

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

July 2, 2012

ANN L. TAYLOR
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, LA
July 2, 2012
9:30 AM

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2.	Approval of Minutes of June 7, 2012	1
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4.	To hear Presentation on Whooping Crane Public Education Campaign	1
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16.	To receive and consider a Notice of Intent to Establish Rules for Charter Boat Fishing Guides and Operation – Liability Insurance Requirements per Act 844, 2012 Regular Legislative Session	49
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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Monday, July 2, 2012

Chairman Ann Taylor presiding.

Ronny Graham
Pat Manuel
Ann Taylor
Mike Voisin
Billy Broussard
Stephen Oats

Secretary Robert Barham was also present.

Chairman Taylor called for a motion for approval of the **June 7, 2012 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Graham. The motion passed with no opposition.

For the agenda item, **Commission Special Announcements/Personal Privilege**, there was nothing.

Chairman Taylor announced that item 11, **To hear Presentation on Whooping Crane Public Education Campaign**, handled by Mr. Bob Love, would be moved up. Mr. Love stated that he is here to recognize Chevron for their corporate sponsorship of our Whooping Crane education and outreach program. He stated that the crane reintroduction was started last year, and there was no funding for an education and outreach program, and thankfully Chevron agreed to be the Department's partner and demonstrate corporate buy-in for this species recovery. Mr. Love stated that the Whooping Cranes are very conspicuous, which makes them vulnerable to human encroachment. He stated that although our Louisiana conservation ethic has improved greatly, there is still room for improvement. Mr. Love stated that it is essential to have a strong education and outreach of our citizenry in order to be successful in restoring the Whooping Crane to Louisiana. With the Chevron grant flowing through the Louisiana Department of Wildlife and Fisheries Foundation, education modules have been developed by Venise Ortego. Mr. Love stated that the outreach portion of the grant, handled by Bo Boehringer, will fund Lamar billboards, which are now located along I-10 in Iowa, Vinton, and Welch, with three more coming in the future. There will also be radio advertisements, newspaper advertisements, and TV spots. Mr. Love stated that the staff had done a lot of work already, there will also be some presentations at festivals, and there will be some money available to purchase some transmitters to go on some of the cranes. Mr. Love expressed his appreciation of Chevron's willingness to partner with our foundation and our Department to raise the bar on respect for our wildlife resources. With that, he introduced Mr. Steve DeMir, General Manager of Health, Environment,

and Safety for Chevron for the greater Gulf of Mexico. Mr. DeMir stated that Chevron is honored to be here today and greatly appreciate this recognition. He stated that partnership is a core value to Chevron, and this partnership with LDWF is a critical partnership for helping to promote activities around environmental conservation. Mr. DeMir stated that Chevron's hope is that this partnership will be able to collaborate and effectively work together to help promote the rich and unique diversity of Louisiana.

Lt. Col. Joey Broussard stated, for the agenda item, **To hear Enforcement & Aviation Reports/June**, there were a total of 1259 cases and 619 written warnings were issued during June and agents helped with 50 public assists. The Department's planes flew a total of 59.4 aviation hours for the month. There were 22 boating accidents reported with 7 injuries and 6 fatalities. The first fatality was on June 5 in St. Tammany Parish, the next was in Grant on June 13, the next was in Concordia on June 16, and two were in Livingston on June 23, and the sixth. Three news releases were discussed. The first was on an Elm Grove man who was sentenced to two years in jail for illegal silencer possession. The next was an alligator guide who received a six month jail sentence as a result of a five and a half year investigation into illegal taking of alligators. He was mostly guiding non-resident hunters on hunts that he did not have tags for. The estimated value of the 26 alligators that were taken is \$143,000. The last was on three Cameron Parish men who were cited for shrimping on Cameron Prairie National Wildlife Refuge.

Commissioner Voisin asked about enforcement of the new state gulf ward boundary. Lt. Col. Broussard stated that they have just been warning and educating people before beginning to enforce it. Commissioner Voisin asked how many warnings were given out in that area, and Lt. Col. Broussard stated that he could get that information for him. Commissioner Oats asked how the year to date boating fatalities compare to prior years. Lt. Col. Broussard stated that he would have to get that information. Commissioner Oats noted that it is extremely important to wear personal flotation devices (PFD).

The next item, **To hear Summary of the 2012 Regular Legislative Session**, was handled by Mr. Cole Garrett. Mr. Garrett stated that the first week of June marked the end of the 2012 regular legislative session. He stated that the Department was tracking over 100 bills, and that he will be giving a snapshot of the ones that are most important.

Mr. Garrett began with bills that were in the Department's package. The first was House Bill (HB) 216 which allows the Department to issue commercial license renewals via the internet. Mr. Garrett stated that Senate Bill (SB) 249 was probably the most important bill that came through this year, which extends the termination date of the Department from July 1, 2012 to July 1, 2016. This happens every 4-5 years to make sure the Department is still serving a valid purpose. The next was HB 596 which allowed storage facilities or wrecker services to have a privilege on vessels that they tow, providing an incentive to recuperate costs incurred and get the vessels off the road or out of the water.

Mr. Garrett moved to bills specific to the Office of Wildlife, beginning with HB 346 that allowed us to swap $\frac{3}{4}$ of an acre on the Ouachita WMA to improve public access. The next was HB 486 which determined that any money generated from state-operated lands needs to go back into

those properties, which is in compliance with federal regulations. Next was HB557 which allows for the incidental trapping of nuisance animals, and is mainly focused on coyotes. Next was HB570 requires more stringent reporting for the alligator industry to the Department so we can better assist the alligator industry. It also provides an exception from the public information act so their information is protected from competitors. The second alligator bill was HB 643 which allows for broader use of funds for alligator programs. Mr. Garrett moved to SB 341 which addresses a loophole in the law that would allow two restricted hunters of majority to supervise each other without first completing the Firearm and Hunter Education Course. Next was SB 375 which was a technical correction which would allow money to be used as originally intended, which is the Fur Public Education and Marketing Fund. The next bill, SB 387, which provides a little more flexibility after the hunt in regards to sex identification of deer and turkey.

Moving onto Fisheries bills, Mr. Garrett began with HB 401 had to do with shrimp management. It removed the mandatory opening in Zone 2 which usually occurs the third weekend in May, and will now be open just as every other zone is, based on biological and technical data. It also grants the Commission the ability to increase mesh size in order to extend a regular shrimp season, and also retains the current bait dealer's license but removes restrictions for when it must be purchased, as well as allows holders of the license to take live croaker in addition to bait shrimp during the closed shrimp season. Next was HB 406 which authorizes the Commission to designate and set aside areas of state water bottoms for recreational reef sites. HB 431, also an oyster bill, extends the application period for public oyster seed ground vessel permit through December 31, 2012. Next was HB 651 which made uniform trotline and yo-yo mechanical fishing regulations, which was addressed by Mike Wood at the June Commission meeting. HB 1190 authorizes the Department of issue permits for alternative oyster culture, which is groundbreaking in this state, and will allow the oyster industry to try some innovative things to produce more oysters. Commissioner Voisin was instrumental in this bill. The next bill, SB 468, clarified what saltwater anglers could use for bait.

Mr. Garrett moved onto bills that were passed that affect the Department, beginning with HB 230 which mandates the Commission to adopt breech loading rifles of .35 caliber or larger as primitive weapons for the primitive firearms season. Next was HB 918 which provides penalties for the tampering of state or privately owned water control structures including the discretionary revocation or permanent prohibition of hunting, fishing, or gear licenses possessed or sought by the offender. Next, SB 202 removes the limited entry cap of 126 permittees for the Calcasieu Lake Oyster Harvester Permit. Mr. Garrett moved to SB 224 which allows drivers licenses to indicate whether someone holds a lifetime hunting or fishing license, or if they have taken boater safety or firearm or hunter education. Next was SB 370 which allows the possession and transport of wildlife for the entertainment industry. SB 531 requires the forfeiture of wildlife taken during trespass to the authorities, then pay restitution to the Department under the regulations. SB 670 requires charter fishermen on the water to have proof of liability insurance. Next was SB 733 which dealt with the composition of the Seafood Promotion and Market Board. It reduced the membership from 16 to 14, removed one seat from the shrimp industry, an economist, and a finfish seat, and added a seat for the LA Restaurant Association and for a LA Retailers Association seafood buyer. It also created term limits and a rotating chair. The bill also mandates that the Board adopt new bylaws to be submitted for legislative oversight.

