

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

June 3, 2010

**STEPHEN J. OATS
CHAIRMAN**

BATON ROUGE, LOUISIANA

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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
JUNE 3, 2010

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, June 3, 2010

Chairman Stephen J. Oats presiding.

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

Secretary Robert Barham was also present.

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

To receive and hear Update on Oil Spill and Current Response Efforts was handled by Secretary Robert Barham. He began stating this event was a tragedy that never ends. One challenge faced day to day was the closures and openings for fishing. The commercial fisheries challenge was to keep the Louisiana products safe and keep the market share. A complication to this spill was the use of subsea dispersants. The Department was initially the only agency to object using this product due to its unknown nature. Then the Department of Health and Hospitals joined the Department in objecting to the products use since its impact was unknown. The actual effects of the dispersant may not be known for years, there will be a study on its impacts. Hopefully the impact will be minimum. One fear was how it may affect the unknown link in the food chain. The study on the entire food chain will involve shrimp, crabs, oysters and all of the fisheries. The freshwater diversions were opened and Secretary Barham felt BP was responsible if the crop of oysters were lost due to the freshwater. As far as recreational fishing, the Secretary noted that the protocol was for a closed area to go 7 days without oil present, staff would test the area, then it would reopen. The Secretary emphasized that he would not keep an area closed if there was an indication that it was clean, the oil was gone or moved to another location. To keep an area closed was counterproductive since the Department

operates on revenue generated from the sale of licenses and fees associated with outdoor activities. Even though the public may be saying they are not seeing any oil, Secretary Barham knew staff did a good job in finding where oil was located. He noted he and Assistant Secretary Randy Pausina have been invited to testify before the House Natural Resources Committee in Washington, DC. Another meeting he would hold that day was with Nalco, the producer of Corexit. Secretary Barham noted BP has not been forthcoming with information the Department has requested, having not received any response to several letters written to them. Fifty-five million dollars has been set aside to study the impacts to fisheries from the oil spill. A budget was prepared and the \$30 million total was to do a 5-year study on the impacts of this event. Commissioner Morrow stated he has received a lot of comments from fishermen that say they are not seeing oil and cannot understand why an area was closed. He then asked if the biologists look for surface oil and sub-surface oil combined with dispersants. Secretary Barham stated the staff was limited on how to find sub-surface oil. Then Commissioner Morrow asked if BP or Nalco provided the Department with a protocol that can be followed to determine the effects of Corexit on the resource. Secretary Barham stated the company only has given the information that can be obtained from the Internet. They have not given the Department a complete list of ingredients with the percentages. The challenge was determining the effects of the dispersant mixed with raw oil in a subsea environment. Another challenge was to ensure safety by doing tissue analysis on the fish. The Secretary assured the Commission they would press BP and Nalco until the information was received. Commissioner Voisin congratulated the Secretary and Department for their efforts and the exceptional job they have done. The message to get out was that seafood from Louisiana was still available. Commissioner Voisin then asked if appropriate information was being kept that backs up the different fisheries openings and closings. Secretary Barham stated the Department saves everything associated with the decisions to open or close the fisheries. Commissioner Voisin asked how did the process work to open or close an area. Secretary Barham stated he relied heavily on the Office of Fisheries staff, but the initial contact was from NOAA who advises that there may be an imminent impact of oil and the winds will push that into the states waters, then a precautionary closure will be implemented. The biologists and enforcement agents will begin observing to see if in fact the oil shows up and when they do find oil, an immediate report with GPS coordinates was made. Once the report was received, a team was sent to the site to confirm where the oil came from. The

area was then monitored to see if it was a one time event or was it the precursor to a trend of intrusion of oil into the area.

Chairman Oats called for a motion for approval of the **May 6, 2010 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Sagrera. The motion passed with no opposition.

