

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**July 8, 2010**

**STEPHEN J. OATS  
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**  
**JULY 8, 2010**

	Page
1. Roll Call	1
2. Approval of Minutes of June 3, 2010	1
3. Commission Special Announcements/Personal Privilege	1
4. To receive and hear Update on Oil Spill and Current Response Efforts	1
5. To receive and hear Enforcement & Aviation Reports/ June	3
6. To receive an update on Dewey Wills WMA Resolution for purpose of Adding Land	4
7. To receive and consider Notice of Intent on 2011 Turkey Hunting Areas, Seasons and Bag Limits	4
8. To receive and consider Notice of Intent on 2011 General and WMA Turkey Hunting Regulations	4
9. To receive and consider Department Recommendation on Waterfowl Breeding Grounds Projects Funding	17
10. To receive and consider Early Migratory Bird Season Recommendations (Dove, Woodcock, Snipe, Rails, Gallinules and Teal)	21
11. To receive and hear Presentation on the Louisiana Waterfowl Hunter Survey	23
12. To receive and consider Declaration of Emergency and Notice of Intent on Fisheries Closures due to Oil Spill	23
13. Set November 2010 Meeting Date	30
14. Receive Public Comments	30
15. Adjournment	32

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, July 8, 2010

Chairman Stephen J. Oats presiding.

Ronny Graham  
Earl King, Jr.  
Patrick Morrow  
Stephen Sagrera  
Ann Taylor  
Mike Voisin

Secretary Robert Barham was also present.

Chairman Oats called for a motion for approval of the **June 3, 2010 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Voisin. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Chairman Oats wished Commissioner King a happy birthday.

**To receive and hear Update on Oil Spill and Current Response Efforts** was handled by Secretary Robert Barham. He stated that this was a very interesting time for all with the oil spill which was an unprecedented event in the world. A fisheries proposal was submitted to BP for \$30 million and about 70 percent of the proposal had been approved. Another proposal, on seafood safety, was a \$457 million proposal and involved multiple departments. A large portion of the proposal was certification and testing of seafood and then marketing associated with it. In regard to the fisheries openings and closings, Secretary Barham noted that Dr. Guidry, the State Health Officer would provide comments to help understand the perspective on openings and closings. The Department has been mindful of the threat of oil and the use of subsea dispersants which are spread through the water column. Tulane found an orange globe inside juvenile crabs which has never been seen before which may have something to do with oil in the water column. The Department has tried to be aggressive in the

fishing re-openings and has "pushed the envelope" to the extent comfortable and can guarantee public safety. With the Department being self-generated, Secretary Barham assured the public he wanted people buying fishing licenses. Also, he noted they would apply to BP since the loss of license sales was their fault. He added that he has talked to the departments in the other Gulf states and there was a need for a recognized authority to say that the seafood was safe for the public. The real authority was going to be the Food and Drug Administration. It has been found out that there are other materials that should be tested that are in the combination of dispersant and oil. If the FDA does provide a testing protocol and there are relatively no possibility of human impact from eating the seafood, then the fishing would be open. He then asked for Dr. Guidry to speak.

Dr. Jimmy Guidry, Department of Health and Hospitals, agreed this was a tough time to live in Louisiana where the livelihoods, health, economy, mental health has affected those in the fishing and oil industry. He noted the public was exposed to petroleum products every day especially if a person lives in an urban area but never with the amount of oil seen now. Until the leak stops, clean up efforts will continue and efforts to find out what this means for our health will also continue. There are no easy answers to say how this oil impacts a person now or how it may impact someone 20 years from now. The chemicals in oil, such as benzene, naphthalene, etc., which are volatile are the most dangerous. When the chemicals are mixed with another chemical in cold temperatures and high pressure, no one knows what happens to the chemical or what happens to the chemical at the different water levels. So far the tests have not found any chemicals that can impact health since it was diluted or dispersed. Dr. Guidry noted he has talked with the FDA and voiced urgency in getting labs to do testings. There was a need to do tests before the oil reaches the seafood so there can be a baseline to compare. He assured the public that they have done all they can to keep the industry going and make sure the public's health was not impacted. The State wanted to error on the side of caution. Dr. Guidry has been told by scientists that the dispersants and the oil over time would not stay in the fish which was different from heavy metals. He knew that it was very hard to sell our seafood when you turn on a TV and you see a picture of a pelican covered with oil or the beach covered with oil. Once the oil was stopped, and it was cleaned up, then it may take time for some of the species to come back, but they would be back and clean rather quickly. FDA has explained that as oil weathers, the chemical make-up changes so that what was being tested changes also. Dr.

Guidry felt their job was to convince everyone that the seafood was safe, it was being monitored and that nothing gets on the market that could make anyone sick now or later. The most sensitive test for seafood was humans smelling and tasting the product. Fish and crabs tend to move away from where oil may be and may be the best protectors; however, oysters do not move. Dr. Guidry knew it may take time, months or even years, for the seafood to get back to normal. He also hoped everyone would help and support each other in order to get through this event. Commissioner Morrow understood that the state was working with the FDA on establishing a protocol for additional testing on fish and asked what was the timeline for the protocol and when would the fishermen be able to ingest the fish from the areas. Dr. Guidry felt it would depend on exposure and how much oil still remained out in the water. But he added the protocol was tested around Marsh Island and worked with all of the Gulf states and now it was very close to where they wanted it to be. The problem now was there are not enough labs to handle the volume of samples if every state started sending in samples. Dr. Guidry stated that the protocol was for reopening an area and it was hoped that 6 labs would be open by late July to mid-August. Right now testing takes about 5 to 7 days. The issue right now was the wind and water currents continues to move the oil. Commissioner Morrow then stated he understood that about 500 finfish samples have been tested with no hydrocarbons detected, but asked if now the Department of Health and Hospitals wants to test for other chemicals that may be in the fish. Dr. Guidry answered yes, but noted that the new list of tests was based on FDA's list which included new chemicals. The seafood was clean, but hopefully the additional tests would make sure that it really was clean. Commissioner Taylor asked if the areas closed would reopen once the tests prove the new chemicals were not in the seafood. Dr. Guidry stated once an area was closed due to oil, the full protocol was required and needed to be followed.

Secretary Barham then introduced Ms. Lois Azzarello, the Department's new Undersecretary.