Mr. Garrett moved onto notable resolutions, beginning with House Concurrent Resolution (HCR) 6 which allows for the Zoo of Acadiana to be exempt from our permitting procedure so long as it meets AZA standards for enclosures. Next was HCR 10 which asks Congress to encourage the National Marine Fisheries Service and the Gulf Council to adopt a weekend only fishery for red snapper. HCR 49 requests the Department to study Bayou Teche for possible inclusion into the Historic and Scenic Rivers program. Next was HCR 64 which requests the Department to study for possible implementation the issuance of hunting and recreational fishing licenses for a year from the date of purchase. HCR 125 declares May 19 through May 25, 2012, as Safe Boating Week. House Senate Resolution (HSR) 4 requests the House Committee on Natural Resources to examine litter abatement. Moving onto Senate Concurrent Resolutions (SCR), Mr. Garrett began with SCR 43 which recognizes the 75th anniversary of the U.S. Fish and Wildlife service, and Wildlife and Sport Fish Restoration Program. SCR 114 authorizes and directs the Department to study entering into recreational fishing and hunting license reciprocity agreements with Arkansas, Mississippi and Texas, and to submit its findings. SR 182 requests the Senate Committee on Natural Resources to study the feasibility of creating a conservation district along the Pearl River. Finally, SR 183 requests the Senate Committee on Natural Resources and the senate Committee on Environmental Quality to study the social, economic, and environmental impact of the discharge from the Temple Inland facility into the Pearl River.

Finally, Mr. Garrett moved onto bills that failed to pass. First, HB 233 would have allowed for night hunting of nuisance animals year-round on private property. HB 347 would have dedicated 10% of mineral revenues, not to exceed \$100K, generated on state water bottoms of Lake Bistineau for operations, management, and improvements to Lake Bistineau. Next, HB 538 would have authorized the Commission to close all or parts of state waters to the harvest of blue crabs when stocks are approaching overfished limits. HB 1079 would have increased the daily aggregate creel limit for blue or channel catfish over 20" from five to ten on Toledo Bend Reservoir. HB 1123 would raise the daily creel limit for crappie on Toledo Bend Reservoir from 25 to 50, and SB 322 would have allowed for any person holding a driver's license signifying that he is currently a resident of Arkansas, Mississippi, or Texas to be issued an annual hunting or recreational fishing license in Louisiana at the same price as a resident.

Commissioner Manuel had a question about duck stamps that was clarified by the Commissioners telling him that you can just carry your duck stamp.

The next item, **To receive and consider Notice of Intent for Internet Purchase of Commercial Licenses and Permits per Act 61, 2012 Regular Legislative Session**, was handled by Mrs. Janis Landry. Mrs. Landry stated that this rule will allow the Department to allow commercial fishermen and wholesale retail dealers to apply and pay for their licenses online if they had them in the immediate previous year. She stated that there will be a \$2.00 per license privilege fee charge for the cost of maintaining and building the system, and an additional 3% handling fee. A motion was made by Commissioner Voisin and seconded by Commissioner Oats to adopt the Notice of Intent. There being no public comment and no further discussion the motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations relative to internet application and purchase of licenses associated with the commercial fishing industry. Authority to establish such rules and regulations is vested in the Wildlife and Fisheries Commission by R.S. 56:301.9.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and other Aquatic Life

Chapter 4. License and License Fees

§403. Traversing Permit

A. The Department of Wildlife and Fisheries is authorized to issue a traversing permit upon application to its Commercial License Section at the Baton Rouge office for a fee of \$250 for each permit. Application for permits must be made in person or as provided by Section 415 of this Part.

B. – H.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:305.B, and R.S. 56:320.2.E.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:240 (March 1996), amended LR 26:2333 (October 2000), amended LR 38: .

§413. Methods of Payment for Commercial Licenses and Oyster Tags

A. Commercial licenses and oyster tags may be purchased using the following forms of payment:

1. cash;
2. money order;
3. cashier's check;
4. business checks certified by the issuing bank; and
5. credit cards (MasterCard, American Express, or Discover only).

B. Payment by credit card will be allowed only by the card holder at the Baton Rouge Licensing location with the credit card present at the time of purchase or as provided by Section 415 of this Part.

C. No other forms of payment will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:642(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:1622 (June 2011), amended LR 38: .

§415. Application and Payment for Eligible Commercial Licenses and Permits Via the Internet

A. This rule allows certain persons to apply and pay for eligible commercial licenses or permits via the internet.

B. Application and payment of eligible commercial fishing licenses and permits may be made only in the name of the person who held that same license(s) or permit(s) for the

immediately preceding license or permit year No changes to information contained on the previous license or permit will be allowed when applying via internet. 3. Eligible commercial licenses and permits available for application and payment under this rule are limited to the following:

- 1.. Commercial Fisherman License
2. Fresh Products License
3. Oyster Harvester License
4. All Vessel Licenses
5. All Commercial Fishing Gear Licenses and related fees
6. Seafood Retail Dealer License
7. Seafood Wholesale/Retail Dealer License
8. Seafood Transport License
9. Wholesale Out of State Crab Shipping License
10. Charter Guide License
11. Charter Mothership License
12. Charter Skiff License
13. All Commercial Fishing Permits
14. Domestic Aquatic Organism License, and
15. Apprentice License.

C. Payment may be made by the following methods:

VISA;

MasterCard;

Discover;

American Express; and

Electronic Check.

D. In addition to the cost of each license or permit, a use fee of \$2.00 per license or permit and a handling fee of 3% per transaction will be charged for use of the internet application and payment system.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:642(C)

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38: .

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: Janis Landry, Licensing Manager, P. O. Box 98000, Baton Rouge, LA 70898.

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).

Ann L. Taylor

Chairman

The next item, **To receive and consider Notices of Intent for the 2013 Spring Wild Turkey Seasons**, was handled by Mr. Jimmy Stafford. Mr. Stafford began by providing a quick update on the 2012 turkey harvest. There were 2,041 turkeys called in this year which is down about 530 birds from 2011, which was unexpected. Mr. Stafford stated that one of the key reasons for