To receive and hear Enforcement & Aviation Reports/May began with Lt. Col. Keith LaCaze stating all personnel within the Division were involved with the oil spill. The enforcement agents were rotating and working 4-10 hour days in the impacted areas. The Captains were filling in for the supervisory staff. There were 2 forward command locations established in Hopedale and at the Marine Lab on Grand Isle. The primary duties were to patrol the fisheries closures, reporting and locating oil sights and providing support to boats working the boom operations. There were 24 citations written on the east side of the River for fishing in a closed area, and 117 citations (78 commercial and 39 recreational) were issued on the western side of the River. Other activities for the month showed a total of 1551 citations and 486 written warnings issued and agents helped with 45 public assists. There were 19 boating accidents reported during May (total of 51 for the year) with 8 injuries (21 total) and 6 fatalities (10 total). The fatalities occurred in Orleans, St. Tammany and Livingston Parishes. The Department's three planes flew a total 110 hours for the month. News Releases discussed included apprehending 2 individuals with a portable meth lab and stolen boat, and a closed season frogging case. As in the past, the Enforcement Division was doing the Life Jacket Loaner Program again this year. Lt. Col. LaCaze noted that the public have been very good in returning life jackets to the Department.

The next agenda item, **To receive and hear Presentation by Delta Waterfowl** was handled by Dr. Frank Rohwer. Dr. Rohwer began stating he was a faculty member at LSU and did mostly duck work. In Louisiana, it was not unusual to have 50,000 ducks within a square mile on good habitat. But when ducks go to the prairies, it was more difficult due to the vast acreage and to have 50 pairs per square mile was a good thing. Ducks need wetlands and there have been problems with wetland drainage. Over the last 40 years, there has been a constant rate of drainage in the prairies of Canada. Another thing ducks need was a place to nest. When ducks nest in small patches of cover, they have bad success. The amount of cover needed for good nest success was 40 percent. Delta has spent a lot of money trying to secure

habitat, but Dr. Rohwer felt that could not be done. The habitat purchased through Delta, Ducks Unlimited, Nature Conservancy, the Provincial Government, the Federal Government has been less than 1 percent. Delta felt they should take a different approach towards securing habitat and their program was called ALUS. ALUS would work with farmers to make sure habitat was available for waterfowl. This program was similar to CRP for Prairie Canada. The program focused on protecting and restoring habitat (upland and wetland habitat) and provide incentives for those doing restoration to protect what they already have. The most important part of ALUS was that it was not delivered by a conservation organization, it would be driven by farmers and agricultural organizations already on the landscape. This program would be cost-shared (provincial and federal government). Delta feels the time was right for this program since farmers need some support. The program would be delivered by biologists and since it was not permanent, you probably would receive a farmers acceptance rather than push back. How will the program happen? Delta has worked on ALUS for about 10 years and found some things that do and do not work. The program was just beginning in Alberta and seemed to be working well. Prince Edward Island went to Manitoba and Alberta and saw the demonstrations and went back and instituted the program. The way to do this program was to have good sights and good people communicating and have a good demonstration of how it works. The way ALUS works was then explained by Dr. Rohwer. You work with a farmer and develop a plan to till the upland parts that are easy to farm. The smaller areas that were difficult to farm, you pay the farmer to produce and restore wildlife habitat by planting native vegetation. The proposal focused largely on ALUS, but there were other parts such as wetland easements (smart way to protect wetlands). One good thing about ALUS was the funds matched by NAWCA. Dr. Rohwer stated he was a big believer in ALUS, and felt a program that protects and restores habitat was important. Chairman Oats asked if 100 percent of the funds in the proposal would be matched by NAWCA. Dr. Rohwer answered yes and added that the match would only go to the easement programs.

Mr. Dave Kustersky handled the next agenda item, **To receive and hear Presentation by Ducks Unlimited** which would include a report from last year and a proposal for the next 3 years. He began reminding the Commission why there is a statute that sends money to the breeding grounds. The reason was that about 70 percent of the waterfowl banded in western Canada was harvested in America. The relationship between the Department and Ducks Unlimited (DU) began in the 1960's. The funding for the past

