzak, Mr. Joe Meekins and Ms. Marsha Strong. The last team award was for the Deepwater Horizon Oil Spill Response and Disaster Recovery for the Office of Wildlife and included 147 recipients. Recipients for the Student Award were Ms. Lauren Puckett for the Office of Wildlife and Mr. Steven Reed for the Office of Fisheries. Chairman Oats congratulated the recipients and thanked them for their hard work.

To receive and hear Enforcement & Aviation Reports/December began with Lt. Col. Keith LaCaze stating there were 1,270 citations and 279 written warnings issued and agents helped with 47 public assists. During December, there were 5 boating accidents reported with 3 injuries and no fatalities (2010 year totals - 124 reported accidents with 84 injuries and 20 fatalities). The Department's three planes flew a total of 107 hours for the month. News releases discussed included an arrest of a convicted felon for firearms possession; a night hunting case in Franklin Parish; seeking information on bald eagle killings that occurred in the Plaquemines Parish area; and illegal black bear killings in the state. Chairman Oats asked if agents participated in investigating a hunting fatality in Vermilion Parish and Lt. Col. LaCaze stated yes, agents were involved.

The next agenda item, **To hear General Information on upcoming Hunting Seasons, WMAs, Rules and Regulations** was handled by Mr. Randy Myers. This information is a prelude for what will be introduced at the February meeting with a Notice of Intent for the 2011-2013 hunting seasons, and general hunting and WMA regulations. Wildlife staff has been meeting with other staff on formulating the proposed changes and will be meeting with other partners (U.S. Fish and Wildlife Service, U.S. Forest Service and Corps of Engineers) to discuss their proposed changes on their properties. The objective on these proposals has been to clarify and/or simplify the language and provide additional hunting opportunities particularly on the WMAs. State and federal laws have changed which include firearm language and this will be presented in order to be in compliance with those laws. Potential deer season changes may occur in Areas 1, 4 and

6. Mr. Scott Durham will present changes to the DMAP and LADT which would provide additional management options for clubs enrolled in a multi-tiered approach. Another change will be on the take of black birds under the Federal Depredation Order to have those taking black birds use steel shot and have a report submitted to the U.S. Fish and Wildlife Service. On the WMAs last year, limited access areas was instituted on several coastal areas and would like to expand that to several more coastal areas (Joyce and Manchac WMAs). Hog seasons will be established on all WMAs and run from October 1 to the end of February and provide a hog with dog season during February. Some WMA seasons will be moved to provide additional opportunities and asking, for the first time, for a youth hunt on Red River WMA. One regulation that will be modified is on the self-clearing permits, going from a 3 part permit to 2 parts (check-in and check-out). Mr. Myers then stated that the Fish and Wildlife Service will give the state additional options on setting the waterfowl seasons and establishing options in the duck zones. The options will be presented by Mr. Larry Reynolds and will give the public a chance to comment before action is taken in August. The options include 4 zones with no splits or 3 zones with splits; however, there will be a cost by having to do an evaluation of that process. Chairman Oats asked that a copy of the changes be sent by e-mail before the meeting.

Mr. Larry Robichaux, a hunter in Area 6, asked that the still hunt only season in the Attakapas area of Area 6 be extended to December 23 and then open the dog season on December 24.

To hear presentation on Wildlife Division GIS Program was given by Mr. Brad Mooney, Supervisor of the GIS Lab. GIS was an acronym for Geographic Information Systems, which are computer based systems used to store and manipulate geographic information. The difference between GIS and paper maps was GIS was the linkage of geographic features plus data bases. The GIS lab, established in October 2008, grew by staffing the lab, getting relevant base data and then buying needed hardware and software. The lab became operational in January 2009. The primary customers are the public by providing them with WMA maps, deer hunting area booklets, other maps as well as develop fishing closure maps for the Deepwater Horizon event. Besides helping the Department's staff, the GIS lab helps with partner agencies and organizations and has been developing a Louisiana statewide Conservation Lands Map. Next, Mr. Mooney showed examples of GIS analysis and remote sensing operations such as image classification and cartographic production. Other services include training other GIS users within the Department

and print graphics. Commissioner Voisin asked what was the staffing and budget for the lab. Mr. Mooney was not certain on the budget but noted there are 2 employees in the program.

