

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

July 7, 2011

**PATRICK C. MORROW
VICE-CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

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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 7, 2011**

			Page
1.	Roll Call		1
2.	Approval of Minutes of June 2, 2011	1	
3.	Commission Special Announcements/Personal Privilege	1	
4.	To hear presentation on Oil Spill Early Restoration Projects		3
5.	To consider Waterfowl Zones and Splits Framework	4	
6.	Legislative Update		6
7.	To consider a Notice of Intent on the Calcasieu Lake Oyster Harvester Permit		8
8.	Discussion of Artificial Reef Fund	13	
9.	To consider Initiating Litigation to Recover Funds Transferred from the Artificial Reef Fund, and the Engagement of Outside Counsel in Connection Therewith		13
10.	To hear presentation on Louisiana Boating Officer of the Year		15
11.	To hear Enforcement & Aviation Reports/June	15	
12.	To consider Early Season Migratory Bird Regulations	16	
13.	To consider Notice of Intent on 2012 Turkey Hunting Areas, Seasons and Bag Limits		18
14.	To consider Notice of Intent on 2012 Turkey General and WMA Hunting Regulations		18
15.	To consider Declaration of Emergency on Deer Season in Atchafalaya Basin Area	34	

16.	Set November 2011 Meeting Date	36
17.	Receive Public Comments	36
18.	Adjournment	37

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, July 7, 2011

Vice-Chairman Patrick Morrow presiding.

Ronny Graham
Stephen Oats
Ann Taylor
Mike Voisin

Secretary Robert Barham was also present.

Chairman Stephen Sagrera and Commissioner Billy Broussard were absent from the meeting.

Vice-Chairman Morrow called for a motion for approval of the **June 2, 2011 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Voisin. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Voisin read a Resolution of Commendation for Mr. John E. Roussel. He then made a motion to adopt the Resolution, seconded by Commissioner Oats and unanimously approved. Mr. Roussel began by thanking the Commission for the kind words and commented that it has been quite the journey. He also noted that he has seen 46 Commissioners come and go through his time working with the Commission. Mr. Roussel added he was really excited about retiring.

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

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Resolution of Commendation
July 7, 2011

The Louisiana Wildlife and Fisheries Commission commends John E. Roussel on his retirement from the Louisiana Department of Wildlife and Fisheries, Office of Fisheries, and expresses sincere appreciation for his service to the citizens of Louisiana, the Commission, and to the recreational and commercial fisheries industries.

WHEREAS, John E. Roussel served with the Louisiana Department of Wildlife and Fisheries since November 1979 after receiving his undergraduate degree in Marine Biology from Nicholls State University and his Master of Science degree in Fisheries Biology from Tennessee Tech University. Upon his retirement, effective July 23, 2011, Louisiana shall lose one of its most knowledgeable and devoted fisheries biologists and administrators; and

WHEREAS, Mr. Roussel served in several crucial positions within the Department, including with the crab, shrimp, and oyster sections, and founded the saltwater finfish section within the Office of Fisheries to ensure effective management of the finfish fishery in both inshore and outside waters off Louisiana's coast; and

WHEREAS, Mr. Roussel led the Office of Fisheries staff by serving in several management positions, including as a Biologist Division Administrator, a Deputy Assistant Secretary, and Assistant Secretary, providing invaluable history and insight to the Department, recommendations to the Louisiana Legislature and to the Commission, and to the countless user and stakeholder groups engaged in fishing and conservation activities; and

WHEREAS, Mr. Roussel served the commercial fisheries industry outside of his regular duties through his tenure as a board member for the Louisiana Seafood Promotion and Marketing Board; and

WHEREAS, Mr. Roussel was an invaluable conduit for resolution between user groups and stakeholders of both the commercial and recreational fisheries during his service of the Department; and

WHEREAS, Mr. Roussel's retirement from the Louisiana Department of Wildlife and Fisheries brings a great loss to both the Department and Commission for the loss of his expertise, his sage counsel, and guidance on fisheries management issues.

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby commend John E. Roussel on the occasion of his retirement from the Louisiana Department of Wildlife and Fisheries, for his numerous years of service to the citizens of Louisiana, the Commission, and the Department.

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to John E. Roussel.

Stephen W. Sagrera, Chairman

The next agenda item, **To hear presentation on Oil Spill Early Restoration Projects** was handled by Ms. Drue Banta from the Governor's Office. Ms. Banta stated she serves as the Counsel for the Deepwater Horizon oil spill by managing the day to day work on the Natural Resource Damage Assessment (NRDA) process. The goal of the NRDA process was to make the environment and public whole for the damages to the natural resources and services from the oil spill. Trustees help to manage the process and represent the public interests and ensure restoration of the injured natural resources. The Trustees are comprised of the Department of Commerce, Department of Interior, Department of Defense, states of Louisiana, Mississippi, Alabama, Florida and Texas. The lead Trustee for Louisiana is Mr. Garret Graves with the Coastal Protection and Restoration Authority. The Oil Spill Coordinator's Office handles the daily administrative work on the spill. Other state agencies involved in Louisiana are the Department of Environmental Quality, Department of Wildlife and Fisheries and the Department of Natural Resources. Ms. Banta explained the distinction in an oil spill response and noted the Coast Guard was the lead agency but not a NRDA Trustee. The state NRDA team consists of staff from LOSCO and the CPRA, outside contractor and legal assistance for the assessment, managing the data and case strategy. This will be a cooperative process with the other states and the responsible parties which involves the state and federal trustees working together to assess the injuries and develop the legal case. An Executive Committee meets regularly to work through early restoration and will continue working for long term restoration. The cooperative process also means the responsible party, BP, will fund the assessment plans and participate in the development of the work plans. If the process is not working, the Trustees can exit the cooperative process and fund it through the Oil Spill Liability Trust Fund. There are 3 stages to NRDA, pre-assessment and assessment (figuring what your injuries are and what can be legally proven), restoration and planning, and then restoration implementation. On April 21, 2011, BP and the Trustees announced a \$1 billion down payment for early restoration, which is the largest early restoration agreement ever reached. The funds were divided with \$500 million split equally among the 5 Gulf states, the Department of Interior and NOAA would each receive \$100 million and the additional \$300 million would be used to fund state sponsored projects. This group meets regularly with the Oyster Task Force, the Oyster Advisory Committee, the Coastal Protection and Restoration Authority and also do public outreach meetings so the public becomes very involved. In the fall of 2010, meetings were held in various coastal communities to explain NRDA, then public scoping meetings were held with federal agencies to learn what potential projects they wanted restored from the oil spill. Now the NRDA team are wanting to meet with any non-governmental organizations or individuals so they can be informed on what was going on with the oil spill. Projects that have been submitted for early restoration, the work plans signed by both parties and available raw data can be viewed on the website <http://losco-dwh.com>. The reason raw data can be shown and not the analysis was due to this being a legal case. Then Ms. Banta talked about the next steps in the process. On June 20, a public meeting was held following the release of the list of projects submitted (deadline for projects to be submitted was June 25 for consideration for the first phase of early restoration). Over the next several weeks, the Trustees will be reviewing the projects and selecting certain ones to go before a Trustee Counsel, negotiate with BP and then a

plan would be drafted for early restoration. Criteria used to consider a project: cost effectiveness, proximity to the affected areas, scale ability, extent of the benefit to the injured resources or services, technical feasibility and likelihood of success, and operation and maintenance costs of the projects. Louisiana's specific criteria for all oil spills include implementing a project with minimum delay, look at the degree of strategy and plan and project urgency. Comments from the public are being considered in the process, which is not a requirement of the statute. To date, almost 400 projects have been submitted and the team was continuing to solicit projects. This process may take 10 years or more to complete the assessment and work on restoration. Vice-Chairman Morrow applauded the Governor's Office in taking the lead in trying to restore the coastline and resources.