**To receive and hear Enforcement & Aviation Reports/June** began with Lt. Col. Keith LaCaze stating the activities for the month showed a total of 1767 citations and 413 written warnings issued and agents helped with 49 public assists. Activities encompassed patrolling the coast by continuing to rotate agents from around the state. Agents were enforcing the closures, assisting with the boom operations and any other ongoing activities. Also, the other portions of the state had quite a

bit of recreational boating and fishing activities. There were 13 boating accidents reported during June (total of 68 for the year) with 9 injuries (38 total) and 3 fatalities (13 total). The fatalities occurred in Jefferson and St. Mary Parishes. The Department's three planes flew a total of 78 hours for the month. News Releases discussed included sentencing for soldiers at Fort Polk for illegal hunting; another sentencing of 6 hunters for taking deer illegally in Kisatchie National Forest; a crab trap violation case in Lake Maurepas; and a black bear killed on Highway 70 near Belle River. Lt. Col. LaCaze then mentioned an enforcement academy would begin the first of September and they were looking for applicants. Chairman Oats asked what was the deadline for applications and he was told July 18. Commissioner Voisin asked if the airplanes were used in the oil spill and he was told the pilots were making daily flights over the oiled areas when weather permits. Commissioner Voisin then asked if the flights were coordinated with the feds and he was told yes.

Before moving on, Chairman Oats recognized Mr. Guy Cormier, Parish President from St. Martin Parish and added that he wanted to address the Commission. Mr. Cormier began thanking the Commission for what they do for Louisiana. He represented a parish that encompasses a large portion of the Atchafalaya Basin, which they call the Acadiana Mall since so many people come and spend money in that area. The issue was on Lake Martin which borders Lafayette and St. Martin Parishes in which a gentleman's agreement allows hunters to hunt in the mornings and fishermen to fish in the afternoons during hunting season. But now the tour boats were coming into the lake earlier in the day and there were no regulations in place to prevent this from happening. Mr. Cormier asked for a Commission rule which would not allow hunting after noon nor fishing before noon. He then commended the Secretary and biologists from the area for taking care of the lake. Chairman Oats stated they would be in contact with the staff regarding this issue.

The next agenda item, **To receive an update on Dewey Wills WMA Resolution for purpose of Adding Land** began with Ms. Yolanda Martin stating she was the land acquisition attorney for the Department. Recently 1530 acres was added to the Dewey Wills WMA. She asked the Commission to approve the Resolution which would update the new boundary. Commissioner Voisin made a motion to approve the Resolution, seconded by Commissioner Sagraera and passed with no opposition.

(The full text of the Resolution

is made a part of the record as Attachment A.)

Mr. Jimmy Stafford began stating he would present the next 2 items together, **To receive and consider Notice of Intent on 2011 Turkey Hunting Areas, Seasons and Bag Limits** and **To receive and consider Notice of Intent on 2011 General and WMA Turkey Hunting Regulations**. Louisiana has 3 turkey hunting areas in the state, Area A has the largest area with the longest season and the proposed dates were March 19 through April 17. Area B proposed dates were March 19 through April 10. Area C proposed dates, which has the shortest season, would be March 19 through April 3. No changes were recommended for the bag limit or season limit. The boundary description for Ouachita Parish was corrected from last year. A new area in Iberia Parish was being added to Area C since it was the most conservative season. The youth hunts for private lands were proposed for March 12 and 13. There would be 18 WMAs and 2 National Wildlife Refuges with youth hunts. Regulation changes included: allowing adults to supervise more than 1 youth and properly licensed youth aged 16 or 17 and those 12 or older that has completed a hunter education course, may hunt without a supervising adult. The physically challenged season on private lands would run concurrent with the youth hunts on March 12 and 13. Also, physically challenged hunts would occur on Jackson Bienville WMA on April 11 through April 17 and Indian Bayou area on March 12 through March 13. There will be 28 proposed seasons on WMAs, 18 youth lottery hunts and 2 non-lottery hunts (Jackson-Bienville and Bodcau WMAs). Of the 28 WMAs with hunts, 18 were non-lottery hunts and 10 were lottery and non-lottery hunts. For the 2011 season, the Department was offering turkey hunting on 653,000 acres of wildlife management areas. A new area being added for 2011 was the Attakapas WMA with a season of March 19 through March 27. The staff recommended removing the requirement that all youth turkey hunts be guided. There will be 4 new youth hunts proposed and they will be on Attakapas, Bodcau, Pearl River and Pomme de Terre WMAs. Turkey season dates for Kisatchie National Forest, Indian Bayou and Old River Control and Lock Areas, Bogue Chitto, Lake Ophelia, Tensas and Upper Ouachita were calendar adjustments from last year. At the close of the 2011 season, Mr. Stafford noted he would like to do another hunter preference survey. The survey would ask questions on hunting season timings, bag limits and etc., very similar to the 2007 survey. Commissioner Voisin asked how was the 2 bird bag limit enforced. Mr. Stafford explained the tagging program and stated that the Department hoped the hunters would abide by the bag limits. Lt. Col. LaCaze stated that the



tagging system for deer and turkey was something enforcement asked for since there were lots of complaints received with the honor system. He added that the tagging system was not the absolute answer, but was a tremendous help in enforcing season limits. Hearing no further questions, Commissioner Voisin made a motion to approve the Notice of Intent on 2011 turkey hunting areas, seasons and bag limits and it was seconded by Commissioner Sagraera. The motion passed with no opposition. Then Commissioner Voisin made a motion to approve the Notice of Intent 2011 general and WMA turkey hunting regulations, seconded by Commissioner Sagraera and unanimously approved.

(The full text of the Notices of Intent are made a part of the record.)

#### NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey dates and limits for the ~~2010~~ 2011 season.

#### Title 76

#### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

#### Chapter 1. Resident Game Hunting Season

#### §115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open in designated areas on the Saturday nearest March 22. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 16 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from

this framework may occur in those years when the Saturday nearest March 22 falls the day before Easter.

C. Statewide Youth Turkey and Physically Challenged Season on private lands shall be the weekend prior to the statewide turkey season.

D. Only those Wildlife Management Areas listed herein are open to turkey hunting. All other Wildlife Management Areas are closed.

E. ~~2010~~ 2011 Turkey Hunting Schedule

AREA	SEASON DATES
A	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>
B	March <del>20</del> <u>19</u> - April <del>11</del> <u>10</u>
C	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March <del>13-14</del> <u>12-13</u>

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
<u>Attakapas</u>	<u>March 19-27</u>	<u>None</u>
Bayou Macon	None	April <del>10-11</del> <u>9-10</u>
Bens Creek	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Big Lake	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Bodcau	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Boeuf	March <del>20-28</del> <u>19-27</u>	None
Clear Creek	March <del>29</del> <u>28</u> - April <del>18</del> <u>17</u>	March <del>20-21</del> <u>19-20</u> March <del>27-28</del> <u>26-27</u>
Camp Beauregard	March <del>20-28</del> <u>19-27</u>	None
Dewey Wills	None	April <del>10-11</del> <u>9-10</u> April <del>17-18</del> <u>16-17</u>
Fort Polk	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>	None
Grassy Lake	March <del>20-28</del> <u>19-27</u>	None
Hutchinson	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>	None