this is that the jake harvest dropped considerably this year, a little over 200 jakes this year compared to around 700 last year. Mr. Stafford stated that the season proposals for 2013 are simple calendar adjustments from 2012. He stated that a youth physically challenged hunt will be recommended the week prior, which would be March 16-17. The regular turkey season would open on March 23 for all three areas with Area A closing April 21, Area B closing April 14, and Area C closing on April 7. Mr. Stafford stated that the National Wildlife Refuges and Corps of Engineers properties will be simple calendar adjustments as well. Mr. Stafford stated that as changes go the Department will recommend opening three small areas that were closed in Pointe Coupee, Iberville, and Ascension Parishes, there are some WMA adjustments, and a youth lottery hunt will be added on the Kisatchie National Forest. Mr. Stafford stated that the three areas that will be open are not necessarily stocked with turkeys, but opening these areas will provide more user friendly regulations. As far as WMA changes we are requesting to slightly reduce the season on Sherburne WMA to try to help the population build up a little more. Mr. Stafford stated that in 2012 there were 13 turkeys harvested in this area, but there were 77 in 2011. Mr. Stafford stated that the Department would like to move the season up on Dewey Wills WMA to get more participation in the season. An additional youth hunt day is recommended to be added on the Pearl River WMA, as the area is recovering from the damage done by Hurricane Katrina. A three day lottery hunt is being recommended on Union WMA to allow more opportunity. The next request was on Tunica Hills WMA. Mr. Stafford stated that the Department is in the process of studying the turkey population on Tunica Hills with a three-year study where GPS units are being put on wild turkey gobblers to track the interactions of turkeys and hunters. A small GPS unit is issued to the hunter to carry with him during his hunt, which will provide information as to how the turkeys and hunters interact. Commissioner Oats asked if a special license could be sold to hunters that would show them where the turkeys are. Mr. Stafford stated that hunters have asked “where is this turkey at”, but that this study is going to provide some really neat information. Mr. Stafford stated that the next change is to drop Bens Creek WMA, which is no longer in the WMA, and the last change is to set the Peason Ridge fall season limit at one bird. As far as the Kisatchie youth hunt lottery proposal, the Department has been working with Forest Service trying to increase youth hunting opportunities in these areas. The Forest Service has agreed to allow lottery youth hunts on all of their ranger districts throughout the state, which will create about 115 new opportunities for youth throughout the state. With that Mr. Stafford concluded his presentation and asked for questions. A motion to approve was made by Commissioner Voisin and seconded by Commissioner Manuel. There being no public comment and no further discussion the motion passed with no opposition.

(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 201~~2~~3 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 and only one turkey may be taken during the fall WMA lottery hunt.

B. Turkey season will open on the fourth Saturday in March. 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 fourth Saturday in March 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 the regular turkey season.

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

E. 201~~2~~3 Turkey Hunting Schedule

AREA	SEASON DATES
A	March 23 <u>4</u> - April 21 <u>2</u>
B	March 23 <u>4</u> - April 14 <u>5</u>
C	March 23 <u>4</u> - April 7 <u>8</u>

Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 16 ⁷ - 17 ⁸
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F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 23 ⁴ – March April 31	None
Bayou Macon	None	April 13 ⁴ - 14 ⁵
Bens Creek	March 24 – April 8	None
Big Lake	March 23 ⁴ - April 7 ⁸	None
Bodcau	March 23 ⁴ - April 7 ⁸	None
Boeuf	March 23 ⁴ – March April 31	None
Clear Creek	April 12 – April 21 ²	March 23 ⁴ - 24 ⁵ March 30 – 31 – April 31
Camp Beauregard	March 23 ⁴ – March April 31	None
Dewey Wills	None	March April 23 ¹⁴ – 15 March April 24 ²¹ – 22 March 30 March 31
Fort Polk- Vernon	March 23 ⁴ – April 21 ²	None
Grassy Lake	March 23 ⁴ – March April 31	None
Hutchinson Creek	March 23 ⁴ – April 21 ²	None
Jackson-Bienville	March 23 ⁴ – April 7 ⁸	None
Lake Ramsey	March 23 ⁴ – April 7 ⁸	None
Little River	March 23 ⁴ – April 7 ⁸	None
Loggy Bayou	None	April 12 ³ - 14 ⁵
Peason Ridge	March 23 ⁴ – April 21 ²	None
Red River	March 23 ⁴ – April 7 ⁸	None
Sabine	None	April 13 ⁴ - 15 ⁶ April 19 ²⁰ - 21 ²
Sandy Hollow	March 23 ⁴ – April 7 ⁸	None
Sherburne	March 25 ⁹ - 27 ³⁰	March 23 ⁴ - 24 ⁵ March 26 – 28
Sicily Island	None	March 23 ⁴ - 25 ⁶ March 26 ⁷ - 28 ⁹ March 29 ³⁰ – March April 31

		April <u>12</u> – <u>34</u> April <u>45</u> - <u>78</u>
Tangipahoa Parish School Board	March <u>23</u> 4 – April <u>21</u> 2	None
Three Rivers	March <u>23</u> 4 – April <u>7</u> 8	None
Tunica Hills South Tract	April <u>8</u> 9 - <u>14</u> 5	March <u>23</u> 4 - <u>24</u> 5 March <u>30</u> 4 – March April <u>31</u> April <u>6</u> 7 - <u>7</u> 8
Tunica Hills North Tract	April <u>8</u> 9 - <u>14</u> 5	March <u>23</u> 4 - <u>24</u> 5 March <u>30</u> 4 – March April <u>31</u> April <u>6</u> 7 - <u>7</u> 8
Union	None	April <u>12</u> - <u>14</u> April <u>19</u> 20 - <u>21</u> 2
Walnut Hills	March <u>23</u> 4 – April <u>21</u> 2	None
West Bay	None	March <u>23</u> 4 - <u>24</u> 5 March <u>30</u> 4 – March April <u>31</u> April <u>6</u> 7 - <u>7</u> 8

G. Wildlife Management Area & Kisatchie National Forest Lottery Youth Hunts

WMA/Ranger District	Lottery Youth Hunt Date
Bens Creek	March 17
Big Lake	March <u>16</u> 7
Bodcau	March <u>16</u> 7 - <u>17</u> 8
Clear Creek	March <u>16</u> 7
Fort Polk-Vernon/Peason Ridge, Calcasieu Ranger Dist. Caney Ranger District. Catahoula Ranger Dist. Kisatchie Ranger Dist. & Winn Ranger Dist.	March <u>16</u> 7
Grassy Lake	March <u>16</u> 7
Jackson-Bienville	March <u>16</u> 7 - <u>17</u> 8
Loggy Bayou	April <u>6</u> 7 - <u>7</u> 8
Pearl River	April <u>6</u> 7 <u>April 13</u>
Pomme de Terre	April <u>6</u> 7
Sherburne	March <u>16</u> 7 – <u>18</u>

Sicily Island	March 16 <u>7</u>
Spring Bayou	April 6 <u>7</u>
Tunica Hills	March 16 <u>7</u>
Union	April 6 <u>7</u> - 7 <u>8</u>
West Bay	March 16 <u>7</u>

H. Non-lottery youth hunts

1. Bodcau WMA will be open April ~~13~~4-~~14~~5 (only youths may hunt).
2. Jackson-Bienville WMA will be open April ~~13~~4-~~14~~5 (only youths may

hunt).

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

1. Jackson-Bienville WMA will be open April ~~15~~6 - ~~21~~2 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 ~~23~~4 - April ~~7~~8; all remaining KNF lands, March ~~23~~4 - April ~~14~~5 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March ~~16~~7-~~17~~8 youth and physically challenged lottery only hunt, and lottery hunt only on March ~~23~~4-~~24~~5 and March ~~30~~1-~~March~~April ~~31~~31. Old River Control and Lock Areas, March ~~23~~4 - April ~~7~~8.

3. National Wildlife Refuges: Bogue Chitto NWR, March ~~23~~4 - April ~~14~~5; Lake Ophelia NWR, March ~~23~~4 - April ~~7~~8 hunt ends at 12 p.m. each day; Tensas NWR, March ~~16~~7-~~17~~8 (youth only), March ~~23~~4 - April ~~7~~8; Upper Ouachita NWR, March ~~16~~7 (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 37:3541 (December 2011), LR 38: .

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 ~~67~~, 20112.

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).

Ann L. Taylor

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 20123 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 seven days of the kill, the hunter must report the kill. 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 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. Pointe Coupee (Exception: See Sherburne

WMA for special season dates on all state, federal, and
private lands withing Sherburne boundaries);

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

xiv. Sabine;

xv. St. Helena;

xvi. Tangipahoa;

xvii. Union;

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

xix. West Baton Rouge;

xx. West Feliciana (including Raccourci Island);

xxi. 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 the Mississippi River 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: 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.~~

xiii~~v~~. Richland: That portion south of US 80 and east of LA 17;

xiv. 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. Ascension;

- ii. Caddo;
- iii. DeSoto;
- iv. Red River;
- v. St. Tammany;
- vi. 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.