To consider Waterfowl Zones and Splits Framework began with Mr. Larry Reynolds reminding the Commission a decision on this item was needed at this meeting. Waterfowl hunting has had an East and West Zone for 30 years with split seasons. Guidelines for zones and splits included the option to change at 5 year intervals, the selection this year would be used for the next 5 seasons and a decision was needed. Mr. Reynolds noted this was not a typical year. In a typical year, there are 3 options - 3 zones with straight seasons, 2 zones with split seasons or no zones with up to 2 season splits. This year, additional options were proposed - 4 zones with straight seasons or 3 zones with split seasons. With the additional options, public comment has been collected. From 6 public meetings, 19 comments were collected of which 16 favored the 2 zones with splits and 3 wanted no zones with 2 splits. Mr. Reynolds received additional public comment through the internet, press releases and word of mouth. He got 85 comments of which 52 percent favored 2 zones with split seasons, 28 percent wanted no zones with 2 splits and 13 percent wanted 3 zones with split seasons. A question on this topic was included in the annual Game Harvest Survey with 956 responding they hunt ducks. Of those 956, 35 percent wanted the current 2 zones with split seasons, 28 percent had no opinion, 22 percent wanted no zones with 2 splits, and 10 percent wanted north-south zones with splits.

Issues to consider when setting zones and splits were the season length could be 60, 45 or 30 days, the season must be open during the Thanksgiving, Christmas and New Years holidays, which options provides the greatest flexibility, what was trying to be accomplished and what will be required for evaluation. If the 3 zones with split seasons or 4 zones with a straight season option was chosen, the state would be required to monitor and state what was trying to be accomplished and how it would be monitored. Next, Mr. Reynolds talked about specific considerations for the 3 options he felt were most viable for Louisiana. The current 2 zones with split seasons has been used for 30 years and it was what everyone knows, allows for increased hunting opportunities and was flexible. The next option, no zone with 2 splits would allow for 3 opening days but there would be the same number of weekends, 2 rest periods and less flexible. The last option, 3 zones with split seasons, can allow for additional opportunity to hunt the different zones, additional flexibility but a statement of objective and a study plan was needed. An example of a 3 zone option was shown which would carve out a West Zone from the current West Zone and create a Coastal Zone. Another example was taking Catahoula Lake out of the East Zone and putting it into the West Zone and change the Coastal Zone to include Lake Pontchartrain. Next presented was the status of the proposed expanded zones and splits. The public

comment period has been completed but the revised monitoring plan was rejected but would be reconsidered with a new monitoring plan at the July U.S. Fish and Wildlife Service SRC meeting. Unfortunately the decision of zones and splits must be turned in before that July meeting. With this delay, the changes for zones and splits would be allowed next year also. Chairman Oats asked if the 5 years would become 6 years and Mr. Reynolds stated the options would stay on 5 year cycle. The recommendation was to make no changes of 2 zones with split seasons for the 2011-12 season and allow staff to continue exploring options for 3 zones with split seasons for consideration next year. The additional consideration involves combining zones and splits with proposed season dates which gives a hunter a package which they can evaluate. Other important considerations were regionally specific hunter input and what monitoring would be required. Commissioner Oats asked if the decision needed was on zones and Mr. Reynolds noted it was on zones and splits. Commissioner Graham asked if approval was wanted for the current zones and splits. Mr. Reynolds answered that was correct.

Mr. Perry Scioneaux asked the Commission and Department to support Mr. Reynolds in seeking a third zone for Louisiana. He also asked the Commission to deviate from the east zone dates by shortening the first split, starting the season on the 3rd Saturday in November for 9 days, then open the second split on December 10 for 51 days and closing on January 29. This change would allow hunters the opportunity to hunt more flight days when migration was likely to happen. Commissioner Voisin stated from the e-mails he has received, they all agree with Mr. Scioneaux. Commissioner Oats appreciated the input from the public. Then Commissioner Oats made a motion to accept the Department's recommendation to maintain the East-West zones. Commissioner Graham seconded the motion and it passed with no opposition.

Then Mr. Reynolds noted that the reports on population and habitat were good this year with little controversy, there was no need to wait on season dates. The typical season dates with calendar adjustments for the west zone would be November 12-December 4 with 12 day split with youth hunt before the season. The splits in the east zone with calendar adjustment would be November 19-December 4 and December 17 through the end of the framework with the youth hunt before the opening of the first split. Proposed season changes have been suggested by the public and the Commissioners and Mr. Reynolds wanted to introduce these to allow for public comments. The proposed dates for the west zone were November 12-December 4, 12 day split and December 17-January 22 with the youth hunt to happen inside the split, December 10-11. The east zone proposed dates would be November 19-27, have a 12 day split and then reopen from December 10-January 29 with the youth hunt occurring on the weekend of the split, December 3-4. The changes were moving the youth hunting days to the split in both zones, have more hunting days in December and fewer in November for the east zone, and the staggered split dates allows for additional hunting opportunities. Vice-Chairman Morrow stated the reason for proposing the youth hunts be moved to the splits was farmers had not flooded their fields and put their decoys out the week before the season. He then asked for as much public comment as possible on the youth hunts and the change in the East Zone dates. Mr. Reynolds stated no action was necessary and if the comments were favorable, those

proposed dates would be the Department's recommendation at the August Commission Meeting. But if the comments were not favorable, adjustments to the youth hunts or the dates would be made. Commissioner Oats asked the press and staff to give this item special attention. Commissioner Graham stated he was not familiar with hunting in the West Zone and it was totally different from hunting in northeast Louisiana. He wanted to see the youth weekend occur after the season closes since the last good youth hunt on his property occurred after the season closed. In early November in the Mississippi Alluvial Valley, a lot of the property was dependent on rain and this did not happen early in the season which resulted in no opportunity at all. Then Commissioner Graham stated personally it was not desirable to have the youth weekend in the middle of the season, but he was open to public comment.

At this point, Vice-Chairman Morrow recognized Representative Karen St. Germain.

