

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

June 7, 2007

**EARL P. KING, JR.
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
JUNE 7, 2007

	Page
1. Roll Call	1
2. Approval of Minutes of May 3, 2007	1
3. Commission Special Announcements/Personal Privilege	1
4. To receive and hear Enforcement & Aviation Reports/May	1
5. To receive and hear Report on 2007 Spring Squirrel Season	2
6. To receive and hear 2008 Turkey Season Proposed Changes	2
7. To receive and consider Notice of Intent on White Lake Wetlands Conservation Area Management Plan and further providing with respect thereto	3
8. Set October 2007 Meeting Date	8
9. Receive Public Comments	8
10. Adjournment	9

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, June 7, 2007

Chairman Earl King, Jr. presiding.

Patrick Morrow
Henry Mouton
Stephen Oats
Robert Samanie, III

Deputy Assistant Secretary Brandt Savoie was also present.

Commissioners Frederic Miller and Wayne Sagrera were absent from the meeting.

Chairman King called for a motion for approval of the **May 3, 2007 Commission Minutes**. A motion for approval was made by Commissioner Mouton and seconded by Commissioner Oats. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Mouton stated he received a second letter from a State Employee, Baton Rouge, 70802 which listed allegations against Department employees. He noted he did not believe any of the allegations or gave credence to the letter since the person would not sign his name. Commissioner Mouton stated he would give a copy to the Secretary and to the other person noted in the letter to read and then shred. The next time one of these type letters were received, Commissioner Mouton stated he would immediately shred it without even opening it.

To receive and hear Enforcement & Aviation Reports/May began with Lt. Col. Keith LaCaze stating main activities were centered around boating and commercial and recreational fishing. He noted that the Region 7 office, a high boating activity area around the Baton Rouge and Lake Pontchartrain areas issued 259 boating safety violations, 11 of which were DWI. The Region 9 agents issued 7 DWI's. Total cases for May was 1,779, 366 written warnings and agents helped with 61 instances of public assists. There were 26 boating accidents reported during May, 13 injuries and 2 fatalities. Lt. Col. LaCaze then reviewed the fatality in Orleans Parish that involved a NFL player killed riding a jet ski with no PFD's. The other fatality occurred on May 24 in Lafourche Parish when a boater collided with a seaplane. The Aviation Report showed the three

Department planes flew a total of 45.0 hours for May. Also included was a corrected copy of the April Aviation Report. News Releases discussed were on a frogging case in St. Landry Parish, oyster violations in St. Bernard Parish and a covert investigation of operators of a convenience store that purchased gamefish. Finally, Lt. Col. LaCaze mentioned staff has been in the process of interviewing, screening, testing and evaluating cadet applicants which was scheduled to begin class on June 18.

Commissioner Morrow asked if the Department has its own intoxilyzer machines and if there were a sufficient number of the machines. Lt. Col. LaCaze stated there were 2, one based in Alexandria for use in the northern part of the state and the other was based in Baton Rouge for the coastal areas. He felt it would be beneficial to have a third in the Lake Charles area. Commissioner Mouton stated during the duck season, a Dr. McCann from Alexandria was charged with no plug, lead shot, over the limit, contributing to the delinquency of a minor and other charges. He met with the attorney handling the case in Shreveport and it was noted there would be no deals made in the case. The hearing would be held on June 27 and Commissioner Mouton stated he would attend as well as the former Ducks Unlimited President in support of “throwing the book at this guy”.

To receive and hear Report on 2007 Spring Squirrel Season was the first item for Mr. Dave Moreland. He began stating the overall comment on the spring squirrel season, which was the first of its kind, was slow with low participation. Activity was low also with leaf vegetation making it easy for the squirrels to disappear. On the WMAs, each region of the State had one WMA open, and there were a total of 184 hunter efforts taking 88 squirrels. The Sherburne WMA received the most participation. Mr. Moreland stated they would look at the WMAs that were open this year, possibly make changes and provide additional opportunities on other areas. This spring season was conservative with concerns on the spring turkey nesting season. Mr. Moreland took his dog and other hunters to Tunica WMA to see if they would encounter nesting hens. The result was that one hunter encountered a hen with poults, but they felt it would not be a problem. The key to spring hunting was to find mulberry trees that had fruit. Mr. Moreland felt the timing was right for the spring season. He hoped to get additional comments from the “real” squirrel dog hunters. But again it was a slow season overall which could provide additional hunting opportunity in future years, commented Mr. Moreland. It also provided the chance to bring youth out into the woods. Commissioner Samanie heard that the reason some hunters enjoyed the spring season was it got some of the squirrels out of the pecan trees. Chairman King agreed it was a slow season but resulted in good exercise.