Creek		
Jackson-Bienville	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Lake Ramsey	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Little River	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Loggy Bayou	None	April <del>10-11</del> <u>8-10</u>
Peason Ridge	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>	None
Red River	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Sabine	None	March <del>20-21</del> <u>19-21</u> <del>March 27-28</del> <u>April 1-3</u>
Sandy Hollow	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Sherburne	March <del>25-28</del> <u>24-27</u>	March <del>20-21</del> <u>19-20</u> March <del>22-24</del> <u>21-23</u>
Sicily Island	None	March <del>20-22</del> <u>19-21</u> March <del>23-25</del> <u>22-24</u> March <del>26-28</del> <u>25-27</u> March <del>29</del> <u>28</u> - April <del>4</del> <u>3</u>
Tangipahoa Parish School Board	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>	None
Three Rivers	March <del>20</del> <u>19</u> - April <del>4</del> <u>3</u>	None
Tunica Hills South Tract	April <del>5-11</del> <u>4-10</u>	March <del>20-21</del> <u>19-20</u> March <del>27-28</del> <u>26-27</u> April <del>3-4</del> <u>2-3</u>
Tunica Hills North Tract	April <del>5-11</del> <u>4-10</u>	March <del>20-21</del> <u>19-20</u> March <del>27-28</del> <u>26-27</u> April <del>3-4</del> <u>2-3</u>
Union	None	April <del>10-11</del> <u>15-17</u>
Walnut Hills	March <del>20</del> <u>19</u> - April <del>18</del> <u>17</u>	None
West Bay	None	March <del>20-21</del> <u>19-20</u> March <del>27-28</del> <u>26-27</u>

G. Wildlife Management Area Lottery Youth Hunts

<b>WMA</b>	<b>Lottery Youth Hunt Date</b>
<u>Attakapas</u>	<u>March 12</u>
Bens Creek	March <del>13</del> <u>12</u>
Big Lake	March <del>13</del> <u>12</u>
<u>Bodcau</u>	<u>March 12</u>
Clear Creek	March <del>13</del> <u>12</u>
Fort Polk/Peason Ridge/ Calcasieu Ranger Dist.	March <del>13</del> <u>12</u>
Grassy Lake	March <del>13</del> <u>12</u>
Jackson-Bienville	March <del>13</del> <u>12</u>
Loggy Bayou	April <del>3</del> <u>2</u>
<u>Pearl River</u>	<u>April 2</u>
<u>Pomme de Terre</u>	<u>March 12</u>
Sherburne	March <del>13-14</del> <u>12-13</u>
Sicily Island	March <del>13</del> <u>12</u>
Spring Bayou	March <del>13</del> <u>12</u>
Thistlethwaite	April <del>3</del> <u>2</u>
Tunica Hills	March <del>13</del> <u>12</u>
Union	April <del>3</del> <u>2</u>
West Bay	March <del>13</del> <u>12</u>

H. Non-lottery youth hunts

1. Bodcau WMA will be open April 9-10 (only youths may hunt).

2. Jackson-Bienville WMA will be open April 9-10 (only youths may hunt).

# I. Wildlife Management Area Physically Challenged (Wheelchair Confined) Hunt

1. Jackson-Bienville WMA will be open April ~~10-18~~ 11-17 to holders of valid Physically Challenged Hunter (Wheelchair Classification) Permits.

± J. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March ~~20~~ 19 - April ~~4~~ 3; all remaining KNF lands, March ~~20~~ 19 - April ~~11~~ 10 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March ~~13-14~~ 12-13 physically challenged lottery only hunt, lottery hunt only on March ~~20-21~~ 19-20 and March ~~22-24~~ 21-23, non-lottery hunt March ~~25-28~~ 24-27. Old River Control and Lock Areas, March ~~20~~ 19 - April ~~4~~ 3.

3. National Wildlife Refuges: Bogue Chitto NWR, March ~~20~~ 19 - April ~~11~~ 10; Lake Ophelia NWR, March ~~20~~ 19 - April ~~4~~ 3 hunt ends at 12:00 p.m. each day; Tensas NWR, March ~~13-14~~ 12-13 (youth only), March ~~20~~ 19 - April ~~4~~ 3; Upper Ouachita NWR, March ~~13~~ 12 (youth lottery only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36: .

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

Interested persons may submit written comments on the proposed rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 8, 2010.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Stephen J. Oats  
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey rules and regulations for the ~~2010~~ 2011 season.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XIX. Hunting and WMA Regulations**

**Chapter 1. Resident Game Hunting Season**

**§113. General and WMA Turkey Hunting Regulations**

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited. Still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate

vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags.

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill and record the validation number on the turkey harvest report card. Hunters may report turkeys by calling the validation phone number or using the validation web site.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest

report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (Meleagris gallopavo silvestris, M. g. osceola, M. g. intermedia, M. g. merriami, M. g. mexicana) or their eggs, regardless of origin, without a valid game breeder license. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a Physically Challenged Hunter Permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. ~~Each youth~~ Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. ~~An adult may supervise only one youth during this special hunt.~~ EXCEPT properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of 2.

E. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beauregard;

ii. Bienville;

iii. Claiborne (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);



- iv. East Baton Rouge;
  - v. East Feliciana;
  - vi. Grant (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
  - vii. Jackson;
  - viii. LaSalle;
  - ix. Lincoln;
  - x. Livingston;
  - xi. Natchitoches (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
  - xii. Rapides (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
  - xiii. Sabine;
  - xiv. St. Helena;
  - xv. Tangipahoa;
  - xvi. Union;
  - xvii. Vernon (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
  - xviii. West Baton Rouge;
  - xix. West Feliciana (including Raccourci Island);
  - xx. Winn (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- b. Portions of the following parishes are also open:
- i. Allen: North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles: That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu: North of I-10;

iv. Caldwell: West of Ouachita River southward to Catahoula Parish line;

v. Catahoula: South and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line. ALSO that portion lying east of LA 15;

vi. Evangeline: North and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin: That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville: West of LA 1. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

ix. Jefferson Davis: North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison: That portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse: West of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita: ~~That portion~~ All west of the Ouachita River, That portion east of the Ouachita River lying north of US 80 to LA 139, west of LA 139 to LA 134, north of LA 134 to the Morehouse parish line, south of the Morehouse parish line, and east of the Ouachita River.

xiii. Pointe Coupee: All of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417 southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its junction with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

xiv. Richland: That portion south of US 80 and east of LA 17;

xv. St. Landry: That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. EXCEPTION: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvi. Upper St. Martin: All within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xvii. Tensas: That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B

a. All of the following parishes are open:

i. Caddo;

ii. DeSoto;

iii. Red River;

iv. St. Tammany;

v. Washington.

b. Portions of the following parishes are open:

i. Ascension: All east of the Mississippi River;

ii. Bossier: All open except that portion bounded on the north by I-20, on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish Line;

iii. East Carroll: East of US 65 from Arkansas state line to Madison Parish line;

iv. Iberville: All east of the Mississippi River;

v. Webster: All open except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish line (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

3. Area C

a. All of the following parishes are open:

i. Concordia;

b. Portions of the following parishes are open:

i. Caldwell: All east of the Ouachita River;

ii. Catahoula: All of the parish EXCEPT for that portion located in Area A;

iii. Franklin: West of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia: East of the West Atchafalaya Basin Protection Levee.