For the next agenda item, Mr. Cole Garrett, Legislative Liaison for the Department, gave a **Legislative Update** on the 2011 Regular Legislative Session. The Department had 7 bills that passed through the process. House Bill 289, Lifetime Endowment Trust Fund, retains \$100 from the sale of each lifetime license and puts the remaining into the Conservation Fund which gives the Department revenue for the day to day operations while continuing with the federal matching funds. House Bill 291, Boater Safety Bill, made technical changes on underage drinking on waterways and clarified the definition of reckless and careless operation. House Bill 292, Litter Abatement and Environmental Education, renewed a \$1 fee for drivers licenses issued and renewed special license plates for Environmental Education. House Bill 293, Commission Authority, allowed the Commission to issue permits to collect data on recreational fishing in federal waters and how it may affect federal species. Then that data could be used to coordinate with the Gulf of Mexico Fishery Management Council and establish a regional fisheries management system. Also, House Bill 293 will establish a pilot program by equipping vessels that harvests on public seed grounds with vessel monitoring systems and this information would be used to obtain stock assessment data (all data will be held in private). House Bill 294 will allow for trapping of feral hogs year round without a special permit and allows the legal take of outlaw quadruped on private property with any legal weapon. House Bill 372 created the MC Davis Conservation Fund which coincides with the purchase agreement on 29,000 acres adjacent to the Maurepas Swamp WMA. Along with the property, the Department will receive \$360,000 to use for management and preservation of the new lands, Maurepas Swamp, Joyce and Manchac WMAs. The Department will retain 5 percent royalty on sub-surface mineral interests and monies from surface activities. The last bill, Senate Bill 119, related to leasing on White Lake property; it exempted this property from the 640 acre maximum leasing requirement and any leases up for renewal be deemed as new leases and put out for public bid. The bill also allows the pre-existing lessees match the highest bid if they participate in the bid process. Other bills of interest to the Department were House Bill 64 (allows the taking of nuisance animals around crawfish ponds); House Bill 75 (use of mullet as live bait for recreational fishing); House Bill 169 (allows for the use of ATF regulated sound suppressors when hunting and taking nongame quadrupeds); House Bill

296 (allows for inshore artificial reef development); House Bill 312 (clarified legislation from 2010 on hoop nets on Little River); House Bill 477 (sweep of funds from state agencies, \$26.6 million was removed from the Artificial Reef Fund and deposited into the State General Fund); and Senate Bill 73 (implementation of the Calcasieu Lake Oyster Harvesting Permit). Five Resolutions affecting the Department also occurred - 2 resolutions affected primitive firearms (one resolution urged the Commission to implement the .35 caliber Whelan as a primitive firearm and the other resolution urged the Commission to allow a 6 shooter revolver larger than .44 caliber available before 1900 be used as a primitive firearm); HCR 96 and 97 requested the Commission encourage the Department study deer bag limits and creel limits on freshwater fish; and HR 94 urged and requested the Department find additional funding sources for the operation of the Louisiana Seafood Promotion and Marketing Board. Vice-Chairman Morrow asked if the hunting hogs at night was year round or would it be suspended during deer season. Mr. Randy Myers stated it was the same language. Then Vice-Chairman Morrow asked if the 5 percent royalty from MC Davis was dedicated to the General Fund and Mr. Garrett explained those funds would be used on Manchac, Joyce and Maurepas Swamp WMAs. Commissioner Voisin asked if the MC Davis Fund was part of the Conservation Fund and Mr. Garrett stated it was a separate fund.

Vice-Chairman Morrow recognized Representative Joe Harrison and asked that he and Representative St. Germain come forward and discuss the agenda item, **To consider a Notice of Intent on the Calcasieu Lake Oyster Harvester Permit** with Mr. Patrick Banks.

Mr. Banks began the discussion stating he had a Notice of Intent as directed by Act 329. The action would require a number of things on commercial oyster harvesting in Calcasieu Lake. The main point was a special permit to harvest oysters commercially with special instructions to issue only 126 permits, 63 of which would go to harvesters with a record of harvest since 2001 and the other 63 would go to others interested in a permit. Also, the Act requires the permit would be in addition to the other required licenses needed to harvest oysters. The Act sunsets on July 1, 2014 and requires no more than 25 sacks of oysters can be taken per person per vessel per day. The recreational harvest limit was changed from 2 sacks per day to 1 sack per day. The last part of the Act was on penalties for violations on Calcasieu Lake. The proposed rule reiterates the sunset in 2014, the 126 permit allowance, the permit shall be in addition to other required licenses and the sack limit for recreational harvest. The proposal also lists which licenses are required to harvest oysters and also describes a public notice requirement on how and when the applications are available and when the Department will begin accepting the applications. The proposed rule will indicate there is no cost for the permit and it would not be transferable, sold or exchange and gives the Secretary authority to ratify the final rule. Commissioner Voisin asked the reason for section A being called Policy. Mr. Banks stated that language was also used in the Oyster Seed Ground Vessel Permit. Mr. Don Puckett added that it was a sub-heading setting the subject matter of the section. Vice-Chairman Morrow asked if the Notice of Intent was needed to implement the recently enacted legislation and Mr. Banks answered yes.

Representative Karen St. Germain stated Senate Bill 73 was greatly discussed in the House Committee and then was killed. But the legislation came back to the House in another form with compromises such as agreeing on the sunset provision. The oyster fishermen were not in a majority. Representative St. Germain felt the bill could start a precedence. She then had an issue with the dates, permits and licenses. In order not to confuse the fishermen, the dates should begin October 1 and end December 2012 so the licenses and permits could coincide together. Another problem was the fact that the fishermen has to show up to apply with the online capabilities available. Having a limited number of fishermen was another problem for the Representative, but that was in law. Representative St. Germain asked the Commission to look at the permit and make sure this was done for the right reasons and would be fishermen friendly.

Representative Joe Harrison stated he did not understand the bill from the beginning since he felt it was proprietary and would protect a system within one specific area. He and Representative St. Germain have supported the oyster industry which have been globally recognized for the quality of their products. Several areas that caused problems to Representative Harrison were the segregated areas, a gap that still needed to be addressed and the adverse effects to the industry and fishermen. He agreed that the word Policy should be stricken from the proposal since it has a 2 year sunset provision. During the first Committee Meeting, it was said that the oyster beds would be killed within that area, so if this occurred, Representative Harrison felt the Wildlife and Fisheries staff was not doing their job since they were hired to protect the seafood resources. He and Representative St. Germain along with Senator Morrish worked on the legislation and were willing to work within this timeframe to see if it does work. He then asked the Commission to be diligent in watching that this is pro-industry.