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, shooting range use, 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.~~

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

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

c. Tunica Hills: All lottery hunters must wear provided GPS units while hunting if directed by researchers.

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 37:3535 (December 2011), LR 38:

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 6, 2012.

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).

Ann L. Taylor

Chairman

Commissioner Ronny Graham handled the next agenda item, **To reestablish the East/West Zone Boundary to the Historical Boundary with no Affect to the Newly Established Coastal Zone.** Mr. Graham requested that Larry Reynolds pull up the map of the zones that were established at the last meeting. Mr. Graham stated that last month the Coastal zone was added, which basically left the East and West zones intact above the Coastal zone, but the northern boundary between the East and West zones was straightened out. Mr. Graham pointed out Lake D'Arbonne and a hardwood timber waterway that runs through Union Parish into Arkansas, Corney Lake Bottom. He stated that the whole hardwood timber section ties into D'Arbonne, and what we effectively did was divided the two bodies of water. Mr. Graham stated that he would like to put the East/West zone boundary back where it was. Mr. Graham made a motion to reestablish the East/West zone boundary to the historical boundary with no effect to the newly established Coastal zone. As a point of clarification Commissioner Oats stated that only dealing with that portion of the line from Jackson Parish north to Arkansas. Mr. Reynolds stated that there were two components of the motion passed at the June meeting, and this reverses one of those components, leaving the other intact. There will be three zones, but the northwest boundary of the West zone will move back to the traditional line. Commissioner Oats seconded the motion. Commissioner Manuel stated that he understood that the new zones were being made because the Feds had given us a time limit, and that was the last day it could be acted on, and asked how we can change things now. Commissioner Graham stated that when he found out what problems were created he went to Larry Reynolds, and that he could answer the question. Mr. Reynolds stated that there was a June 15 deadline, and that although due diligence was done before making the decision, there is evidently a large segment of waterfowl hunters that did not feel the need to participate in the survey and data collection over the past two years. Under Commissioner Graham's instructions, Mr. Reynolds contacted the U.S. Fish and Wildlife Service (USFWS) on June 24, nine days after their deadline, explained the situation and asked if we had options. They said that because Louisiana does not use zones in the early waterfowl seasons, the decision can be a late season document decision, and gave a deadline of July 2 to make a final decision, so we do have the legal opportunity to change this boundary back. Commissioner Sagrera asked if there was a lot of input to make the change that was made, will there be a counter-insurgency? Mr. Reynolds answered that the line was changed because of clear boundaries given to us by other conservation activities such as bird conservation regions and ecological zones, as well as the survey data that was collected. The survey data from hunters who said they hunted in that area supported the change to three zones. Mr. Reynolds stated that once that decision was announced there was an outpouring of negative response. Commissioner Oats stated that he almost stopped the discussion at the last meeting because he did not think they spent enough time on this part of the zones. He noted that depending on what is done with seasons, probably nobody will see any differences in when they hunt, regardless of what is done with the line. He stated that this created flexibility for the first time in a five-year cycle, but that

there can be three zones without the penalty of all of them having to start and stop at the same time. Commissioner Oats stated that he supports the motion, because he did not focus enough on that at the last meeting. Commissioner Manuel asked for clarification on the three zones, and the reasoning behind moving the boundary in the first place. Mr. Reynolds clarified that the Coastal zone would remain, but that they would just be changing the northwest boundary back to the original boundary. We would still have three zones, and Mr. Reynolds restated the boundaries. There was discussion amongst the Commissioners, and Commissioner Manuel brought up changing the Coastal zone as well, based on some complaints he has received. Commissioner Voisin told Commissioner Manuel he could make the motion to change the Coastal boundary. Commissioner Manuel made a motion to change the Coastal boundary. There was discussion concerning the new zone boundaries, as well as the legality of adding this item to the agenda. Don Puckett stated that the way the item was listed on the agenda would require a unanimous vote to add Commissioner Manuel's agenda item. There was discussion surrounding the boundary of the Coastal zone, how it was determined, and how it might be changed. Commissioner Voisin stated that because the Coastal zone was established last month there is no historical boundary, so it would take an addition to the agenda.

Chairman Taylor announced that there was a public comment card from Daniel Colvin with Corney Lake Ducks Unlimited. Mr. Colvin provided historical information regarding Corney Lake, and was in support of Commissioner Graham's motion. He stated that waterfowl do not show up on the lake until December, and they hit a peak in January. Mr. Colvin stated that if Corney Lake cannot be placed in the East zone, a November 17 opening date with a longer split would allow hunting until the last Sunday in January, would be a good alternative.

Chairman Taylor asked for any other public comments or discussion. Commissioner Manuel asked if his change could be made as well. The Commissioners discussed how Commissioner Manuel's change could be added to the agenda. Chairman Taylor announced that there is a motion on the floor to reestablish the East/West zone boundary to the historical boundary north or Jackson Parish with no effect to the newly established Coastal zone. There was one additional public comment stating that he thought this discussion was simply on the zone boundaries, not on the season dates. The Commissioners confirmed that he is correct; this discussion is simply on zone boundaries. The motion was made by Commissioner Graham and seconded by Commissioner Oats. There being no further public comment or discussion the motion passed with no opposition.

The next agenda item, **Declaration of Emergency for Early Season Migratory Bird Hunting regulations, and proposed season dates for the 2012 waterfowl season**, was handled by Mr. Jeff Duguay and Mr. Larry Reynolds. Mr. Duguay provided an overview of the general framework for early season migratory bird hunting regulations, stating that the feds allow us not more than 70 days of dove hunting with a daily bag limit of 15 mourning doves and white-winged doves in the aggregate. They allow two zones, which we are not proposing to change, and each zone is not split into more than three different periods. Mr. Duguay stated that as far as dates are concerned, only calendar adjustments are being recommended. In the South zone recommended dates for dove hunting are September 1-9, October 13-25, and December 22-January 7. In the North zone recommended dates are September 1-16, October 6-Nov. 4 and December 15-January 7. Mr. Duguay stated that September's recommended teal season is

September 15-30 with a daily bag limit of four birds, which is what the Feds allow. For rails and gallinules there will be a split season statewide, we are allowed 70 days. For the early season we recommend the same as teal, which is September 15-30, and the remainder of the season will be set in August with the duck regulations. Mr. Duguay moved onto woodcock, stating that we are allowed not more than 45 days of hunting, we cannot hunt past January 31, and we are allowed a daily bag limit of three birds. We are recommended our historic dates of December 18 –January 31 and a daily bag limit of three birds. Mr. Duguay stated that snipe will be deferred until August with the waterfowl seasons. Lastly, the extended falconry will just be a calendar adjustment, with mourning dove being September 17 – October 3, and woodcock being October 28 - December 17 and February 1 - February 11. There were no questions from the Commissioners. Commissioner Oats moved adoption of the Declaration of Emergency, and Commissioner Sagrera seconded the motion. There being no further discussion and no public comment, the motion passed with no opposition.

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

DECLARATION OF EMERGENCY

Early Season Migratory Bird Hunting Regulations

Louisiana Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

The hunting seasons for early migratory birds during the 2012-2013 hunting season shall be as follows:

Dove: The term “dove” refers to the following species, and only the following species: mourning doves, white-winged doves, Eurasian collared-doves, and ringed-turtle doves.

Dove South Zone:

Sep. 1-9

Oct. 13-Nov.25

Dec. 22-Jan. 7

Dove North Zone:

Sep. 1-16

Oct. 6-Nov. 4

Dec. 15-Jan. 7

Bag Limit: Mourning and white-winged doves and fully dressed Eurasian collared- and ringed turtle-doves: Daily bag limit 15 in aggregate, Possession 30 in aggregate, but note: there is no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian-collared doves and ringed-turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

Dove Hunting Zones: The state shall be divided into North and South Dove Hunting Zones by the following boundary: Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate 12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line.