Mr. Dave Moreland also handled the next item, **To receive and hear 2008 Turkey Season Proposed Changes**. He began stating that the turkey season received good publicity from the youth hunts which were very successful as well as the above average season. The biggest proposed change would be the turkey tagging that will be implemented in 2008. The procedure for using the tags was explained by Mr. Moreland. This procedure would give the Department staff information it does not usually get until a year after the season. Another change for 2008 would be opening the spring

season on Good Friday which would be a holiday for most people. Results from a turkey survey was included in the packets and it showed that about 70 percent of the people were satisfied with the season opening as it is now or even later and 30 percent wanted an earlier season. Another result showed strong support for the universal opening across the state to keep hunters from jumping from one area to another. Mr. Moreland felt there may be a few additional youth hunts scheduled on some of the wildlife management areas. Mr. Fred Kimmel would present all of the recommendations and the full turkey hunter survey at the next meeting. Commissioner Mouton asked if the Good Friday opening was just a one day calendar change and felt it was a good idea. Mr. Moreland stated it was within that same weekend framework. Commissioner Morrow asked if hunters could log onto the Department's website to enter their tag information. Mr. Moreland responded that the hunters could report and validate their turkey kills as well as their deer kills on the website.

To receive and consider Notice of Intent on White Lake Wetlands Conservation Area Management Plan and further providing with respect thereto began with Mr. Phil Bowman stating the Department brought a proposed rule to the Commission in April that would codify some of the costs associated with various activities on the area. During the discussion, the Commission made several suggested changes to that Notice of Intent. Those suggestions were brought before the White Lake Advisory Board to get their concurrence. The Board concurred with most of the Commission's suggestions and now those were included in the new Notice of Intent currently being presented except for one suggestion. The first change was to give consistency to the exemption language for activities where various groups may go to White Lake and use the facility for research or educational activities in cooperation with the Department or that may benefit White Lake or the Department. The second change was to prohibit any political fund-raising activities. The last change was on making some groups provide their own insurance. The one recommendation that the Advisory Board felt was not be appropriate was to prohibit the use of the facility by elected officials.

Commissioner Mouton felt on the insurance provision there was a need for a certificate of insurance. Mr. Bowman noted that Mr. Don Puckett spoke with several Commission members that are attorneys and that was the language that was developed at this time. He added this was not a requirement for any other facility or wildlife management area. Commissioner Mouton stated he was the one that pushed the idea about elected officials. He explained that prior to Governor Foster's terms, there was "abuse" on areas such as Marsh Island where elected officials had Department employees catch crab, shrimp and fish and then cook for them. During Governor Foster's terms, that was halted. Also changed during the Foster administration was the use of the Department's airplanes. Commissioner Mouton did not feel the members of the Commission should be allowed to use the facility as well as any elected official. Mr. Bowman stated that there are groups that uses Rockefeller from time to time which is the only facility that has that activity. The use of Rockefeller is on a first come-first serve basis and it would be the same for White Lake. If there are a larger number of requests than days available, then there would be a need for a lottery system. Commissioner Mouton knew that the lotteries are run straight up without any problems. He

suggested that there should be accounting of expenses realized after maybe one year of this activity. Mr. Bowman added that they worked with Mr. Wayne Sweeney, the White Lake Manager, on developing a schedule of costs for the non-consumptive activities. If the Department realizes that these costs are not appropriate, then the Commission could adjust them. Commissioner Morrow asked if there was any codified language from former Secretary Landreneau that prohibited Commissioners from using the facility. Mr. Puckett stated there was nothing in the current proposal that would prohibit them from participating. He added there are 3 classes of people in this arena, Department employees, White Lake Board members and Commission Members. Mr. Puckett noted that there was a written policy that prohibited any Department employee from participating in any lottery activity. The White Lake Board imposed upon itself a prohibition against those members and their immediate families from participating in hunting and fishing activities on White Lake. As far as the Commission, this issue had not been addressed in any document. Commissioner Morrow felt it appropriate that the Commission impose upon itself the same edict the White Lake Board imposed upon themselves. He then asked if that language needed to be included in the proposal. Mr. Puckett stated he gave the Chairman language that would impose the prohibition upon the Commission Members or it could be done with a letter from the Department's Secretary. Commissioner Mouton made a motion to amend the language to read: "Commission members and their immediate families are prohibited from participating in consumptive activities on White Lake including lottery and group hunts and lottery fishing". Commissioner Morrow seconded the motion. Chairman King felt this amendment was a good idea since it showed the Commission was self-policing themselves. Hearing no further discussion, the motion passed with no opposition. Chairman King then asked the pleasure of the Notice of Intent with Commissioner Mouton's amendment and Department changes included. Commissioner Samanie made a motion to adopt, seconded by Commissioner Mouton and it passed with no opposition.