Commissioner Voisin thanked Representatives Harrison and St. Germain for their efforts. He noted that the process needed to begin so the harvester permits could be issued for harvest in Calcasieu Lake. He then recommended removing the word Policy from the Notice of Intent and adopt the dates as suggested of October 1 of a given year and ending on December 31 of the following year. Commissioner Voisin then wondered if the Department could handle the fishermen having to come show all of their documents which may create an uncomfortable situation. He then asked if there was a chance to modify the regulations to make it a more comfortable process. Mr. Banks stated that the law speaks to a first come-first serve basis. The issue with an internet application was that this may be the only way to allow for applications. Mr. Banks stated in their discussions, staff recognized the potential for a very uncomfortable situation with a first come-first serve process. If small changes are found during the public comment period, he did not think there would be a problem proposing them. Commissioner Voisin asked Mr. Banks to continue searching for other programs that may have worked through a first come-first serve issue. Then Commissioner Voisin asked if there were any objections to the other changes. Mr. Banks stated the law states that 126 permits would be issued each year and the timeframe of October 1 to December 31 was more than one year. Commissioner Voisin felt the intent was to be able to issue a permit beginning October 1 but not have the permit valid until January 1 through December 31. Commissioner Oats asked if the statute

required the permits to be no more than one year and Mr. Banks read from the statute: ..."once 126 permits have been issued, there shall be no more issued that year". Commissioner Oats suggested taking out the words "up to one year" and insert the words "a period". Then he suggested inserting the word Permit where the word Policy was. Mr. Banks read further from the Act: ..."there shall be no more than 126 such permits issued each year". Commissioner Oats wondered if the Notice of Intent would come back to the Commission if there were any changes and Mr. Puckett felt if there were any changes to the Rule, it would come back before the Commission. Commissioner Voisin then made a motion to accept the suggestions of changing Policy to Permit and changing up to one year to a period along with the other suggested changes. Commissioner Oats seconded the motion.

While Mr. Adley Dyson was coming to the podium, Commissioner Voisin noted he and Mr. Dyson served on the Oyster Task Force. Mr. Dyson felt the bill was not fair to everyone since there are 240 fishermen in Calcasieu Lake but only 126 will be allowed to fish. He felt this bill was the worst thing to happen to Calcasieu Lake. Mr. Dyson felt East Lake and Calcasieu Lake should be managed separately and issue the permits for East Lake and close Calcasieu until the permits were no longer needed. He knew of 92 fishermen from Cameron that was against the bill. Mr. Dyson stated he talked to Senator Morrish and the Senator asked the Governor to veto the bill but it was already signed. He felt the Commission should look at all of the issues and noted there probably would be lawsuits due to this bill. Another suggestion was to delay the date the permit was implemented until a week before they were needed. Mr. Dyson felt 126 fishermen could not fish 25 sacks of oysters and save the resource when 240 fishermen were only allowed 10 sacks. He felt this bill was not for conservation, but greed. Commissioner Voisin commented to Mr. Dyson that his comments were the same as what was made at the Legislature. He added the Commission has to implement the law or there would not even be 126 permits. Mr. Dyson felt the only way of accepting applications for the permit was to stand in line at the Lake Charles office, not Baton Rouge.

Representative Harrison felt there was the potential for litigation and possibly sitting with the Attorney General's office before going forward with this bill was a good idea. He added that the oyster fishermen work very hard for the living that they make from the industry. Commissioner Oats asked what would happen if a Notice of Intent was not approved and Commissioner Voisin understood that if there was not a permitting system, then there would be no harvesting. Vice-Chairman Morrow asked Representative Harrison if he recommended deferring the action and he was told yes, he fully supported it. Representative Harrison felt there was not enough public input even though there were 3 oyster fishermen that explained many of the issues. Commissioner Voisin asked if the action was delayed, where would that put the timeline for issuing permits when Calcasieu Lake opens. Mr. Puckett stated a Declaration of Emergency could not be used in this situation to implement the rule. He felt the time was critical and action was needed now. Assistant Secretary Randy Pausina stated this date allows for cushion since the real "wild card" was the Legislative Oversight Committee. Commissioner Voisin encouraged Mr. Dyson and his group and Department staff to sit with the Attorney General's Office and

discuss these issues and the delay could prevent the permits from being issued until December. Representative Harrison noted there are issues that can be utilized but he still felt it would be prudent to talk with the Attorney General's Office and find a legitimate strategy that could accommodate the needs of today. Based on Commissioner Voisin's suggestion of holding an Oversight Committee, Representative Harrison stated he would call a meeting in order to find a remedy.

Vice-Chairman Morrow allowed Mr. Dyson to make one comment. He felt they would be better off having the lake closed until the time when the permit was no longer needed than to deal with it as it is. The fact that 126 fishermen could fish was the problem. Commissioner Voisin again stated that the Commission had to move on the process and if they did not take action, the fishermen could miss Thanksgiving and Christmas Holidays.

Hearing no further discussion, Vice-Chairman Morrow stated there was a motion and second to amend the Notice of Intent and it passed with no opposition. Then the Commission unanimously approved the Notice of Intent as amended.

(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 promulgate rules and regulations relative to the Calcasieu Lake Oyster Harvester Permit. Authority to establish such rules and regulations is vested in the Wildlife and Fisheries Commission by R.S. 56:6 and R.S. 56:435.1.1.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§533. Calcasieu Lake Oyster Harvester Permit

A. Permit. Beginning July 1, 2011 and extending through June 30, 2014, any oyster taken from the Calcasieu Lake Public Oyster Area for commercial purposes during the open season shall only be taken by a person legally issued a Calcasieu Lake Oyster Harvester Permit by the department. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold,

exchanged, or otherwise transferred. The permit shall be valid for a period beginning on October 1 of a given year and ending on December 31 of the following year. There is no cost for the permit and no more than one hundred twenty-six (126) permits shall be effective at any one time. In the event that a permit is vacated, that permit may be re-issued to the next eligible applicant. The Department may retain the information for an additional 30 applicants in the event that permits are vacated. This permit is only applicable for commercial harvest. Recreational fishermen may harvest one sack per person per day.

B. Eligibility. Only those persons meeting the eligibility requirements outlined in R.S. 56:435.1.1 and this rule shall be issued a permit. To be eligible for this permit the applicant must hold current and valid licenses and permits required for the harvest of oysters, including a commercial fisherman license, an oyster harvester license, commercial oyster gear license, and vessel license. In lieu of a vessel license issued in the applicant's own name, the applicant may provide evidence of permission to use a vessel license issued in the name of another individual. As outlined in R.S. 56:435.1.1, one hundred twenty-six (126) permits will be made available, and completed permit applications will be processed on a first-come-first-served basis determined by the order in which the completed permit application is received by the Department. Of the available permits, sixty-three (63) shall be issued to persons who can prove through Department trip-ticket landings data that he commercially harvested oysters from Calcasieu Lake during open season at any time since January 1, 2001. The remaining sixty-three (63) permits shall be issued to any person who holds all other licenses and permits required for the harvesting of oysters.

C. Applications. Permit applications shall be made available by the Department and completed permit applications shall be accepted by the Department from any person who qualifies to obtain a permit. The Department, by public notice, shall set a date on which applications for permits will be accepted. Applications shall only be accepted from the applicant, in person, at the Baton Rouge Headquarters office of the Department at 2000 Quail Drive. Completed permit applications will only be processed for those persons who meet eligibility requirements as outlined in R.S. 56:435.1.1 and this rule. Applicants must present a complete application, personal identification with photo issued by a state or Federal agency, along with all qualifying licenses as stated herein.