~~iv~~ v. Richland: West of LA 17 from Franklin

Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

∓ vi. Tensas: East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on Wildlife Management Areas, National Wildlife Refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within Areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

#### G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts: All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one spring WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Hunters must abide by self-clearing permit requirements. Hunters chosen for WMA lottery hunts may be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact

with the lottery hunter at all times. Youths chosen for special youth only hunts ~~will~~ may be assigned a guide on the day of the hunt provided that guides are available. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (Wheelchair Confined): Open only to hunters with a Physically Challenged Hunter Permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the Physically Challenged Hunter Permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs:

a. Bens Creek: No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sandy Hollow: No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

c. Sherburne: All turkeys taken must be checked at the WMA headquarters.

~~d. Tunica Hills (North Tract): Area closed to all users one day after close of turkey season until August 31.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36: .

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

Interested persons may submit written comments on the

proposed rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 8, 2010.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Stephen J. Oats  
Chairman

**To receive and consider Department Recommendation on Waterfowl Breeding Grounds Projects Funding** was handled by Mr. Larry Reynolds. He stated he would present the Department's evaluation of 2 proposals received to direct breeding waterfowl habitat funding. The question of why was money sent to the breeding grounds was due to the fact that Louisiana shoots more ducks than any other state in the Mississippi Flyway and also the Union in most years. The vast majority, 87 percent, of the banded ducks killed in Louisiana were raised somewhere else. The Department has a desire and responsibility to support conservation activities and this has manifested itself into R.S. 56:104(A)(1)(b), which was read by Mr. Reynolds. The Commission was the deciding body that determined how much money goes where. Then Mr. Reynolds stated the Department was the first state agency to provide funding for the breeding grounds in the early 1960's. Until 2002, all of that funding went to Ducks Unlimited for habitat projects. From 2002 to 2007, Delta Waterfowl received one-third of the funding for predator removal. The available money for the contract years of 2008 and 2009 was split but predator control was not allowed. The first proposal from Delta Waterfowl would use the funds on Alternative Land Use Services (ALUS) program and Adopt-a-Pothole program. The other proposal from Ducks Unlimited would use the money on habitat retention, wetland and upland restoration, and habitat management. Explaining further, Mr. Reynolds commented that Delta Waterfowl was requesting 50 percent of the funds and included a full match from NAWCA of which 84 percent would go to ALUS (landowners were paid to maintain or improve habitat) and 16 percent would be used on Adopt-a-Pothole (perpetual wetland and grassland easements). Ducks Unlimited proposal requested 75 percent of the funds and included a full match from Ducks Unlimited themselves, NAWCA and a partial match from other partners. These funds would go to habitat retention (56 percent of the funds), restore 100 acres of wetlands (3 percent of the

funds), upland restoration (18 percent) and habitat asset management (25 percent). All of Ducks Unlimited's work would be done in the prairie pothole region of Saskatchewan. The conservation activities included within Adopt-a-Pothole, habitat retention, wetland restoration, upland restoration and habitat management did not present any concerns to Mr. Reynolds since they had established benefits to waterfowl and other species and were all eligible for matching funds. A major concern was with the Alternative Land Use Services program. There was a strong consensus for a CRP type program in Canada which could potentially slow wetland loss. Three other states in the Mississippi Flyway supports ALUS. The biggest concern on ALUS was that it was a risky, lobbying, campaign type of program that was high risk with high rewards, so everything has to balance the risks with the probability of success. The Federal agency in Manitoba, Saskatchewan and Alberta did not embrace the concept of ALUS. Another concern with ALUS was the fact there was very little new habitat which included habitat not useful to ducks. Staff felt the intent of the statute was to put habitat on the ground. The Wildlife Division had stronger support for the Ducks Unlimited proposal with its conservation components involved and ranked it first over the Delta proposal due to the risks involved with the ALUS program.

Following the presentation, Commissioner Voisin asked Mr. Reynolds about the margin of error on the graph of where the ducks come from and in particular the percentage of ducks from Saskatchewan and he was told it was probably plus or minus 10 percent. Commissioner King asked that upland restoration be defined. Mr. Reynolds explained that they do rangeland management activities to maintain the grassland composition for nesting to waterfowl. Then Commissioner King asked if other upland birds would benefit and he was told yes. Commissioner Morrow asked what were the 3 states in the Mississippi Flyway Council that provides money to Delta. Mr. Reynolds answered Mississippi, Arkansas and Ohio, and Ohio's money was restricted to Ontario. Commissioner Morrow asked if he knew what the percentage split was from those 3 states. Mr. Reynolds stated they allocate money directly, they petition for a particular amount. He added he did not know how much money Mississippi and Arkansas gives to Ducks Unlimited for their habitat programs. Then Commissioner Morrow noted that Ducks Unlimited would spend 25 percent on asset management, he asked what was asset management. Mr. Reynolds explained that was management of acreage already under conservation agreement. Commissioner Morrow asked again if management was used in the front offices to pay salaries and things of that sort. Mr. Reynolds felt that



25 percent was to manage 156,000 acres which was scheduled for management over the next 3 years. Commissioner Morrow asked how much money would Delta use to manage versus money used to put new habitat on the ground. Mr. Reynolds noted new habitat would be included in the demonstration projects because the Adopt-a-Pothole did not put new habitat on the ground, it protects habitat already on the ground. Commissioner Morrow again asked what percentage of the money allocated to Delta would be used for management as opposed to Ducks Unlimited spending 25 percent of the funds. Mr. Reynolds felt there was a need, at some point, to quite buying land and manage what was already there. Commissioner Graham felt the management funds was needed because if there was no management, there would not be any ducks. He added that it also required someone to look after the lands to make sure that the things needed to happen actually happens. Chairman Oats stated that Ducks Unlimited, before leveraging with NAWCA money, immediately matches the funds with 100 percent of their money. But Delta has some matching funds but the funds are not matched with their own money. Commissioner Sagrera asked if the duration of the proposal can be altered from the 3 year proposal. Mr. Reynolds commented that when he came to the Department, there were 5 year contracts, then a 1 year extension was used and this was a 2 year contract. Commissioner King asked Mr. Reynolds if he had been invited north to confirm information presented in the proposals and he answered no. The Commissioner then felt the proposals were highly subjective. Chairman Oats knew that both organizations have lived up to their obligations. Mr. Reynolds remarked that the proposals were not evaluated just by him, it involved the Wildlife Division staff and has only to do with what was in the proposals. Chairman Oats asked how many people were involved from the Wildlife Division staff and he was told 9 individuals. Commissioner Graham asked what was the Department's recommendation for the funds. Mr. Jimmy Anthony stated both organizations are excellent partners and the Department has partnered with both on projects outside of these funding sources. He asked staff to look at the proposals and determine where Louisiana would gain the most, where would the money be best spent and did you get the return for the money. Overwhelmingly, the project submitted by Ducks Unlimited would give the best bang for the money since it was mainly targeted where most of the ducks come from. Mr. Anthony felt the Department would continue to partner with both organizations on various projects in the future. Chairman Oats asked about the percentage for the funds. Mr. Anthony answered that 100 percent of the funds should go to Ducks Unlimited. Commissioner Morrow made a motion to continue with the present allocation of 50-50