Teal: September 15 - September 30

Daily bag limit 4, possession limit 8, blue-winged, green-winged and Cinnamon teal only. Federal and state waterfowl stamps required.

Rails: Split Season, Statewide, 70 days

September 15 - September 30

Remainder of season to be set in August with the duck regulations.

King and Clapper: Daily bag limit 15 in the aggregate and possession 30

in the aggregate.

Sora and Virginia: Daily and possession bag 25 in the

aggregate.

Gallinules: Split Season, Statewide, 70 days

September 15 - September 30

Remainder of season to be set in August with the duck regulations.

Common and Purple: Daily bag limit 15 in the aggregate, possession of

30 in the aggregate.

Woodcock: December 18 - January 31, Statewide

Daily bag limit 3, possession limit 6.

Snipe: Deferred to be set in August with the duck regulations.

Extended Falconry Season

Mourning Doves: Statewide

September 17 - October 3

Woodcock: Split Season, Statewide

October 28 - December 17

February 1 - February 11

Falconry daily bag and possession limits for all permitted migratory game birds must not exceed 3 and 6 birds, respectively, singly or in the aggregate, during the extended falconry seasons and regular hunting seasons. Remainder of extended falconry seasons for ducks, rails, gallinules to be set in August with the duck regulations.

Shooting and Hawking Hours:

Dove: One-half hour before sunrise to sunset except 12:00 noon to sunset

September 1, 2012.

Teal, rails, gallinules, and woodcock: One-half hour before sunrise to sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 100,000 sportsmen, selection of season dates, bag limits, and shooting hours must be established and presented to the U.S. Fish and Wildlife Service Immediately.

The aforementioned season dates, bag limits and shooting hours will become effective on September 1, 2012 and extend through sunset on February 28, 2013.

Ann L. Taylor

Chairman

Mr. Reynolds addressed the Commission regarding duck season proposals. He reminded everyone that last year we changed the protocol by proposing waterfowl hunting season dates at the July meeting, allowing for 30 days of public comment before proposing them at the August meeting. That is particularly important this year because of the third zone. Mr. Reynolds began with the youth hunt results from the hunter opinion survey, and having the youth hunt before the opening of the first split was the most popular response in all zones. Mr. Reynolds stated that, based on the hunter opinion survey results, hunters in the East zone like to hunt later in the season, and respondents to the mail-out survey wanted to hunt on the last weekend of the season. The survey did not provide support for splits until you get to the Coastal zone. Mr. Reynolds also noted that in the new West and the Coastal zone there is waning support for hunting in the last two weeks of the framework. Mr. Reynolds stated that the final piece of information, harvest data, allow us to see what proportion of the duck kill comes in each week of the season. This data shows that we kill more ducks early in the season than late in the season. Mr. Reynolds stated that he has had 14 people contact him regarding season dates since the last meeting, and there have been four internet posts, all supporting more early season hunting and a shorter split in the new West zone. Mr. Reynolds stated that he has also received three personal contacts and two internet posts supporting the same or later season dates. In summary there is support for earlier seasons through public comment, later seasons through the survey, and earlier seasons in all zones in the harvest data. With that said, the proposed dates are as follows: In the Coastal zone the first three weeks after November 10th with a 12 day split, and then starting December 15 through January 20th with the youth hunt before the season. In the West zone opening November 10 and running for four weeks, a 12 day split, and running to the traditional

last day, with the youth hunt before the season. Commissioner Graham discussed the hunter opinion survey results for the youth hunt in the West zone, stating that ducks do not arrive in the East zone until early December and are still here at the end of the season. Commissioner Graham recommended that we move the youth hunt in the East zone to the end of the season, the weekend after January 27. Commissioner Graham moved to approve the recommendations given by Mr. Reynolds with the exception of moving the youth hunt to the end of the season, and Commissioner Oats seconded the motion. Commissioner Oats asked why not change the West zone to match the Coastal zone. Mr. Reynolds answered that the reason we initiated movement toward the third zone was public opinion of hunters in Northwest Louisiana, and the proposed season dates balance what the public comments and hunter opinion survey show. Mr. Oats stated that he thought we went to three zones to provide flexibility if we ended up with non-liberal seasons. He asked that we give some consideration to leave the dates the same for the West and Coastal zones, and we will see the people who want a change through public comments over the next 30 days, and discussion followed. Commissioner Manuel asked if the recommended dates are scientific and discussed the dates proposed. He clarified that these dates are proposed and being voted on to put out for public comment until the next meeting.

Mr. Warren Saucier was the first to provide public comments. Mr. Saucier stated that he has been hunting in Northwest Louisiana since 1988, and stated that their ducks come earlier in the season so he would like for the Commission to consider, in the West zone, an earlier start date. Commissioner Broussard commented that he was under the impression that we were already starting on the earliest possible date. Mr. Reynolds stated that the federal framework with liberal harvest regulations is the last Saturday in September through the last Sunday in January, seasons can be set anywhere in that period, and a split can be as long as you want. He stated that we have an incredibly long tradition of opening the second Saturday in November. Next to comment was Ray Doughty of Mallard and Duck Club, Lake Bistineau which is in the West zone. He stated that the recommended dates for the West zone are acceptable, but he would rather go to November 3 or even the last weekend in October, as they kill most of their ducks in the first two weeks of November. Next was Mr. Bob Brotherton of Elm Grove, LA, which is in the West zone. He would also like to see the duck season opened as early as possible. Mr. Brotherton requested that the Commission open the season earlier, preferably the first weekend in November, with a youth hunt early to provide the opportunity for the youth to hunt when there are ducks. Mr. Mike Echols was next, and thanked the Commission for the third zone. Mr. Echols stated that he can live with what is proposed for the West zone, but would rather the season open the first weekend in November. Next was Mr. Donald Sistrunk who is from Shreveport. Mr. Sistrunk stated that their ducks come through early in the season, so if he had his choice he would open the season November 3 and be finished by December 15. Mr. Sistrunk recommended dates of November 10 – December 9 with a five day split, and having the youth hunt before the season. Chairman Taylor stated that she had several comment cards, Joey Hood is in favor of the proposal, Ricky Lee is in favor of the proposal, and Barry Lewis was also in favor of the proposal. Mr. Darren Digby commented that the youth hunts should be before the season in all zones.

Chairman Taylor stated that we have a motion by Commissioner Graham and a second by Commissioner Oats to approve the waterfowl season dates as proposed by Larry Reynolds with the exception of moving the East zone youth hunt date to the weekend after the end of the

season. The final vote will be made at the August Commission meeting. There being no further discussion or public comment the motion passed with no opposition.