D. Enforcement. The penalties for violation of these Commission regulations pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake shall be as provided for in R.S. 56:435.1.1(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 and R.S. 56:435.1.1.

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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Patrick D. Banks, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., September 1, 2011.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries 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 W. Sagrera
Chairman

The next two agenda items, **Discussion of Artificial Reef Fund** and **To consider Initiating Litigation to Recover Funds Transferred from the Artificial Reef Fund, and the Engagement of Outside Counsel in Connection Therewith** were handled together. Vice-Chairman Morrow stated the Commission was created by Louisiana's Constitution under Article 6 and was directed to protect, conserve and replenish the natural resources and wildlife. He felt that the Commission should do whatever necessary to protect funding that goes through the Conservation Fund. He then read from Article 7, Paragraph 3A which stated that "All funds and revenues which may be donated expressly to the Conservation Fund are in fact Conservation dollars and are protected". Funds donated to the Artificial Reef program are donated to the Conservation Fund which Vice-Chairman Morrow felt was protected and could not be swept by the state or used for any program except for those specific to the Artificial Reef. He then recommended that the Commission authorize Chairman Sagrera appoint a committee of 3 (Chairman Sagrera, Vice-Chairman Morrow and Commissioner Graham) to seek outside counsel, at no cost to the Commission. Again Vice-Chairman Morrow felt the Artificial Reef funds were protected and should be used only for what is provided for in the fund since the donation document states the funds should go into the Conservation Fund. Commissioner Oats commented that the Commission adopted a Resolution and sent letters during the legislative process to the Governor stating opposition to the \$26.6 million being taken from the Artificial Reef fund and used for budget relief. He noted the Commission understands the difficulties in funding the operations of the state. Commissioner Oats then made a motion asking Chairman Sagrera to appoint a 3 member Committee and delegate the Committee select legal counsel to pursue initiating legislation to recover the funds. Vice-Chairman Morrow asked if the motion would also include the \$18 million taken last year and Commissioner Oats answered yes. Commissioners Graham and Taylor seconded the motion. Commissioner Voisin asked Commissioner Oats if his motion was to initiate legislation and Commissioner Oats corrected his motion to be initiate litigation. Then Commissioner Voisin stated he has looked at all of the laws and have not been able to personally conclude whether the funds are protected or not protected. In order to clarify what funds are protected and not protected, Commissioner Voisin felt the appropriate tact was being taken but he felt

uncomfortable. Also, he felt the legislature did what they had to do and the Governor would sign the bill without striking out this line item. Commissioner Voisin noted he supported the concept and looked forward to an answer so the Commission can know if this was a legal take or not. Commissioner Graham added he has talked with attorneys and they felt the funds were in the Conservation Fund which was protected by the Constitution. He did not want to get into something that would embarrass the Commission or the State, but felt it should happen. Commissioner Oats agreed with Commissioner Voisin that this was the way to decide this issue. But another way to decide was to go to the people with a Constitutional Amendment. Commissioner Oats stated that the money should be in the Conservation Fund. Commissioner Voisin asked, once the motion was adopted, what would be the next steps and did the Attorney General's office need to approve having outside counsel. Vice-Chairman Morrow did not agree with needing the Attorney General's office approval since no funds would be expended. He then explained that the Committee would move forward with litigation in the form of a declaratory judgement. Commissioner Oats stated the intent of the motion was for the Committee to follow the law and move fast to select counsel and make decisions in regard to initiating litigation within the laws.

Mr. Chris Macaluso stated on behalf of the Louisiana Wildlife Federation that they could not commit financially to the lawsuit, but would commit whatever way possible. The Federation did not only think this was a violation of the State's Constitution, but monies given to the State through specific Acts of Donation were not to be placed in the State's General Fund. Also, it was unreasonable to think that these monies were anything but one time sums of money and so non-recurring sources of revenue could not be used to balance the budget nor deposited into the State Treasury. The Federation consulted with an attorney who felt there was some ambiguity in taking funds from the Conservation Fund and putting it into the Artificial Reef Development Fund which could possibly lead the Governor or Legislature to think those funds were no longer constitutionally protected. Mr. Macaluso suggested leaving the donations in the Conservation Fund and ask the legislature each year to take money and put it in the Artificial Reef Development Fund for certain projects during that fiscal year. Commissioner Oats understood the monies never went into the Conservation Fund as it was intended.

Dr. William Herke, Louisiana Wildlife Federation, urged the Commission to take the action being contemplated and expressed support by the Federation. He then complimented the Commission for taking on this issue.

Mr. Warren Singer, Ms. Jodie Singer, Mr. Ronald Coco, Mr. Clint Ourso and Ms. Ann Jones were in favor of the proposed but did not wish to speak.

Hearing no further comments, the motion passed with no opposition.

To hear presentation on Louisiana Boating Officer of the Year began with Lt. Col. Jeff Mayne stating each year the National Association of Boating Law Administrators pick an officer from each state that excels in DWI enforcement, crash investigation, training and boating education. Sr. Agent Toby Meyers, an 8 year veteran of the Department, was

recognized as the Boating Officer of the Year. Vice-Chairman Morrow thanked Sr. Agent Meyers for his hard work.

Lt. Col. Jeff Mayne stated, for the agenda item, **To receive and hear Enforcement & Aviation Reports/June**, the Department's planes flew a total of 86.8 hours for the month. There were 21 boating accidents reported with 8 injuries and 6 fatalities. The fatalities occurred in West Baton Rouge, Lafourche and Jackson Parishes and no PFD's were worn. Also a total of 1,323 citations and 565 written warnings were issued and agents responded to 59 public assists. Then Lt. Col. Mayne talked on another program through the National Association of Boating Law Administrators, Operation Dry Water which was held June 24-26 which focused on DWI enforcement. During the operation, there were 10 DWI's issued during the weekend in Louisiana. Also, he noted a joint initiative between the Wildlife, Fisheries and Enforcement Divisions will host a kids camp at Waddill Refuge for youth between 12 and 16 years of age during the week of July 18. The youth will be able to get their hunter education, boater education, and participate in fishing and canoeing activities. The Wildlife Agents Association would draw one youth to receive a Lifetime Hunting and Fishing License and CCA would give each youth a membership. A case of interest, Lt. Col. Mayne stated that the Palo Alto Rod and Gun Club was convicted on fines for baiting cases for hunting doves over bait. Commissioner Voisin congratulated the agents on the Operation Dry Water weekend and asked if similar local events were conducted. Lt. Col. Mayne stated this was a nationally recognized event, but the Department focused on DWI and boating safety violations continuously. Vice-Chairman Morrow noted that Mr. Steve Bonfanti and Mr. Louis Prejean were stranded south of Rockefeller and the Department rescued them. The gentlemen asked Vice-Chairman Morrow to express their appreciation for doing such a great job.