Commissioner Mike Voisin began his agenda item, **To consider Declaration of Emergency to open the Primary Public Oyster Seed Grounds East of the Mississippi River and the Hackberry Bay Seed Reservation** by asking Mr. Patrick Banks to give an update on these areas. Mr. Banks reminded the Commissioners at the August meeting they delayed opening a large portion of public grounds. Generally 28 percent of the oyster harvest comes from Area 1 which was east of the Mississippi River, but there has been a reduction in stock size and a good spat fall event, and felt it prudent to delay the season. The 2010 stock assessment showed it to be the lowest in the last 20 years. Coastal Study Area 1 was down 19 percent overall which included a 47 percent decrease in market sized oysters. In the Plaquemines Parish area, Coastal Study Area 2, stocks were down 55 percent overall including a 50 percent decrease in market sized oysters. Also, there was a very good spat set in Coastal Study Area 1 as well as late summer oyster mortalities in Coastal Study Areas 2 and 3 (Barataria Basin). Staff asked the Commission at the November meeting to continue with the delay in order to protect the spat in Coastal Study Area 1 and the low resource availability in Coastal Study Areas 2 and 3. Biologists took samples in mid-December and results showed that many of the sample stations still has a strong spat fall signal which they want to protect. In the Plaquemines Parish area, Coastal Study Area 2, Mr. Banks stated the situation has not changed either with there being no spat in the area and there is not a lot of product in the area. He added that they would like to continue with delaying the opening of the season. Biological data will continue to be collected and revisit this issue at a future meeting.

Chairman Oats recognized and welcomed former Commission member Henry Mouton to the meeting.

Mr. Kenneth Fox, representing R&A Oyster Company asked that oyster area 7 be opened for sack only since there are about 30,000 marketable sacks in the area at this time. These oysters are needed to help keep plants operating and to keep the customers satisfied. Mr. Fox added that if this area was opened to 40 sacks per day, this will help clean the area and possibly allow for another spat in March or April. This area was only opened each year for sack oysters, not seed, commented Mr. Fox. The sacks of oysters will allow the fishermen to get a premium price and allow fishermen to work. Commissioner Morrow asked

where was area 7. Mr. Fox stated it was east of the Mississippi River along Big California Bay. Commissioner Voisin stated that area was about half way down the foot of the River. Then he asked Mr. Don Puckett if the Commission could establish a sack only area up to 25 percent of the area and Mr. Puckett stated that was correct. Commissioner Voisin asked Mr. Banks to work with Mr. Fox and the others in the area and identify the best area for a potential opening and report back at the February meeting. Mr. Fox asked that this opening should be for 5 days per week (Monday through Friday) only.

Chairman Oats commented that the Department was contacted by Representative Reed Henderson and he noted he supports the continued oyster closure on the east side of the River.

Commissioner Voisin asked that this item be placed back on the agenda in February.

To consider a Notice of Intent to Modify a Portion of the Public Oyster Seed Grounds to allow for Oyster Lease Relocation began with Mr. Patrick Banks stating this topic was very similar to that presented at the last meeting. He asked that the Commission approve a Notice of Intent to establish an oyster lease relocation program. The difference between this meeting and the last was the area of relocation has been established. But the establishment of the area requires that it be removed from the public oyster seed grounds for it to be used in the oyster leasing purposes. The size of the area to be removed will be about 1400 acres. This action was required due to a Department policy that does not allow the renewal of an oyster lease that was completely surrounded by public oyster areas. Also under this program, those leases that have been non-renewed will provide a new lease to the leaseholders. Act 265 of the 2010 Legislative Session directed the Department to provide the relocation program. Mr. Banks then noted there were 19 total leases, comprising about 700 acres, that qualify under the Act. This will be a first come-first serve process. In search of a relocation area, the Department went with a recommendation from the Oyster Task Force and sent it for approval to the Office of Coastal Protection and Restoration (OCPR). The Department received approval from OCPR. The area for relocation (1,483 acres) will be in Plaquemines Parish and the first action by the Commission would be to remove that area from the public oyster seed ground and then to modify the Notice of Intent to add some "housekeeping" issues. Commissioner Voisin asked if State Lands looked at the area to determine it was state water bottoms and Mr. Banks answered no. Commissioner Morrow asked if the Oyster