Mr. Mike Wood handled the next agenda item, **To hear Evaluation of 3 Proposals for Waterfowl Breeding Grounds Funding**, was handled by Mr. Larry Reynolds. Mr. Reynolds stated that Louisiana sends financial support to the breeding grounds for the preservation and development of habitat for breeding waterfowl and the first question that we have to answer is 'why'? He stated that the answer is that we kill a lot of ducks in this state, more than the Atlantic flyaway and the Central flyaway, but very few of them were raised here. Mr. Reynolds stated that our ducks appear out of the northern sky because there is habitat up there that raises and supports these birds. The statute that brings us to this discussion, 56:104, says "an amount equal to 10% of the fees collected from the sale of hunting licenses shall be dedicated by the Commission to the development and preservation of breeding grounds for migratory waterfowl, the funds to be expended for such purposes, through Ducks Unlimited, Inc. (DU), or under the direction of the Louisiana Wildlife and Fisheries Commission at its discretion". Mr. Reynolds provided the history of our support to the breeding grounds, stating that from the beginning until 2002 all funding went to DU for habitat projects. From 2002-2007 Delta Waterfowl (Delta) received 1/3 of available funding for predator removal, in 2008 and 2009 funding was split between DU and Delta, but predator control was not allowed, and the last time we went through this all available funding was given to DU. Last month three proposals were presented from Delta for installing and maintaining hen houses and matching funds to be used with their adopt-a-pothole program, from DU to use the money for habitat retention, upland restoration, wetland restoration, and habitat asset management, and from the Save the Hens Foundation for invasive tree removal on prairie breeding grounds and youth habitat education. Mr. Reynolds presented an overview of each proposal in the order presented. He began with Delta who is requesting 50% of available funding for the next two years, including a full match from NAWCA plus additional from other partners. They propose to use 100% of requested funds to install 1,500 hen houses over two years and maintain and monitor them for ten more. The use of the matching funds in Delta's funding was not clear but the NAWCA funding will be used to secure permanent wetland and grassland easements in Southwest Manitoba. Ducks Unlimited requests 100% of available funding for the next three years, including a three-fold match from NAWCA, DU, and other Canadian partners. Ducks Unlimited proposes to use 56% of funds for habitat retention which will accomplish 2,200 acres of perpetual and long-term conservation easements on wetland and grasslands, 1,500 acres of land purchased, and 300 acres of wetland rehabilitation. Wetland restoration will use 11% of their funding, which will restore 145 basins, totaling 290 acres. Upland restoration will use 8% of the funds which will convert 3,000 acres to grassland forage and 3,500 acres of additional winter wheat. Finally, DU has been doing habitat asset management since the 1960's, they have a lot of habitat in conservation easements and agreements and a portion of that needs to be managed every year. This 325,000 acres is about 20% of the total under conservation agreement in the priority area and surrounding landscapes. All work will be done in the prairie pothole region of Saskatchewan. Next, the Save the Hens

Foundation is requesting \$40,000, and their proposal includes \$52,500 in secured match from the Save the Hens Foundation, North Dakota Game and Fish, and local wildlife clubs, and another \$120,000 in pending grants. They intend to use 95% of funds to remove 9,000 invasive trees on public prairie pothole habitat in North and South Dakota, enhancing about 4,000 acres. Additionally, 5% of the funding will be used for a youth habitat education program, which will be used to develop management plans for the 4,000 acres they enhance with tree removal.

Mr. Reynolds stated that these are three very different proposals. He stated that he has distributed these three proposals to seven other professionals, partners in the lower Mississippi Valley joint venture, the Gulf Coast joint venture, and our staff. The information he will present are items of consensus between reviewers. He stated that there are no concerns with adopt-a-pothole, which are perpetual wetland and grassland easements from Delta's proposal, the habitat retention, wetland restoration, upland restoration, and habitat asset management in DU's proposals, that these are sound practices for enhancing breeding waterfowl habitat. There were concerns and considerations of hen houses, and although there are demonstrated benefits of increased nest success and hen survival, especially in areas of poor upland success and in areas where appropriate, hen houses are specific to mallards which make up 7.5%, 7.8%, and 8.4% of Louisiana's duck harvest in the last three years for which data are available. Without minimizing the importance of this, Mr. Reynolds stated that compared to other species mallards and less important in our harvest. Next, the Save the Hens proposal for invasive tree removal clearly addresses degradation of prairie habitat important to nesting ducks and seems to make perfect sense and is habitat asset management, which Mr. Reynolds believe is a positive; however, half of the reviewers saw this as a negative as it will be done on public lands. The one thing everyone can agree on is that the scientific evidence showing the effect of trees or tree removal on duck nesting success is currently lacking. Based on the eight reviews, the proposals were ranked in order with DU first, Delta second, and Save the Hens third. With that Mr. Reynolds turned the decision over to the Commission.

Commissioner Manuel asked if Mr. Reynolds has a recommendation, and he stated that he does not. Commissioner Manuel moved, to split the funds evenly between DU and Delta.

Commissioner Sagraera seconded the motion. Commissioner Oats spoke against the motion, stating that while Delta did a much better proposal this year, he is concerned that their proposal does not fulfill the intention of the habitat restoration statute from the 1960's. He stated that all aspects are habitat retention are in DU's proposal and they do a tremendous job of doing that, and at the same time Delta does a lot of work with our Department. Commissioner Oats made a substitute motion to commit 100% of the money to DU pursuant to their three year proposal.

Commissioner Graham seconded the substitute motion. Mr. Don Puckett raised a concern that the agenda item was not written as an action item. Commissioner Graham spoke against Delta's proposal, stating that it is an expensive operation, and he is not sure that it fits in the letter of the law. Additionally, it only affects one species of duck. Commissioner Voisin made a motion to add to the agenda "dedication of hunting license fees to development and preservation of

breeding grounds for migratory waterfowl". Commissioner Broussard seconded the motion. By a unanimous vote the action item was added to the agenda. Commissioner Manual restated his motion to split the funds between DU and Delta on a percentage basis of 50/50, and Commissioner Sagrera seconded the motion. Commissioner Oats made a substitute motion for the next three years, under the DU proposal, to dedicate the money to DU and Commissioner Graham seconded the motion.

For public comments Mr. Lane Grigsby, with Delta Waterfowl, was first to speak. Mr. Grigsby is in support of a 50/50 split with Delta and DU. Next to comment was Mr. Jonathan Walker, with Delta Waterfowl, who supports a 50/50 split in funding between Delta and DU. The next public comments were from Mr. Eric Beier, with DU, who is in support of 100% of the funding going to DU. Next to speak with Mr. Robert Garrity, who is the DU State Chairman. Mr. Garrity is in support of granting 100% of the available funding to DU for habitat restoration for the next three years. Mr. Mike Bengé, with DU submitted a comment card in support of providing 100% of available funds to DU for habitat restoration. The next to speak was Mr. Mike Deliberto who started the LSU Bengal Chapter of Delta Waterfowl. Mr. Deliberto stated his support for 50/50 funding between DU and Delta. Mr. Trey Williams, of Delta Waterfowl, submitted a comment card in support of a 50/50 split of funds between DU and Delta. Chairman Taylor announced that there were several cards from those who do not wish to speak. Josh Zumo, Bryan Leach, and Houston Simon were all in favor of a 50/50 split.

There being no further public comments the Commission considered the motion and substitute motion on the table. The Commissioners took a vote for the substitute motion to dedicate 100% of the funds to DU. With a 5-2 vote, the substitute motion passed with no opposition.

The next item, **To receive and consider a Notice of Intent to revise the rules for Calcasieu Lake Oyster Harvester Permit**, was handled by Mr. Cole Garrett. Mr. Garrett stated that SB 202 of the 2012 regular legislative session removed the cap of 126 permits for oyster harvest in Calcasieu Lake. Mr. Garrett stated that this NOI would bring our rules and regulations into compliance with that statute. Commissioner Voisin moved and Commissioner Oats seconded the motion to adopt the NOI. There being no further discussion and no public comment the motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of 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. ~~Beginning July 1, 2011 and extending through June 30, 2014, a~~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 is valid for one calendar year, beginning on January first and expiring on December thirty-first of the same calendar year. The permit may be obtained at any time of the year until November fifteenth for the current license year. A permit obtained on or after November fifteenth of the current license year shall be valid for the remainder of the current license year and expires on December thirty-first of the immediately following license year. The permit shall be valid for a period beginning on October 1 of a given year and ending on September 30 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 and an oyster harvester license. 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.B. Applications. Initial application for the permit shall be made to the Department. 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 and an oyster harvester license. The Department shall make available on its website an online application form. Applicants must complete an online application form and submit the completed form to the Department no earlier than 9:00 A.M. on the last Monday of September. A complete application shall include the applicant's name, physical address, mailing address, phone number, commercial fisherman license number, oyster harvester license number, a personal identification number (issued by a state or Federal agency), and~~

~~indicate if the applicant has harvested oysters commercially in Calcasieu Lake since January 1, 2001. The above described online submission of the application shall be the ONLY acceptable method for the Department and ONLY applicants who submit a completed application in that manner will be processed. 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. Upon receipt and processing of the permit applications, 63 permits shall be issued to the first applicants to submit completed permit applications who commercially harvested oysters from Calcasieu Lake during open season at any time since January 1, 2001 as verified by the Department's trip ticket landings data. Thereafter, an additional 63 permits shall be issued to the first applicants remaining who submitted completed permit applications and who are otherwise eligible. 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.~~

C. Operations. Vessels engaged in an activity for which this permit is required must have onboard the vessel the valid original permit and shall show the permit upon demand to a duly authorized agent of the Department.