The next item, **To consider Early Season Migratory Bird Regulations** was handled by Mr. Jeff Duguay. Mr. Duguay began noting there were no major changes recommended this year, it would only be a calendar shift. The proposed dates were tentative pending approval from the U.S. Fish and Wildlife Service. Speaking on doves, the U.S. Fish and Wildlife Service allows up to 70 days for hunting with a daily bag limit of 15 mourning and white-winged doves in aggregate. Also, the state could be split into 2 zones with no more than 3 splits. The recommendation was for a daily bag limit of 15 doves and have a north and south zone. South zone dates would be September 3-11, October 15-November 27 and December 17-January 2. North zone dates would be September 3-18, October 8-November 6 and December 10-January 2. Next Mr. Duguay talked about how the U.S. Fish and Wildlife Service sets the September teal season. If the annual estimate for blue-winged teal was less than 3.3 million, then the season was closed; if the estimate was 3.3-4.7 million, a 9 day season would be allowed; and if there are more than 4.7 million, there would be a 16 day season. The estimate for this year was 8.9 million, up from last year, which allows for a 16 day season. The recommended dates would be September 10-25 with 4 bird daily bag limit. It was recommended to have a split rail and gallinule season statewide with a September 10-25 season and the remainder of the season set at the August meeting. The general framework for woodcock was to allow up to 45 days with no hunting allowed passed January 31. The recommended dates were December 18-January

31 with a daily bag limit of 3 birds. Snipe season dates would be set at the August Commission Meeting. The extended falconry season dates for mourning doves would be September 19-October 4 and for woodcock - October 27-December 16 and February 1-February 11. Commissioner Voisin made a motion to adopt the Resolution, seconded by Commissioner Taylor and unanimously approved.

(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 7, 2011

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, July 7, 2011.

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.

Stephen W. Sagrera, Chairman
Wildlife and Fisheries Commission

Mr. Jimmy Stafford presented the next two agenda items together, **To consider Notice of Intent on 2012 Turkey Hunting Areas, Seasons and Bag Limits** and **To consider Notice of Intent on 2012 Turkey General and WMA Hunting Regulations**. A hunter preference survey was conducted at the end of the 2011 season. Staff sent out 4,482 surveys and received about 24 percent back. Of those that responded, 66 percent hunted turkeys, 40 percent hunted on public lands, the mean harvest was .36 turkeys per hunter and the average number of days hunted was 7.76. One question on the survey was whether or not the hunters wanted 2 zones within the state if that would help with the success rate. Fifty-eight percent supported the 2 zones which represents a major shift in the other direction from the previous survey. A map of the state was shown which showed the partitioning of the state based on preferences and other factors. The Kisatchie National Forest would be in the south zone. When taking those hunters that favored 2 zones, 56 percent were from the south and 61 percent were from the north. About 49 percent of the hunters from the south favored keeping the current season structure. Looking at the north hunters, there was very little support for an earlier opening, 40 percent supported the current opening and 44 percent favored a later opening. The recommendation for the south zone was to stay with the current framework of opening the season on the Saturday closest to March 22; and it was recommended to open the north zone on the Saturday nearest to March 29. The bag limit would remain the same with 1 gobbler per day, 2 per season. South zone dates for Area A would be March 24-April 22, Area B - March 24-April 15, and Area C - March 24-April 8. Dates for the north zones Area D would be March 31-April 29, Area E - March 31-April 22, and Area F - March 31-April 15. Youth hunts on private lands in the south zone would be March 17-18 and March 24-25 for the north zones. There will be 16 WMAs with youth hunts, 1 Corps of Engineers area, 1 Kisatchie National Forest Unit and 2 National Wildlife Refuges. The Physically Challenged Season would run concurrent with the youth hunts on private lands. There will be 2 additional physically challenged hunts on public lands (Jackson-Bienville [April 23-29] and Indian Bayou area within the Corps of Engineers property [March 17-18]). There will be 28 wildlife management areas with a season, 16 would have youth lottery hunts, 2 non-lottery youth hunts, 18 WMAs will have non-lottery hunts and 10 with lottery or combination of lottery-non-lottery hunts. These total about 653,000 acres of land available for turkey hunting on WMAs. Changes on the WMAs would be a calendar adjustment for the respective zones the WMAs are located within; shift the season later on Sabine WMA; reduce the season on Sherburne WMA due to the flooding; split the last week of lottery hunting on Sicily Island WMA; and add an additional weekend to West Bay WMA. On the WMA youth hunts, there

will be calendar adjustments for each of the zones; the Attakapas and Thistlethwaite WMA hunts would be dropped due to low turkey populations; one day would be added to Bodcau, Jackson-Bienville, Loggy Bayou and Union WMAs; and move the youth hunt on Pomme de Terre WMA later. Turkey season on Kisatchie National Forest would be March 24-April 15 except for the Caney Ranger District which would be March 31-April 15. Dates for the Indian Bayou lands within the Corps of Engineers property would be March 17-18 for physically challenged and youth hunts and regular lottery hunt on March 24-25 and March 31-April 1. Season dates for Old River Control and Lock Areas would be March 24-April 8. National Wildlife Refuge season dates on Bogue Chitto would be March 24-April 15, Lake Ophelia dates of March 24-April 8, youth hunt on Tensas would be March 24-25 and general season hunting days of March 31-April 15, youth hunt only on Upper Ouachita would be on March 24. A regulation change would be to extend the period for calling in when a turkey was harvested would go from 72 hours to 7 days and hunters would not be required to record a validation number on their license. Vice-Chairman Morrow asked if any youth participated in the Thistlethwaite WMA hunt last year and Mr. Stafford stated one year no one applied and another year only one youth applied. The staff in the area have seen the turkey numbers decline and felt it best to provide that opportunity at another WMA. Then Vice-Chairman Morrow asked if there would still be time to add this youth hunt back in and he was told yes.

Mr. Ronald Coco asked about the seasons on Grassy Lake and Spring Bayou and Mr. Stafford commented no adjustments were made to those areas since they have short seasons.

Hearing no further comments, Commissioner Voisin made a motion to accept both Notices of Intent, seconded by Commissioner Oats 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 ~~2011~~ 2012 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~~ the South Zone on the Saturday nearest March 22 and in the North Zone the Saturday nearest March 29. The Areas A and D turkey season will be 30 consecutive days in length, the Areas B and E turkey season will be 23 consecutive days in length, and the Areas C and F 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 or 29 falls the day before Easter.

C. Statewide Youth Turkey and Physically Challenged Season on private lands shall be the weekend prior to the start of statewide each zone's regular turkey season.