Task Force approved the area and Mr. Banks stated yes. Hearing no further questions, Commissioner Voisin made a motion to approve the Notice of Intent redefining the public oyster seed grounds to exclude the relocation area. Commissioner Sagrera seconded the motion and it passed with no opposition. Then Commissioner Voisin made a motion to approve the Notice of Intent to modify the December 2010 Commission relocation rule, seconded by Commissioner Sagrera and 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 its intent to establish the following administrative rules to modify the public oyster seed grounds east of the Mississippi River and for the efficient and effective relocation of oyster leases which were not renewed due to such leases being wholly contained within a public oyster seed ground. This Notice of Intent shall supplant and supersede that Notice of Intent approved by the Wildlife and Fisheries Commission on December 2, 2010 and published in the Louisiana Register, Volume 36, Number 12, December 20, 2010. Authority to designate public oyster seed grounds is vested in the Wildlife and Fisheries Commission by Louisiana Revised Statutes (R.S.) 56:434. Authority to develop rules for oyster lease relocation is vested in the Wildlife and Fisheries Commission by Act 265 of the 2010 regular legislative session.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§511. Public Oyster Seed Grounds East of the Mississippi River

A. The Public Oyster Seed Grounds East of the Mississippi River are described as that portion of state water bottoms hatched on the map below, except for that portion as described

in Louisiana Administrative Code (LAC) 76:VII.531.B (Oyster Lease Relocation) and more particularly described as that area within the following coordinates (North American Datum 1983):

1. 89 degrees 27 minutes 49.74 seconds W
29 degrees 27 minutes 48.91 seconds N
2. 89 degrees 26 minutes 36.54 seconds W
29 degrees 27 minutes 48.89 seconds N
3. 89 degrees 26 minutes 36.47 seconds W
29 degrees 26 minutes 38.48 seconds N
4. 89 degrees 28 minutes 04.69 seconds W
29 degrees 26 minutes 43.66 seconds N
5. 89 degrees 28 minutes 58.49 seconds W
29 degrees 26 minutes 41.69 seconds N

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources, LR 14:716 (October 1988), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§531. Oyster Lease Relocation

A. Eligibility: Those leases which are currently located wholly within a public oyster seed ground, and any former leases which were determined by the Department of Wildlife and Fisheries to have been non-renewed since 1998 due to the fact that such leases were wholly contained within a public oyster seed ground, shall be eligible for relocation.

B. Area of Relocation: The below described area, recommended by the Department of Wildlife and Fisheries and approved by the Office of Coastal Protection and Restoration, in consultation with the Louisiana Oyster Task Force, is hereby set aside from the Public Oyster Seed Grounds east of the Mississippi River, as described in Louisiana Administrative Code (LAC) 76:VII.511. This area is more particularly described as that area within the following coordinates (North American Datum 1983):

1. 89 degrees 27 minutes 49.74 seconds W
29 degrees 27 minutes 48.91 seconds N

2. 89 degrees 26 minutes 36.54 seconds W
29 degrees 27 minutes 48.89 seconds N
3. 89 degrees 26 minutes 36.47 seconds W
29 degrees 26 minutes 38.48 seconds N
4. 89 degrees 28 minutes 04.69 seconds W
29 degrees 26 minutes 43.66 seconds N
5. 89 degrees 28 minutes 58.49 seconds W
29 degrees 26 minutes 41.69 seconds N

C. Amount Lease Acreage Available: Any new lease issued under this relocation program shall be for an amount of acreage not to exceed the acreage of the lease which is being relocated.

D. Notification and Application Process: The Department of Wildlife and Fisheries shall notify the leaseholder of an affected existing lease, or the leaseholder of record for a lease that was previously not renewed, of the option to relocate the lease. The affected leaseholder or leaseholder of record shall have sixty (60) days from the date of notification to appear in person at the LDWF Oyster Lease Survey Section office to apply for a relocation lease. Applications shall be on application forms provided by the Department and shall be processed by the Department in the order in which they are received by the Department.

E. Deceased Leaseholders: Any person or entity desiring to exercise the relocation rights of an otherwise eligible deceased applicant must present a valid "letter of administration" or "judgment of possession" in order to exercise the relocation rights provided in this section.

F. Partitioning of Leases: Any qualifying leasehold person or entity who requests to have his rights in a qualifying lease partitioned into two or more leases within the relocation area shall provide to the LDWF Oyster Lease Survey Section a valid court order designating such persons or entities, and their respective percentage of lease relocation rights.

G. Issuance of Relocated Leases: Relocated leases shall be issued pursuant to LAC 76:VII.501 and 503.

H. Expiration Date: This rule shall expire on January 1, 2013.

AUTHORITY NOTE: Promulgated in accordance with Act 265 of the 2010 regular legislative session.