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 37:3065 (October 2011), LR 38:_____.

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., August 20, 2012.

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 Sagrera~~ Ann L. Taylor

~~Chairman~~ Chair

Mr. Jason Adriance handled the next agenda item, **To receive and consider a Declaration of Emergency for the Closure of the Recreational Season for Gray Triggerfish**. Mr. Adriance stated that the DE is to close the recreational season for Gray Triggerfish at 11:59 P.M. July 4th to bring us into compliance with the Federal season. Commissioner Voisin moved and Commissioner Oats seconded the motion to adopt the DE. There being no further discussion and no public comment the motion passed.

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

DECLARATION OF EMERGENCY

GRAY TRIGGERFISH RECREATIONAL SEASON CLOSURE

Louisiana Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. An analysis by NMFS has determined that the 2012 recreational quota for gray triggerfish was harvested by June 11, 2012. NMFS issued a closure of the recreational fishery for gray triggerfish in the Federal waters off of Louisiana effective at 12:01 a.m. on June 11, 2012. NMFS has requested consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

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

The recreational season for the harvest of gray triggerfish in Louisiana state waters will close at 11:59 p.m. July 4, 2012 and remain closed until January 1, 2013 when the season is scheduled to re-open in the federal waters of the Gulf of Mexico. This declaration of emergency for Louisiana state waters closes this season two minutes prior to the announced closure of the Federal waters of the Gulf of Mexico since it provides clarity in the language of the rule.

In accordance with the emergency provisions of R.S. 49:953 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:6(25)(a) and R.S. 56:326.3 which provides

that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The recreational fishery for the harvest of gray triggerfish will close in Louisiana waters effective at 11:59 p.m. on July 4, 2012, and shall remain closed until January 1, 2013 when the season is scheduled to re-open in the Federal waters of the Gulf of Mexico. Effective with this closure, no person shall recreationally harvest or possess gray triggerfish whether within or without Louisiana waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries, upon informing the Chairman of the Louisiana Wildlife and Fisheries Commission, to modify the recreational season for gray triggerfish when notified by NOAA Fisheries that the recreational season for the harvest of gray triggerfish has been modified in the Federal waters of the Gulf of Mexico, or as needed to effectively implement the provisions herein upon notification to the Chairman of the Wildlife and Fisheries Commission. Such authority shall extend through January 31, 2013.

Ann L. Taylor

Chairman

The next two agenda items, **To receive and consider a Notice of Intent to Modify the Offshore Landing Permit Rules to Include Reef Fish Species, and To receive and consider a Notice of Intent to Modify the Reef Fish Rules to Require Reporting of Recreationally Harvested Species – Red Snapper, Greater Amberjack, Shallow-Water Groupers**, were also handled by Mr. Jason Adriance. Mr. Adriance stated that the Gulf Council has approved a pilot program to allow some regional management of Red Snapper and reef species, and the next two NOI's set up some reporting requirements and a free permit in relation to that. The species under the Recreational Offshore Permit are any species of snapper other than Gray Snapper, any species of Amberjack, and any species of Grouper or Hind. Commissioner Broussard asked what kind of a timeline we are looking at for the pilot program, if it will be initiated over the next year. Mr. Adriance stated that is the plan. Commissioner Broussard asked if this is in conjunction with the tuna, and Mr. Adriance answered that it is similar. Commissioner Broussard asked if Louisiana will be the only state keeping these kinds of records. Mr. Adriance answered "as far as I know". Assistant Secretary Randy Pausina stated that other states have

certain permits for Tarpon, different things, so there are other things like this out there. Louisiana is unique for this permit, but we are also leading the way. Commissioner Broussard asked what the process will be. Mr. Pausina stated that we will handle the process in-house through internet, text, email, apps, and such. Commissioner Broussard asked what the process will be. Mr. Adriance answered that there will either be online reporting or an application for a smartphone, or an actual phone number. Mr. Pausina stated that at the last Gulf Council meeting Joey Shepard gave a presentation on regional management which we have been trying to negotiate for a while now. At that meeting we were given the go-ahead to develop a pilot study for regional management, taking Red Snapper as a case scenario. That is why we came back and said we had proposed to use Yellowfin Tuna because it was not managed by the Gulf Council, and we could work with that to build our pilot study. Mr. Pausina stated that at our presentation at the last Gulf Council meeting in Tampa we were successful in getting them to open their ears and back us in moving forward with regional management through the Gulf Council, which Red Snapper and the reef fish complex would be the perfect fish to roll out. Mr. Pausina stated that it is moving that fast, as we had originally proposed to take Yellowfin and make that the test scenario, but we have moved passed that. Commissioner Broussard asked if we still needed to move forward with the Yellowfin. Mr. Pausina stated yes, as that would allow us to do all sorts of different things on a species that is not as delicate as Red Snapper right now. He stated that we are asking for the same permissions on Red Snapper as on Yellowfin, but we did bring in the entire reef fish complex because, at the state level we manage species by species, but at the federal level they manage by species complexes. Mr. Pausina stated this is to put the permit in place, but not the reporting requirements. Our thinking in including the whole reef fish complex is that as fast as things are moving we will probably be coming back frequently and adding new fish if we do not include the complex now. Commissioner Broussard asked at what point we think this will be initiated. Mr. Adriance stated that this NOI would be out until October, and the phone system and smartphone application are under development, so there is a little bit of a timeframe. Mr. Pausina stated that it is putting in a reporting system, but not a statute that requires this to happen. Commissioner Broussard asked if we are hoping to be able to gather the information to determine our renewable yields based on our resource, or based on a TAC by the Gulf Council. Mr. Pausina stated that our goal is to do it ourselves. Commercial vessels are not addressed in any of this. Commissioner Broussard stated that it will have to be a factor if they are crossing over and scratching into our biomass, and there was discussion surrounding this. Mr. Adriance stated that this deals strictly with recreational. Commissioner Broussard stated that, if we are gathering all this information and burdening our recreational fishermen with one more thing, in addition to high fuel prices, oppressive federal regulations, and everything else, we need answers to the questions that will arise, such as how are we going to keep track of the commercially harvested fish, as the majority are harvested off of our shores, although not by Louisiana boats. He commented that recreational anglers have never been the reason that Red Snapper were overfished in this state. He stated that he will agree to this with the understanding that after this is determined to be a win or a loss, this goes away, and that his greatest fear is that these numbers will be used against us. Commissioner Broussard asked if there is any discussion by the Council of any regulations on the 472 licensed IFQ Commercial vessels that can freely come in and out of our waters. Mr. Pausina stated that the best thing to do is to get together offline on the commercial side. Commissioner Broussard agreed, and stated that he is just worried about them moving into Louisiana. Mr. Pausina stated that our whole strategy is based on where the fish are landed and having a permit for Louisiana, so now you have a commercial

guy who may have a federal permit, but if this is successful and he wants to come fish off of Louisiana he will have to get a permit through us, so we would have a little more regulation. Commissioner Broussard stated that he is trying to get Louisiana recreational and commercial vessels a fair share in this. Mr. Pausina stated that at the end of the day, the long term, to go out of a status quo system into something like regional management gives the fishermen of Louisiana more direct say so in the process. There will be a mess to go through before reaching the prize at the end. Commissioner Broussard acknowledged that it will be a mess to go through regardless, but we have to start somewhere, and he is playing devil's advocate. Mr. Pausina gave the example of the Red Snapper recreational which was preliminarily set to close July 1, but with some pressure put on them 10 days were added to the season. He stated that the beauty would be for NOAA to contact us to say there are 10 more days available, then for the Commission to set the days. Let them do their job, but give us some decision-making authority. Commissioner Voisin stated that what he hears is that this is part of the strategy for regional management, and that getting this permit in place will lead to your argument and discussion with the Gulf Council about regional management. Commissioner Oats moved adoption of both NOI's, items 14 and 15. Commissioner Voisin seconded the motion. There being no public comments and no further discussion the motion passed with no opposition.