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

E. ~~2011~~ 2012 Turkey Hunting Schedule

SOUTH ZONE

AREA	SEASON DATES
A	March 19 <u>24</u> - April 17 <u>22</u>
B	March 19 <u>24</u> - April 10 <u>15</u>
C	March 19 <u>24</u> - April 3 <u>8</u>
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 12-13 <u>17-18</u>

NORTH ZONE

AREA	SEASON DATES
<u>D</u>	<u>March 31 - April 29</u>
<u>E</u>	<u>March 31 - April 22</u>
<u>F</u>	<u>March 31 - April 15</u>
<u>Private Lands Youth and Physically Challenged Hunter (Wheelchair</u>	<u>March 24-25</u>

<u>Confined) Hunt</u>

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 19 <u>24</u> - 27 <u>April 1</u>	None
Bayou Macon	None	April 9 <u>14</u> - 10 <u>15</u>
Bens Creek	March 19 <u>24</u> - April 3 <u>8</u>	None
Big Lake	March 19 <u>31</u> - April 3 <u>15</u>	None
Bodcau	March 19 <u>31</u> - April 3 <u>15</u>	None
Boeuf	March 19 <u>31</u> - 27 <u>April 8</u>	None
Clear Creek	March 28 <u>April 2</u> - April 17 <u>22</u>	March 19 <u>24</u> - 20 <u>25</u> March 26 <u>31</u> - 27 <u>April 1</u>
Camp Beauregard	March 19 <u>24</u> - 27 <u>April 1</u>	None
Dewey Wills	None	April 9 <u>14</u> - 10 <u>15</u> April 16 <u>21</u> - 17 <u>22</u>
Fort Polk	March 19 <u>24</u> - April 17 <u>22</u>	None
Grassy Lake	March 19 <u>24</u> - 27 <u>April 1</u>	None
Hutchinson Creek	March 19 <u>24</u> - April 17 <u>22</u>	None
Jackson-Bienville	March 19 <u>31</u> - April 3 <u>15</u>	None
Lake Ramsey	March 19 <u>24</u> - April 3 <u>8</u>	None
Little River	March 19 <u>24</u> - April 3 <u>8</u>	None
Loggy Bayou	None	April 8 <u>13</u> - 10 <u>15</u>
Peason Ridge	March 19 <u>24</u> - April 17 <u>22</u>	None
Red River	March 19 <u>24</u> - April 3 <u>8</u>	None
Sabine	None	March 19 <u>April 14</u> - 21 <u>April 16</u> April 4 <u>20</u> - 3 <u>22</u>
Sandy Hollow	March 19 <u>24</u> - April 3 <u>8</u>	None
Sherburne	March 24 <u>29</u> - 27 <u>30</u>	March 19 <u>24</u> - 20 <u>25</u> March 21 <u>26</u> - 23 <u>28</u>
Sicily Island	None	March 19 <u>24</u> - 21 <u>26</u> March 22 <u>27</u> - 24 <u>29</u>

		March 25 <u>30-27</u> April <u>1</u> March 28 April <u>2</u> – <u>4</u> April 3 <u>5</u> - <u>8</u>
Tangipahoa Parish School Board	March 19 <u>24</u> – April 17 <u>22</u>	None
Three Rivers	March 19 <u>24</u> – April 3 <u>8</u>	None
Tunica Hills South Tract	April 4 <u>9-10</u> <u>15</u>	March 19 <u>24-20</u> <u>25</u> March 26 <u>31-27</u> April <u>1</u> April 2 <u>7-3</u> <u>8</u>
Tunica Hills North Tract	April 4 <u>9-10</u> <u>15</u>	March 19 <u>24-20</u> <u>25</u> March 26 <u>31-27</u> April <u>1</u> April 2 <u>7-3</u> <u>8</u>
Union	None	April 15 <u>27-17</u> <u>29</u>
Walnut Hills	March 19 <u>24</u> – April 17 <u>22</u>	None
West Bay	None	March 19 <u>24-20</u> <u>25</u> March 26 <u>31-27</u> April <u>1</u> <u>April 7-8</u>

G. Wildlife Management Area Lottery Youth Hunts

WMA	Lottery Youth Hunt Date
Attakapas	March 12
Bens Creek	March 12 <u>17</u>
Big Lake	March 12 <u>24</u>
Bodcau	March 12 <u>24-25</u>
Clear Creek	March 12 <u>17</u>
Fort Polk/Peason Ridge/ Calcasieu Ranger Dist.	March 12 <u>17</u>
Grassy Lake	March 12 <u>17</u>
Jackson-Bienville	March 12 <u>24-25</u>
Loggy Bayou	April 2 <u>7-8</u>
Pearl River	April 2 <u>7</u>
Pomme de Terre	March 12 April <u>7</u>
Sherburne	March 12-13 <u>17- 18</u>
Sicily Island	March 12 <u>17</u>

Spring Bayou	March 12 <u>April 7</u>
Thistlethwaite	April 2
Tunica Hills	March 12 <u>17</u>
Union	April 2 <u>7-8</u>
West Bay	March 12 <u>17</u>

H. Non-lottery youth hunts

1. Bodcau WMA will be open April ~~9~~ 21-40 22 (only youths may hunt).
2. Jackson-Bienville WMA will be open April ~~9~~ 21-40 22 (only youths may hunt).

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

1. Jackson-Bienville WMA will be open April ~~14~~ 23-47 29 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 ~~19~~ 31 - April ~~3~~ 15; all remaining KNF lands, March ~~19~~ 24 - April ~~10~~ 15 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March ~~12~~ 17-43 18 youth and physically challenged lottery only hunt, and lottery hunt only on March ~~19~~ 24-20 25 and March ~~21~~ 31-23 April 1; non-lottery hunt March ~~24-27~~. Old River Control and Lock Areas, March ~~19~~ 24 - April ~~3~~ 8.

3. National Wildlife Refuges: Bogue Chitto NWR, March ~~19~~ 24 - April ~~10~~ 15; Lake Ophelia NWR, March ~~19~~ 24 - April ~~3~~ 8 hunt ends at 12:00 p.m. each day; Tensas NWR, March ~~12~~ 24-13 25 (youth only), March ~~19~~ 31 - April ~~3~~ 15; Upper Ouachita NWR, March ~~12~~ 24 (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 36:2583 (November 2010), LR 37: .

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 7, 2011.

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 W. Sagrera
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 ~~2014~~ 2012 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~~ 7 days 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. 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. 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 Zone Descriptions

1. South Zone

a. All or portions (see Areas A, B, and C Descriptions) of the following parishes are open: Allen, Ascension, Avoyelles, Beauregard, Calcasieu, Catahoula, East Baton Rouge, East Feliciana, Evangeline, Grant, Iberia, Iberville, Jefferson Davis, LaSalle, Livingston, Natchitoches, Point Coupee, Rapides, Sabine, St. Helena, St. Landry, St. Tammany, Tangipahoa, Upper St. Martin, Vernon, Washington, West Baton Rouge, West Feliciana, and Winn.

2. North Zone

a. All or portions (see Areas D, E, and F Descriptions) of the following parishes are open: Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, and Webster.