to Ducks Unlimited and Delta Waterfowl with the provision that no money be used for predator control for 2 years. He felt with ALUS being a new project and receiving 100 percent matching funds, it would be a mistake to cut them off now. Commissioner Sagraera seconded the motion. Commissioner Graham stated he has been on the Commission for one year and also served on the Ducks Unlimited Conservation Program Committee for 8 years and added that there has been great success with the ducks due to grass and water. He felt it was his responsibility to invest all of the funds where you get the biggest bang for the buck on the breeding grounds. Commissioner Graham then stated he felt the money would be best expended through Ducks Unlimited. The Chairman then took comments from the public.

Mr. John Newman, a senior volunteer for Ducks Unlimited, stated the question on overhead and habitat management was a very good one. He added that 87 cents of every dollar that Ducks Unlimited received went into habitat. Mr. Newman explained that every Louisiana dollar was matched with Ducks Unlimited, Inc. dollar and those \$2 became \$4 when they are sent to Ducks Unlimited Canada. Once those funds are in Canada, another dollar was added by other partners. The 25 percent for habitat would not be spent to pay for office space or executives, secretaries or accountants. Due to the long partnership, Mr. Newman knew there were lots of management and improved habitat in Saskatchewan. He added that he believed the Ducks Unlimited proposal was fair and accurate. Mr. Newman thanked the Commission for the long partnership since 1964.

Mr. Bryan King, representing Delta Waterfowl, stated wetland loss rates were continuing in Prairie Canada and the trend line in breeding pairs continued to decline. He then urged the Commission to consider new alternatives for waterfowl management to stem the wetland losses.

Mr. Dean Bergeaux, Acting State Chairman for Ducks Unlimited, felt Ducks Unlimited did good work and to continue to shoot ducks in Louisiana, there was a need for the funding from the Commission.

Commissioner Graham made a substitute motion to give 100% of the funds to Ducks Unlimited for a 3 year term. Commissioner Voisin seconded the motion. Chairman Oats stated he and Commissioner Sagraera worked hard on the issue and that it was a tough call but he was inclined to support the substitute motion. He felt both organizations were great partners, but the leveraging component and the fact that it goes to the mission was the

deciding factor for him. The motion passed with opposition from Commissioners Sagrera, King and Morrow. Commissioner Morrow made a substitute motion to have the proposal for 2 years as opposed to 3 years. Commissioner Sagrera seconded the motion. The motion passed with opposition from Commissioners Graham and Voisin. Chairman Oats then stated the motion was amended to 2 years for 100 percent of the funds to Ducks Unlimited. A final vote on the motion to give Ducks Unlimited 100 percent of the funds for 2 years was called for. The motion passed with opposition from Commissioners Sagrera, King and Morrow.

**To receive and consider Early Migratory Bird Season Recommendations (Dove, Woodcock, Snipe, Rails, Gallinules and Teal)** began with Mr. Mike Olinde stating there would be 2 parts to this agenda item. The first was adoption of the season dates and the second would give the Secretary authority to submit the dates to be published and to change season dates if the federal framework changed. The seasons were calendar adjustments from last year. South zone dove season dates would be September 4-September 12, October 16-November 28 and December 18-January 3. North zone dove season dates would be September 4-September 19, October 9-November 7 and December 11-January 3. Bag limits for doves would be 15 daily and 30 possession. Teal numbers were about 6.3 million which was down from last year, but above the long term mean. The teal dates would be September 11-September 26, with limits of 4 daily and 8 in possession. Seasons for rail and gallinules will be the same as teal. King and clapper rail limits would be 15 with aggregate possession of 30. Possession for sora and virginia rails would be 25 in aggregate. Common and purple gallinule possession would be 15 in aggregate and 30 in possession. Woodcock season would run for 45 days, December 18-January 31. Extended falconry season dates for doves would be September 20-October 5 and woodcock dates would be October 28-December 17, February 1-February 11. Daily bag for falconry would be 3 birds and 6 total. Shooting hours would be half day on September 4, then one-half hour before sunrise to sunset. Hearing no questions, Commissioner Sagrera made a motion to adopt the season recommendations and resolution and it was seconded by Commissioner Voisin. The motion passed with no opposition.

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

#### RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

July 8, 2010

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, July 8, 2010.

WHEREAS, public hearings in Washington, DC have been held on early migratory bird season regulations that include dove, snipe, rail, gallinule, woodcock and teal, and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing early migratory bird season frameworks have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for migratory species that include season dates, bag limits, and shooting hours, and

WHEREAS, it is the statutory responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for these migratory species within constraints established by the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the presented tentative season dates for migratory birds which are made part of this resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency and preparation of reports and correspondence to other agencies of government; and

(2) If significant changes occur as a result of changes in the framework established by the U.S. Fish and Wildlife Service or for other reasons, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon the recommendations of Department staff, supported by biological and technical data.

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Stephen J. Oats, Chairman  
Wildlife and Fisheries Commission

**To receive and hear Presentation on the Louisiana Waterfowl Hunter Survey** was presented by Mr. Larry Reynolds. This survey was a cooperative research project between the Department, Delta Waterfowl and LSU School of Renewable Natural Resources. The lead researcher for the project was Luke Laborde, a PhD student from LSU. He began with the question of why spend the money, time and effort to do a hunter opinion survey. The reason, according to Mr. Reynolds, was there are situations where the biological outcome of decisions were uncertain and hunter opinion data helped him make those decisions. Biological outcome included biological choices, management options, basic hunter demographics and dynamics, and staying informed of concerns from the constituents. The surveys were a mixed mode survey, the first survey was sent to randomly selected 2,500 of the 71,700 HIP registered waterfowl hunters. This involved sending the hunters a postcard, a survey, a reminder postcard, another survey and a final reminder postcard asking for their participation. The second survey was an open survey, this survey was put on the web and advertised for anyone to participate. Mr. Reynolds knew that the sample from the open survey would not be representative, the people that participate in these surveys were more avid and more involved. The reason the staff wanted the 2 surveys was to compare the different responses from the 2 different hunter populations. There were 925 usable responses from the randomly selected survey (39 percent response rate) and 864 from the internet survey. Mr. Reynolds was disappointed with the response rate until he realized there was a survey done in 2005 which had a 56 percent response rate and the overall response rate for the national duck hunter survey was 40 percent. Preliminary results showed the distribution was similar between the 2 surveys on which parish the hunters most frequently hunted. The response rate on gender showed that 9 percent were females from the mail out survey and only 1 percent from the internet survey. The average number of days hunted per season was 12 versus 21 (internet) and the number of ducks taken was 28 versus 57 (internet). He felt there were clearly 2 separate populations of hunters. Going on with the results, Mr. Reynolds noted the similarity between the overall quality of the waterfowl season for 2009-2010, satisfaction of hunting on WMAs, the ban on spinning wing decoys, and limiting the number of waterfowl hunters on WMAs each day. One area which was different was on legalizing commercial guided waterfowl hunts on WMAs. The question on zones and splits which gave a choice between the current set-up,

a proposed north-south set-up and then no zone with 3 splits showed no strong result. Mr. Reynolds felt there would be more extensive results from the survey as time goes by. Commissioner Morrow asked for the final results since what was shown were very interesting statistics. Commissioner Graham asked for the age of ducks harvested using the spinning wing decoy versus those killed when there were no decoys.