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

Notice of Intent

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, modifying existing Recreational Offshore Landing Permit regulations. Authority for adoption of this Rule is included in R.S. 56:6 (34). Said rule is attached to and made part of this Notice of Intent.

TITLE 76

WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

Chapter 3. Saltwater Sport and Commercial Fishing

§377. Recreational Offshore Landing Permit

A. Any person possessing any one of the following fish species or species groups on board a vessel taken from within or without Louisiana territorial waters shall be required to have obtained and have in their immediate possession a Recreational Offshore Landing Permit. The Recreational Offshore Landing Permit shall be available for inspection by a duly authorized agent of the department.

Highly Migratory Species:

1. Tunas – Bluefin, Albacore, Yellowfin, Skipjack, Bigeye, Blackfin
2. Billfish – Blue marlin, White marlin. Sailfish and Longbill Spearfish
3. Swordfish

Reef Fish Species

1. Any species of snapper other than gray snapper
2. Any species of Amberjack
3. Any species of grouper or hind

B. Permits may be obtained at no cost, from the Department of Wildlife and Fisheries, or authorized method, by persons who hold any valid license authorizing the taking and possessing of saltwater species of fish. Permits shall be valid for the same duration as the license authorizing saltwater fishing privileges. For those licenses that do not have to be renewed every year, the permit shall be valid for one year from the date it was obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(34).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:___ (2012), amended LR 38:_____

Interested persons may submit comments relative to the proposed Rule to: Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to: jadriance@wlf.la.gov prior to Thursday, October 4, 2012.

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.

Ann L. Taylor

Chairman

(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

Reef Fish

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule, LAC 76:VII.335, modifying existing reef fish harvest regulations. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3. Said Rule is attached to and made part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish - Harvest Regulations

A. ...

B. Reef Fish Permits

1. – 4. ...

5. Recreational Offshore Landing Permit. Persons aboard a vessel whether within or outside Louisiana territorial waters possessing any of the following reef fish species: red snapper, greater amberjack, gag grouper, red grouper, black grouper, scamp, rock hind, red hind, yellowfin grouper, or yellowmouth grouper any species of grouper, hind, amberjack, or snapper other than gray snapper are required to have a valid Recreational Offshore Landing Permit in their immediate possession and on board the vessel.

~~5.6.~~ No person aboard any commercial vessel shall transfer or cause the transfer of reef fish between vessels on state or federal waters.

C. - G.4. ...

5. The Secretary of the Department of Wildlife and Fisheries is hereby authorized, upon notification to the Chairman of the Wildlife and Fisheries Commission, to close, open, re-open or re-close any reef fish season as needed when informed of such by the National Marine Fisheries Service or when a landings allocation has been met in order to maintain consistency with modifications in adjacent federal waters or with state established allocations.

H.– J. ...

K. Recreational Reporting Requirements

1. The following species of reef fish have reporting requirements for recreational harvest:

- a. red snapper
- b. greater amberjack
- c. gag grouper
- d. red grouper
- e. black grouper
- f. scamp
- g. rock hind
- h. red hind
- i. yellowfin grouper
- j. yellowmouth grouper

2. When possessing any recreationally harvested reef fish species listed in (1), on a vessel within Louisiana territorial waters, a written harvest report must be maintained on such vessel indicating the date harvested, time put on board, permit number of the person catching the fish, location of catch and length of the fish. It is the responsibility of the person catching the fish or in the case of a chartered vessel the licensed captain to record and maintain such information on the vessel in order to legally possess the fish. Any person possessing such fish without such documentation shall be considered to be in violation of this Section. Harvest report forms will be made available by the department online to recreational offshore landing permit holders, but do not necessarily have to be used as long as the proper information is recorded and maintained and available for immediate inspection on the fishing vessel.

3. No person shall transfer any of the reef fish species listed in (1) at sea, or offload any of those species, prior to being validated by contacting the toll free number provided or other means approved by the department to validate the reef fish species possessed as listed above. When such validation is made, an authorization code will be provided which shall be recorded on the harvest report associated with those fish. The information required on the harvest report must be provided when validating the catch in order to obtain an authorization code. In the case where a minor is in possession of the fish the guardian of such minor shall be responsible for the documentation and validation.

4. A charter vessel captain is allowed to use fully completed harvest reports instead of validation prior to offloading. A charter vessel captain is required to contact the department by the fifteenth of each month to report harvest and receive authorization codes for trips taken in the previous month.

5. Failure to abide by these rules and regulations shall constitute a violation of this Section and shall be fined in accordance with the provisions of a class one violation pursuant to R.S. 56:31.

AUTHORITY NOTE: Promulgated in accordance with R.S.56:6(25)(a), R.S. 56:320.2(C), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007),

amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38:1455 (June 2012), LR 38:____ (,2012).

Interested persons may submit comments relative to the proposed Rule to: Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to: jadriance@wlf.la.gov prior to Thursday, October 4, 2012.

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.

Ann L. Taylor

Chairman

The next agenda item, **To receive and consider a Notice of Intent to Establish Rules for Charter Boat Fishing Guides and Operation – Liability Insurance Requirements per Act 844, 2012 Regular Legislative Session**, was also handled by Mr. Jason Adriance. Commissioner Voisin moved and Commissioner Oats seconded the motion to adopt the NOI. There being no public comment and no further discussion the motion passed with no opposition.

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

Notice of Intent

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations establishing liability insurance requirements for charter boat fishing guides and

operations. Authority for promulgation of this Rule is included in R.S. 56:302.9(A) and R.S. 56:302.9.1(A).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 2. General Provisions

§206. Charter Boat Fishing Guides and Operations – Liability Insurance Requirements

A. No person shall act as nor shall he represent himself to be a saltwater charter boat fishing guide unless that person has in his name proof of liability insurance that is currently in force and the following requirements shall be met:

1. The liability insurance required by this section shall be written by an insurance company with at least an A- rating in the latest printing of the A.M. Best's Key Rating Guide.

2. The liability insurance must be of a commercial nature and not associated with a primary residential property.

3. The liability insurance coverage shall not be less than \$300,000 per occurrence.

4. Proof of liability insurance must be in possession, while on the water, and available for inspection by a duly authorized agent of the department.

B. For a charter fishing operation which does not have a charter boat fishing guide present and consists of a large motorized vessel carrying smaller vessels attached to it with such vessels to be used by no more than two people for fishing purposes, the main motorized vessel

shall be required to carry, on board, proof of liability insurance that is currently in force and the following requirements shall be met:

1. The liability insurance required by this section shall be written by an insurance company with at least an A- rating in the latest printing of the A.M. Best's Key Rating Guide.
2. The liability insurance must be of a commercial nature and not associated with a primary residential property.
3. The liability insurance coverage shall not be less than \$300,000 per occurrence.
4. Proof of liability insurance must be available for inspection by a duly authorized agent of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.9(A) and R.S. 56:302.9.1(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38: _____ (_____ 2012).

Interested persons may submit comments relative to the proposed Rule to: Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to: jadriance@wlf.la.gov prior to Thursday, October 4, 2012.

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.

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).

Ann L. Taylor

Chairman

The Commissioners agreed to hold the **November Commission Meeting** on Thursday, November 1, 2012. The Commissioners agreed to set a tentative location of the November Commission meeting at the Marine Lab in Grand Isle.

There were no **Public Comments**.

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

Ann L. Taylor
Chairman