(The full text of the amended 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 revise the White Lake Wetlands Conservation Area management plan in accordance with the following rule.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves, Wildlife Management Areas, Refuges and Conservation Areas

§335. White Lake Wetlands Conservation Area

A. The general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area Management Plan is as follows:

<u>ACTIVITIES</u>	<u>SEASON</u>	<u>COST</u>
Alligators Wild Alligator Harvest Alligator Egg Collection	LDWF Season June & July	40% of public bid Public bid
Waterfowl Teal Lottery Hunts Youth/Physically Challenged	LDWF Season First Weekend	\$100 per gun No cost
Hunts Marsh Lottery Hunts Rice Lottery Hunts Group Hunts	LDWF Season LDWF Season LDWF Season	\$150 per gun \$150 per gun \$25,000 per group
Fishing	March 15-August 15	\$40 per permit

1. The number/quantity of alligators, eggs, hunters, groups and permits for the above activities shall be established annually based upon biological and technical data presented by the Department to the Board.

2. Commission members, and their immediate families, are prohibited from participating in any consumptive activities on the White Lake Wetlands Conservation Area, including lottery and group hunts and lottery fishing.

B. Schedule of Costs for Public Use of Facilities for Non-Consumptive Activities

1. Daily Use

a. \$300 - Includes one day use of Lodge for meetings with nothing provided (for up to 15 people, weekdays only).

b. \$300 + \$10/person - Includes one day use of Lodge for meetings with coffee, cold drinks and bottled water provided.

c. \$300 + \$20/person - Includes one day use of Lodge for meetings with coffee, cold drinks, bottled water and lunch provided. The lunch provided will consist of a sandwich tray and chips or something similar. It will not include a hot lunch.

d. ~~Exemptions from daily cost—State agencies, local and Federal agencies and universities conducting research in cooperation with the department. Costs for beverages or lunch apply (\$10/person for drinks, \$20/person/meal).~~ Exemptions from cost—When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

2. Overnight Use

a. \$400 + \$25/person/night – Includes overnight stay at Lodge with nothing provided except linens. (For up to 12 people, weekdays only).

b. \$400 + \$35/person/night - Includes overnight stay at Lodge with coffee, cold drinks, bottled water and linens provided.

c. \$900 + \$35/person/night - Includes overnight stay at Lodge with coffee, cold drinks, bottled water, meals (breakfast, lunch and supper) and linens provided.

d. ~~Exemptions from daily cost—State agencies, local and Federal agencies and universities conducting research in cooperation with the department. Costs for beverages or lunch apply (\$10/person for drinks, \$20/person/meal).~~ Exemptions from cost—When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

e. Exemptions from all costs for meals apply to all persons invited by the Department to department sponsored events related to education, conservation or fish or wildlife related issues.

3. Skeet Range

a. \$10/person/25 clay pigeons.

b. \$15/person/25 clay pigeons, 25 shotgun shells provided.

c. ~~Exemptions—Any persons using the skeet range at department sponsored events.~~ Exemptions from all costs apply to all persons invited by the Department to department sponsored events related to education, conservation or fish or wildlife related issues.

4. Boat Tours

a. \$10/person/ride. Limited to authorized function attendees.

b. ~~Exemptions—Any State, local or Federal agency in cooperation with the department on mutual projects. Any university in cooperation with the department on research projects.~~ Exemptions from cost – When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

5. Use of facilities is subject to availability as well as staff availability and other scheduled events on the area. The facilities shall not be made available for political fundraisers.

6. The Department shall determine appropriate insurance or indemnity requirements for use of the facilities.

AUTHORITY NOTE: Promulgated in accordance with Act 613 of the 2004 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:538 (March 2007), amended LR 33: .

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 L. Brandt Savoie, Deputy Assistant Secretary, Office of Wildlife, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than Thursday, July 5, 2007.

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).

Earl P. King, Jr.
Chairman

The Commissioners agreed to hold the **October 2007 Meeting** on Thursday, October 4, 2007, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Donald Comeaux, Bayou Paul Hunting Club, stated he has e-mailed the Department on several issues. The first was that he lives in east Iberville Parish and has about 50 square acres and was concerned about the doe days. After talking with the Department, he was told it was too late to change. Another issue was deer tags, he asked if one of the buck tags could be converted into a doe tag. Another concern for Mr. Comeaux was that they were in deer Area 1 but were moved into Area 6. He felt that east Iberville and the northwest section of Ascension Parish should be moved back into Area 1. One of the reasons he requested to be moved into Area 1 was that the first 15 days of bow season are for bucks only. Mr. Comeaux then asked how would the issuance of deer tags for lifetime license holders be handled. Mr. Moreland began stating that Iberville will have no doe days this year. He then suggested Mr. Comeaux contact Mr. Emile LeBlanc on the doe issue and he could possibly enroll the club in DMAP or LADT which would allow for additional doe tags. Lifetime license holders would go to a vendor and they would do a deer tag transaction for the 3 bucks and 3 does along with a report card. Mr. Moreland added there would be no charge for that transaction. Going on, Mr. Comeaux then talked about the deer dog bill going through the Legislature. He felt the intent of the bill was for a hunter to immediately go after his dog, not 3, 4 or 5 days later. He felt the law should be looked at again.

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

Bryant O. Hammett, Jr.
Secretary

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