Mr. Marty Bourgeois handled the next agenda item, **To receive and consider Declaration of Emergency and Notice of Intent on Fisheries Closures due to Oil Spill.** The action would reaffirm the existing recreational and commercial fishing closures. During the previous month, Secretary Barham took action on about 22 openings and 14 closures. Also, the action would be to authorize the catch and release of finfish in areas currently closed to recreational and commercial fishing. The regulations for catch and release included: no person shall take or attempt to take any species of fish for commercial purposes; no person shall take or attempt to take any species of fish recreationally from the closed areas other than finfish; no person shall possess any species of fish taken within the closed area; and no person shall possess any species of fish while fishing in the closed area. Slides shown were of all of the current closures statewide followed by more detailed maps. The Chairman then asked for public comments.

Captain John Falterman, Jr. began by thanking the Commission for considering the catch and release program. As a charter captain, it helps them but it also does not help them. Louisiana fishermen want to keep their fish and eat them. His area of concern was Lake Pontchartrain and until there was oil present in the waters, he felt they should be able to catch and keep the fish. Also Captain Falterman felt the waters in Lake Pontchartrain could drop and clean themselves if oil happened to show up. He asked that the Commission look over this issue again.

Captain Dudley Vandenborre felt the catch and release was a plus in that it allowed the fishermen something to do. He fishes the Lake Pontchartrain area. Most of the heavy metals shows up in the stomach of the fish and those parts are usually cut out. He felt he did not need the FDA or the Department to tell him that the fish he caught was edible. Captain Vandenborre did not feel that Lake Pontchartrain had to be closed. He felt the oil spill should be referred to as an oil gusher since a spill was something very simple to clean. Captain Vandenborre explained what happened when he first spotted oil in the lake. He ended

by requesting the state take control over this incident and not leave it to out-of-state people.

Mr. Randall Ginn asked 2 questions, knowing oil was passed Highway 11 bridge, why was that bridge the closure line; and then he asked if a net could be dropped to catch and sell live bait to the catch and release fishermen. Mr. Bourgeois stated the closures were based on the presence of verifiable oil and it may be extended since oil may be nearby. He was not aware of oil past Highway 11, but thought there may be tar balls west of the bridge and would investigate the lake. On the question of live bait, Mr. Bourgeois did not have an answer but staff would discuss it. Commissioner Voisin read from the resolution, "No person shall take or attempt to take any species of fish for commercial purposes." He assumed that if the fishermen gave the bait away, it would be okay, but if the bait was sold, that would not be okay.

Mr. Ed Sexton began by thanking the Commission and Department for all they have done and appreciated the pressure the Department was under. Speaking from the recreational standpoint, he has not been able to find any study that showed there were contaminated finfish. With further testing required, Mr. Sexton wondered why any fishing areas were open. He agreed with Dr. Guidry that the best test was the smell and taste test. He was sure that he could take care of himself and was tired of the government telling him what he could or could not do. Mr. Sexton was very appreciative to have catch and release. The Department was to be reimbursed from the loss of license sales; the commercial fishermen and charterboat captains were being paid by BP; but the recreational fishermen were not getting anything, he just wanted to fish. Commissioner Taylor asked if the lab was testing for the new chemicals in the samples from Marsh Island. When she was told yes, she then asked what the results were and was told they were negative. Mr. Sexton asked why were samples taken from Marsh Island area and Secretary Barham noted that was the furthest west incursion and this occurred at the time the lab came on line with the newest protocol. Mr. Sexton felt that they would test themselves to death. Commissioner Morrow agreed with Mr. Sexton.

Mr. Chris Ginn, freelance outdoor writer and photographer, began by commending Secretary Barham and the Department during these times. He felt catch and release was a step in the right direction, but not the answer. He asked why did he have to release the fish he catches, to protect him from harm or from getting sick? Mr. Ginn stated that if that was the case, then

all of the waters needed to be closed due to mercury advisories. If catch and release was not issued for all waters in the state, then fishing should be catch and keep until it was discovered that the fish were harmful.

Mr. Travis Miller, a recreational fisherman, stated he teaches seventh grade American History. He added he teaches how people throughout history have sacrificed in order to get personal liberties. He felt everyone's liberties were being infringed upon by the government. Mr. Miller moved to Louisiana from California and was sold on the "Sportsman's Paradise". There was no data showing that the public would die in the near or distant future due to any affects from the oil. He felt "might" was not a good reason to shut down industries or mental happiness.

Ms. Linda Faulk stated she began fishing with her father at a young age and has fished ever since. Fishing is not a right, but a privilege and it has been taken away through no fault of anyone. The News Release announcing catch and release mentioned this was being done to stimulate economic activity. Ms. Faulk felt the Department was not an economic development business, but was formed to protect the wildlife and service the public in good faith. The facilities in Venice and Cocodrie have been commandeered by BP for clean up crews and if fishing was opened to catch and release, the public would be in the way of the workers and their equipment. Ms. Faulk thought there probably would be a major safety issue with catch and release. If catch and release was open, maybe staff should monitor the docks and facilities and stay out of the way of the clean up efforts. She then suggested keeping the waters closed so the job could be done.

Captain Mike Frenette began by thanking Secretary Barham and the Commission for the opportunity to speak at the meeting. He noted he had serious questions with the catch and release program. After seeing what he has seen over the past months, he understood the reasons for the closures and the ban on fishing. He announced he was against catch and release since he felt the enforcing of the proposed by agents would be impossible. He understood the smell and taste comments by Dr. Guidry were related to hydrocarbons. But he was concerned about a variety of other chemicals contained within the dispersants. The finfish, shrimp and crustaceans which spawn at this time of year and may come into contact with the chemicals will certainly die. This may result in a 2 or 3 year concern with the fisheries. The resource, the wetlands and fisheries, was the #1 issue and



what everyone should be concerned with. Captain Frenette added that he rode from Pass-a-Loutre to Empire and knew there was a thick sheen on the water and there was a stench but the oil could not be seen. Louisiana has been developed to be the #1 fishing destination in the country but now this has been tarnished by the press. The reports that the seafood is good were coming from areas that were open, but Captain Frenette stated they were not sure of the seafood from the areas that were closed but clear facts was needed.