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

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

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., March 6, 2011 to Patrick D. Banks, LDWF Fisheries Division, Box 98000, Baton Rouge, Louisiana, 70898-9000.

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 in R.S. 49:972(B).

Stephen J. Oats
Chairman

Mr. Jason Adriance began his first item, **To consider a Declaration of Emergency for the 2011-2012 Commercial Reef Fish Seasons** stating these actions are similar to those taken in the past and seasonal in nature. This action was to set the 2011-12 commercial reef fish seasons. Commissioner Voisin made a motion to approve the Declaration of Emergency and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Reef Fish - Harvest Regulations
2011-2012 Reef Fish Commercial Seasons

In accordance with the emergency provisions of R.S. 49:953, 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.

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, 2012.

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.

Stephen J. Oats
Chairman

Then Mr. Jason Adriance presented the next item, **To consider a Declaration of Emergency for the 2011-2012 Recreational Reef Fish Seasons.** He stated this action was a parallel motion to the commercial reef fish. Commissioner Voisin made a motion to approve the Declaration of Emergency, seconded by Commissioner Sagrera and unanimously approved.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Reef Fish - Harvest Regulations
2011-2012 Recreational Reef Fish Seasons

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the 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. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

Recreational season rules have been established for red snapper in the Gulf of Mexico and in Louisiana state waters. No established season has been promulgated for greater amberjack, but both fisheries operate under recreational quotas. If the quota is projected to be reached, NMFS is required by law to close the season to restrain fishing within the established quota for the species.

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. Unforeseen circumstances may occur which may lead to modification of the recreational seasons to restrain the fisheries within the recreational quota, requiring a modification in established regulations.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate seasonal rules 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 Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the recreational harvest of red snapper or greater amberjack in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable recreational quota has been harvested or is projected to be 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 currently established in Louisiana state waters if he is informed by NMFS that the season dates for the recreational harvest of red snapper or greater amberjack 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, 2012.

Stephen J. Oats
Chairman

To consider a Declaration of Emergency for the 2011-2012 Commercial King Mackerel Season was the last agenda item presented by Mr. Jason Adriance. He noted this action was similar to that taken by the Commission in the past several years. The action will give the Secretary authority to set the season. Hearing no questions, Commissioner Voisin made a motion to approve the Declaration of Emergency, seconded by

Commissioner Sagrera and passed with no opposition.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Commercial King Mackerel Harvest
2011-12 Commercial King Mackerel Season

In accordance with the provisions of R.S. 49:953 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to establish seasonal rules to set finfish seasons, 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, 2011 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, 2012, which is the date expected to be set for the re-opening of the 2012-13 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 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.

Stephen J. Oats
Chairman

To consider a Declaration of Emergency for the Closure of the Recreational Fishery for Gag Grouper in Louisiana Waters began with Lt. Col. Jeff Mayne stating this action was to adopt the federal closure in state waters in order to provide enforceability. Commissioner Voisin made a motion to approve the Declaration of Emergency and it was seconded by Commissioner Sagraera. This motion also passed with no opposition.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

MODIFY REEF FISH HARVEST RULES - GAG GROUPE RECREATIONAL SEASON CLOSURE

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the 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. An interim rule was established by NMFS to close the recreational gag grouper season in order to reduce overfishing on gag grouper. The NMFS

interim rule is effective for six months until May 31, 2011 but may be extended an additional six months up through the remainder of 2011 while the Gulf Council develops a long-term rebuilding plan through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico. 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 waters 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, 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 recreational fishery for gag grouper will close in Louisiana waters effective 12:01 a.m., January 10, 2011, and shall remain closed until further notice. Effective with this closure, no person shall recreationally harvest or possess gag grouper whether within or without Louisiana waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the recreational season currently established in Louisiana state waters if he is informed by NMFS that the season dates for the recreational harvest of gag grouper 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, 2012.

Stephen J. Oats
Chairman

Chairman Oats then announced the next agenda item was **Election of Chairman and Vice-Chairman**. Commissioner Voisin nominated Commissioner Sagraera for Chairman for 2011 and it was seconded by Commissioner Morrow. This motion was approved. Then Commissioner Sagraera nominated Commissioner Morrow for Vice-Chairman, seconded by Commissioner Voisin and unanimously approved.

The Commissioners agreed to hold the **May 2011 Meeting** on Thursday, May 5, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

There were no **Public Comments** for this meeting.

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

Stephen J. Oats
Chairman

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