F G. 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 ii. East Baton Rouge;
- v iii. East Feliciana;
- vi iv. Grant (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- vii. ~~Jackson;~~
- viii v. LaSalle;
- ix. ~~Lincoln;~~
- x vi. Livingston;
- xi vii. Natchitoches (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- xii viii. Rapides (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- xiii ix. Sabine;
- xiv x. St. Helena;
- xv xi. Tangipahoa;
- xvi. ~~Union;~~
- xvii xii. Vernon (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- xviii xiii. West Baton Rouge;
- xix xiv. West Feliciana (including Raccourci Island);
- xx xv. 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. iv. 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. v. 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. vi. Iberville: West of LA 1. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

ix. vii. 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: 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 viii. 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 ix. 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 x. 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 i. St. Tammany;~~

~~v ii. 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 ii. 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 i. 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 ii. Iberia: East of the West Atchafalaya Basin Protection Levee.
 - 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. Area D

a. All of the following parishes are open:

i. Bienville;

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

iii. Jackson;

iv. Lincoln;

v. Union;

b. Portions of the following parishes are also open:

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

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

iii. 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;

iv. 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;

v. Ouachita: 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.

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

vii. 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;

5. Area E

a. All of the following parishes are open:

i. Caddo;

ii. DeSoto;

iii. Red River;

b. Portions of the following parishes are open:

i. 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;

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

iii. 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);

6. Area F

a. Portions of the following parishes are open:

i. Caldwell: All east of the Ouachita River;

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

iii. 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;

iv. 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 7. 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~~, D, E, and F 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.

Ⓔ H. 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 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.

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 36:2581 (November 2010), LR 37: .

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 7, 2011.

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 W. Sagrera
Chairman

Mr. Scott Durham began his item, **To consider Declaration of Emergency on Deer Season in Atchafalaya Basin Area** stating the reason for the action was to have the language changed before the current hunting regulations pamphlet was printed. The Mississippi River flood was another historic event which required the opening of the Morganza Control structure for only the second time since 1973. The gates began to open on May 14 and it was planned to be a slow rise. But there was a documented 4 foot rise within an 8 hour period on the Sherburne WMA. People witnessed about 200 deer leaving the flood waters at Highway 190 in Lottie. Most of the deer were able to get to the highest ground in the Basin, few deer rode out the flood in the water by getting on logs, tree tops or debris, and some drowned by being caught in the rapid waters. After studying the estimates, mortality was calculated to be about 30 percent north of I-10 and there was concern with recruitment since does were pushed out of their home ranges. Management action on Sherburne WMA was to reduce harvest by 50-60 percent by having a 2-day either sex hunt, a 9 day bucks only hunt around the holidays, a 2-day either sex primitive hunt, and leave the bow season, youth and physically challenged hunts unchanged. Average Sherburne harvest for the last 5 years has been 396 deer and staff projects with these changes to have a 57 percent reduction. Then Mr. Durham noted that staff has received substantial public comment and concern on the deer herd south of I-10. The browse survey data indicated lower densities and the harvest data showed a decline in recent years. Also, he felt there was some mortality from the flood event. The change in deer season in the areas north of I-10 within the Morganza Floodway and south of I-10

within the Atchafalaya Basin Levees would hopefully return the antlerless harvest to the 2006 levels. The proposal would be to have 11 doe days, November 19-27 for still hunting only and December 10-11 for with or without dog season. The season for with or without dogs would be reduced by a week and the primitive firearm season would also be reduced by a week and make the remaining week bucks only. There would also be a reduction in harvest recommendation within the DMAP program of 50-60 percent and ask that the clubs increase their observation. Mr. Durham concluded stating staff will continue to monitor the situation. Commissioner Oats stated he did not have any concerns with the data but felt a number of people would want to make comments on these changes. Mr. Durham felt the data and comments from the public for the area south of I-10 has been going on even prior to the flooding. Commissioner Oats felt it was appropriate to consider a Declaration of Emergency but he wanted to balance that with an involved public. Commissioner Voisin also felt the action was happening quickly and wondered if there were any comment cards.

Mr. Larry Robichaux stated he has been concerned for the last 3 years there has been a steady decline. He recently rode through the Basin and saw that the vegetation was definitely damaged. Mr. Robichaux supported the reduction in hunting days. Also, he requested habitat restoration and restocking occur on Attakapas WMA.

Mr. Kenny Ribbeck knew Commissioner Oats was wanting more time for public comment but there was not time for a Notice of Intent. The staff will have to present another Declaration of Emergency on this same issue again since a DE was effective for 120 days. In order to cut down on confusion with the hunting pamphlets, Mr. Ribbeck wanted to make this presentation at this time. Also, he noted that Mr. Durham has been getting positive responses from the public on what was proposed on private lands as well as the WMAs.

Mr. Tommy Donaldson stated he hunts south of I-10 and felt the proposed action was good. The deer were hurt but they were coming back. Mr. Donaldson thought his hunting club may take further actions to help the deer.

Hearing no further comments, Commissioner Oats made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner Taylor. 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

Revisions to deer hunting seasons

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act and R.S. 56:115-116 which allows the Wildlife and Fisheries Commission to use emergency procedures to set deer hunting seasons, and due to the recent historic flooding of the Mississippi River and subsequent opening of the Morganza spillway on May 14, 2011, the Wildlife and Fisheries Commission does hereby alter the previously established deer hunting seasons for 2011-12 hunting season, for the specific areas described below:

Sherburne WMA:

Deer:

Archery, bucks only: Oct. 1-15

Archery, either-sex: Oct. 16-Feb. 15

Youth & Physically Challenged, either-sex: Oct. 29-30; **ALL OTHER SEASONS CLOSED.** Self-clearing permits.

Youth Lottery, either-sex: Oct. 29-30 and Dec. 23, 26, 28 & 30.

Firearms, either-sex: Nov. 25-26, mandatory deer check.

Firearms, bucks only: Dec. 24-Jan. 1

Primitive Firearms, either-sex: Jan. 7-8

All lands within the Morganza floodway, from the Morganza control structure, south to I-10, and from I-10 south, within the protection levees of the Atchafalaya basin.

Archery Bucks Only: Oct. 1-15, **Either-sex-** Oct. 16-Feb. 15

Primitive Firearms Bucks Only: Jan. 23-29

Still Hunt Either-sex: Nov. 19-27

Still Hunt Bucks Only: Nov. 28-Dec. 9

With or Without Dogs Either-Sex: Dec. 10-11

With or Without Dogs Bucks Only: Dec. 10-Jan. 15

These actions are being taken as a result of significant deer mortality estimated within the flood zone area identified above. The aforementioned 2011-2012 deer hunting seasons will become effective August 1, 2011.

Stephen W. Sagrera
Chairman

The Commissioners agreed to hold the **November 2011 Meeting** on Thursday, November 3, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Vice-Chairman Morrow then asked for **Public Comments** and none were heard.

There being no further business, Vice-Chairman Morrow **Adjourned** the meeting.

Patrick C. Morrow
Vice-Chairman

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