Mr. Tony Taylor, Louisiana Sportsman Magazine, stated Secretary Barham was great to work with in terms of what the Department was doing and why they were doing it. He wanted to distinguish that he as a recreational fisherman was not the charterboat guides which takes people fishing nor did he keep his catch to sell. Mr. Taylor stated, if he was allowed to fish, he would use his brain to decide whether to eat the fish or not. He commented there has never been an example of fish taking in oil products, processed and ending up in their muscle tissue which was the part eaten. Mr. Taylor stated that Secretary Barham mentioned no one knew the effects of the dispersant, but now it was known that this product would not harm the public or the fish. Most people will decide not to fish if there was a chance their boat could be damaged or take a chance the fish may be bad. Mr. Taylor felt most people could decide whether to fish, to keep the fish or even eat the fish and he wanted the opportunity to make that decision based on known science.

Captain Stu Scheer, a charterboat captain, stated he mainly fishes for finfish. He thought the Department was to protect the resource and not be involved in social or economic issues. He wondered if fishermen should be out fishing for finfish and possibly harming the resource when it was not known what the long term effects may be. The other concern was the safety issue. Another issue of concern for catch and release was trout possibly dying when put back in the waters after being hooked. Captain Scheer suggested, if catch and release was allowed, using barbless hooks, fishing with artificial lures only or anyone caught with a fish in a closed area loses their fishing privileges for one year. In reference to the charter business, opening to catch and release would not help their industry. Captain Scheer did not think catch and release would work in Louisiana and he felt it would be an enforcement nightmare. Finally, he asked the Commission to reconsider the catch and release issue.

Mr. Steve Smith also thanked the Commission for letting him

speak and stated he was a recreational fisherman and an officer in the Bayou Coast Kayak Fishing Club. The club liked the idea of catch and release in the closed areas. Members of the club liked the maps that were on the Department's website which made it easier to read. He felt the catch and release was slow in getting going especially with several fishing tournaments already being cancelled. Mr. Smith asked what should they do if they catch a CCA tagged redfish from the STAR Tournament.

Mr. Daryl Carpenter stated, speaking on behalf of the Louisiana Charterboat Association, they had some concerns on the catch and release program. He agreed with the thought to let an adult make their own decision but he felt there may be some health issues. A poll on catch and release was taken and the membership overwhelmingly voted against it. He agreed with the comments on safety issues, security zone issued by the Coast Guard and the long term effects to the resource. Until tests can be done on everything, Mr. Carpenter did not think the fish should be pulled from the water.

Following public comments, Chairman Oats stated this item was a Declaration of Emergency that ratified the decisions made by Secretary Barham and that included the catch and release component. Commissioner Voisin noted he was confused with the catch and release language and was also confused by some of the public's testimony. He then made a motion to adopt the Declaration of Emergency as presented excluding the new language on catch and release. Commissioner King seconded the motion. Chairman Oats supported the motion for discussion. Commissioner Voisin knew that the Secretary would have the authority but suggested he come back at the next meeting with new language that clarified some of the questions posed. Chairman Oats stated that the Secretary had the authority by the Commission that could take in the public's comments. He was concerned with the thought that a fisherman that washes a boat after being in an oil area, that oil getting into other areas. Commissioner Morrow felt the language on catch and release should be left in. He knew that the people of Louisiana have suffered from this event and to give them this opportunity would be appreciated and may not cause that big of a problem. Commissioner Morrow felt that the recreational catch and release should be allowed. Commissioner King felt that catch and release was "like kissing your sister".

Mr. Joe Macaluso stated the document was not offered before the Commission and as such could not be amended.

Commissioner Voisin made a motion to put the Declaration of Emergency before the Commission as it was written and it was seconded by Commissioner Sagrera. Then Commissioner Voisin amended the motion to remove the catch and release language and that motion was seconded by Commissioner King. Commissioner Taylor felt the catch and release was not a big deal, and noted there may not be that many people fishing for catch and release as there may be if the fish could be kept. Hearing no further questions, the motion passed to adopt the Declaration of Emergency without the catch and release language. The motion passed with opposition from Commissioners Morrow, Taylor and Graham. Commissioner Graham asked how long will it take before it is decided that enough time has passed and let the people go fishing. Hearing no further discussion, the Declaration of Emergency passed with no opposition. Mr. Andy Crawford asked when would the Declaration of Emergency become effective and Mr. Don Puckett answered immediately.

(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

Recreational and Commercial Fisheries Closure  
July 8, 2010

In accordance with the emergency provisions of R.S. 49:953.B and R.S.49:967.D of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby closes all recreational and commercial fishing, effective immediately July 8, 2010, in the following area:

That portion of state outside waters seaward of the inside/outside shrimp line from the Mississippi/Louisiana state line westward to the eastern shore of Oyster Bayou at 91 degrees 07 minutes 48 seconds west longitude, and that portion of saltwater areas of the state east of the Mississippi River north of the southern shore of the Mississippi River Gulf Outlet and the southern shore of Lake Pontchartrain from the double rig line as described in R.S. 56:495.1 westward to 89 degrees 51 minutes 35 seconds west longitude and the US Hwy 11 bridge in Lake Pontchartrain, and that portion of state inside waters east

of the Mississippi River south of the southern shore of the Mississippi River Gulf Outlet and north of 29 degrees 38 minutes 12 seconds north latitude from the double rig line as described in R.S. 56:495.1 westward to 89 degrees 42 minutes 32 seconds west longitude near the western shore of the twin pipeline canals , and that portion of state inside waters from 89 degrees 28 minutes 06 seconds west longitude near Sable island eastward to the eastern shore of South Pass of the Mississippi River, and that portion of Breton and Chandeleur Sound as described by the double rig line in R.S.56:495.1, and that portion of state inside waters west of the eastern shore of South Pass of the Mississippi River westward to the southern shoreline of Red Pass at 89 degrees 28 minutes 13.4 seconds west longitude, and that portion of state inside waters south of 29 degrees 30 minutes 00 seconds north latitude from the western shoreline of Grand Bayou westward to 89 degrees 52 minutes 00 seconds west longitude, and that portion of state inside waters south of 29 degrees 35 minutes 00 seconds north latitude from 89 degrees 52 minutes 00 seconds west longitude westward to the eastern shoreline of the Barataria Waterway, and that portion of state inside waters south of 29 degrees 18 minutes 30 seconds north latitude from the eastern shoreline of the Barataria Waterway westward to 90 degrees 00 minutes 00 seconds west longitude, and that portion of state inside waters south of 29 degrees 16 minutes 00 seconds north latitude from 90 degrees 00 minutes 00 seconds west longitude westward to the eastern shore of Bayou Lafourche, and that portion of state inside waters south of 29 degrees 12 minutes 50 seconds north latitude from the eastern shore of Bayou Lafourche westward to 90 degrees 17 minutes 50 seconds west longitude, and that portion of state inside waters south of 29 degrees 21 minutes 42 seconds north latitude from the western shore of Grand Bayou Blue and 90 degrees 17 minutes 50 seconds west longitude westward to the eastern shore of Bayou Terrebonne, and that portion of state inside waters south of 29 degrees 21 minutes 00 seconds north latitude from the eastern shore of Bayou Terrebonne westward to the western shore of Bayou Petit Caillou, and that portion of state inside waters south of 29 degrees 13 minutes 12 seconds from the western shore of Bayou Petit Caillou and the Houma Navigation Canal red buoy line westward to 91 degrees 07 minutes 48 seconds west longitude.

Effective with the closure, no person shall take or possess or attempt to take any species of fish from waters within the closed area. The possession, sale, barter, trade, or exchange of any fish or other aquatic life from the closed area during the closure is prohibited.

The Commission hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to broaden or to reopen the area closed to fishing if biological and technical data indicate the need to do so.

The Deepwater Horizon drilling rig accident has resulted in a significant release of hydrocarbon pollutants into the waters offshore of southeast Louisiana and these pollutants have the potential to impact fish and other aquatic life in portions of Louisiana's coastal waters. Efforts have been made and are continuing to minimize the potential threats to fish and other aquatic life.

This action is taken in coordination with Louisiana Department of Health and Hospitals, to avoid the possibility that commercially harvested and recreationally caught fish and other aquatic life used for consumption are tainted with hydrocarbons. Governor Jindal in a declaration of emergency issued on April 29, 2010 stated in part that "a declaration that a state of emergency exists is appropriate due to the predicted impact of oil along the Louisiana coast leaking from the Deepwater Horizon which threatens the state's natural resources, including land, water, fish, wildlife, fowl and other birds, and likewise threatens the livelihoods of Louisiana's citizens living along the coast which increases the economic impact of this incident".

Stephen J. Oats  
Chairman

Commissioner Taylor commented that it felt that the recreational fishing closures would keep going for different reasons and would never stop. The testing had begun on the new chemicals in the fish with no problems thus far. Commissioner Taylor then made a motion to adopt a resolution that as soon as new tests were completed on a sufficient number of fish from an area with no contamination, that area should be open for recreational fishing. The area should remain open until tests indicated otherwise. Commissioner Morrow seconded the motion. Chairman Oats asked Mr. Puckett about adding this as an agenda item. Mr. Puckett advised that since this was an action item, a unanimous vote of the Commission was needed to add this as an agenda item. Commissioner Morrow made a motion to suspend the rules and add this action item to the agenda. Commissioner Graham seconded the motion and it passed unanimously.

Ms. Linda Faulk asked that the Commission discuss with the

Department of Environmental Quality and Coast Guard whether they approve boats going in and out of the parishes.

The motion passed with no opposition.

The Commissioners agreed to hold the **November 2010 Meeting** on Thursday, November 4, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments**. Chairman Oats noted he had several comment cards on False River drawdown. Commissioner Morrow understood from Secretary Barham that there was

a hold on the False River drawdown. Mr. Randy Pausina added that the drawdown was on hold to allow for more public comments and to gather technical comments on how the drawdown may affect docks, bulkheads and property. Commissioner Morrow then asked if there would be adequate notice to the public before any decision would be made. Mr. Pausina noted there would be public outreach meetings and then the Commission would be advised.

Mr. Bill Rainey, President of the False River Civic Association, mentioned he was associated with the Exxon Valdez Oil Spill clean-up in Alaska. While there, NOAA kept a fish tank with salmon and oil in it and the salmon lived in the tank for several weeks. After that time, they removed the salmon and tested it and found no traces of hydrocarbons in the fish including the stomach. A majority of members from his Association, which represents over 250 families and businesses, was opposed to the drawdown due to the concern for property damage. The proposed drawdown would bring the river down from 16 feet to 10 feet and could extend through January or beyond. Damage could include collapse of piers, cracked foundations, bulkheads could separate from the edge of the river, broken sewer lines, collapsed roadways and Mississippi River levee. The possibility of damage outweighs any potential benefits from the drawdown, added Mr. Rainey. Several studies have been done to solve the problems with the health of the lake such as siltation. Recently, an option was developed to stop the siltation of False River and dredge the shallow areas of the lake to remove the silt. The estimated cost for this work was \$2-\$3 million which could be obtained from federal and state funding. This work would help to solve the problems associated with fisheries in the lake and more. Mr. Rainey added that they have worked with the Department for a number of years and intended to continue that work for the betterment of False River.

Dr. Roy Dokka felt the big problems with the state of Louisiana were due to unintended consequences. One such problem was levees were built to keep the land from flooding which has killed the coast. He received a call from the people of False River and they asked what could happen with a drawdown. He told the residents there could be the potential for major failures such as enhancing erosion. Dr. Dokka felt the Commission would be "holding the bag" if there was a problem on False River. He recommended an intensive geotechnical study be conducted by a licensed professional engineer to look at the potential changes that may occur along the edges of the river. Dr. Dokka felt another way to achieve improving the habitat would be to dredge the river. Chairman Oats felt that was the plan the Department would take.

Mr. L. J. Grezaffi felt Dr. Dokka made some good points especially for those that live or owns property on False River. He noted that he has heard that the drawdown was on hold and then several days later they were told it was not on hold. Mr. Grezaffi stated there was only one meeting held in which a lot of the residents did not know about. He added he was totally against the drawdown, but asked for the Department's assistance with the siltation problem. Mr. Grezaffi asked that engineer studies be done which would guarantee there would be no failures to sea walls, home foundations, roads around the river, etc. Chairman Oats stated that the intention of the Department was to receive input from all involved and even to explore involvement from the Corps of Engineers on the siltation problem.

Mr. David Bondy stated he lives in Pointe Coupee Parish and has a place on False River and were big time stakeholders. His concern was that the problem had gotten off track and the Department moved way too fast on this issue. Mr. Bondy felt the drawdown would help for a while but it needed help at a much higher level. The number 1 problem for False River was the continued unbridled siltation. He asked that the False River Civic Association be kept advised of when meetings will occur and this may result in a higher result than a drawdown could bring. Commissioner King asked that the information from the comment cards be given to Department staff so they could be notified when meetings would be held.

Mr. Joe Macaluso challenged Commissioner Taylor's objectivity on her resolution. Chairman Oats asked whether this was needed at a public meeting. Mr. Macaluso stated there was a public notice that came from a position she advanced from a publication of

which Commissioner Taylor had ownership. Chairman Oats again asked if there was another place to present this challenge. Mr. Macaluso felt it was not an ethical matter, but added as part of ethics, the Commission was there to effect change and report, not demand change. Again Chairman Oats asked for the opportunity to sit down and have a discussion in an open dialogue to which Mr. Macaluso agreed.

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

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Robert J. Barham  
Secretary

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