year was dedicated towards the Missouri Coteau in southern Saskatchewan and surrounding prairies. The Missouri Coteau has a high density of waterfowl and when DU delivers their program, 75 percent of the direct effort goes into the high priority areas. In the Saskatchewan prairies last year, Louisiana gave \$166,192 and these funds ended with a leverage of 6:1. Accomplishments last year included over 10,000 acres combined of conservation easement, rangeland stewardship, lease and conservation agreements; almost 9,000 acres of winter wheat was put on the ground in the Missouri Coteau and surrounding prairies; over 50 percent of the money was spent on habitat protection and restoration. Total accomplishments was over 33,000 acres of habitat and the dollars spent was leveraged to equal over \$2 million spent on habitat conservation in Saskatchewan. DU offers programs across the prairies, it was a continental organization, delivering habitat programs from the Canadian breeding grounds to the Gulf Coast. Why did DU send a proposal to Louisiana for funding in Saskatchewan. The reason was that it was the one locale where a majority of the ducks come from so the return on the investment would be best for the Department. The focus areas in Saskatchewan were the high density, high priority waterfowl areas. They have chosen 6 from about 27 target areas to focus 75 percent of the funds to. Some of the money was spent on extension services to provide information to landowners on how to do conservation practices on their ranches and farms. DU was extremely active in the public policy arena by working to develop a wetland protection policy. Louisiana's dollars are spent on habitat protection, wetland restoration and upland restoration nesting cover. The DU proposal requested 75 percent of the funds (approximately \$250,000) and the reason for asking for that amount was DU was an active partner in the Prairie Habitat Joint Venture. When DU and the Department sets goals together, those goals were met or exceeded. Even though DU was not the only conservation organization in the prairies, they were the most active and partnered in prairie conservation. Over a 3 year time period, a contribution of \$750,000 would turn into \$3.7 million of habitat conservation. With the \$3.7 million, DU could accomplish nearly 40,000 acres of habitat. Mr. Kostersky showed the April and May precipitation records for prairie Canada. Going into the spring, most of the snow melted and went into the ground without much runoff. Now there has been extremely high to record wet conditions in April and May which seemed to attract waterfowl this year. Habitat conditions were impressive this year, according to Mr. Kostersky.

Following the presentation, Commissioner Morrow stated that 70

percent of all waterfowl harvested in the Mississippi Flyway comes from Canada. Mr. Kostersky stated that 70 percent of North America's breeding waterfowl breed in the prairies of western Canada. The harvest numbers were about 36 percent from Saskatchewan. Commissioner Morrow asked if there was data to show the number harvested in Louisiana. Mr. Kostersky thought it added to 60 percent. Commissioner Graham asked what the winter wheat project had grown to and was it still progressing. Mr. Kostersky stated it was still progressing and was driven by the ability to plant in the fall (one year there was a high of 1.6 million acres, but last fall was about 650,000 acres). Commissioner Graham asked if the winter wheat was attributable to the pintail habitat and he was told it was important for pintail habitat and it supported primarily the shorter grass nesting species. Commissioner Graham asked if Louisiana's dollars plus its match would be spent in Saskatchewan and he was told yes. Chairman Oats asked about NAWCA and so Mr. Kostersky explained NAWCA. Commissioner Voisin asked how much was the total amount of funds available. Mr. Kenny Ribbeck stated last year the funds were about \$335,000 and Delta Waterfowl and Ducks Unlimited was asked to come with a 3-year contract proposal as opposed to doing this process each year. The annual funds were determined by the license sales. Commissioner Voisin asked if the Department would make a recommendation and Mr. Ribbeck stated a recommendation would be made at the July Commission Meeting. Commissioner King asked how much was allocated to the 2 groups. Mr. Ribbeck noted those funds were split 50-50. Commissioner Voisin asked if that was the traditional way the Commission split the funds. He was told that the sole benefactor for the funds was Ducks Unlimited, then Delta Waterfowl came in several years ago with predator control. Two years ago, the Commission decided they did not want any funds spent on predator control, so Delta Waterfowl's proposal was on the ALUS program.

To receive and hear General Information on Upcoming Wild Turkey Season Recommendations began with Mr. Jimmy Stafford stating the 2011 regular season, private lands youth hunts and the physically challenged hunts would have calendar adjustments for the three areas. A new region that will open will be in a portion of Iberia Parish east of the west Atchafalaya River Protection Levee and this would be put in with Area C, which has the shortest and most conservative season. Staff plans to open a turkey hunt along with a youth hunt on the Attakapas WMA. Pearl River WMA will open to a single day youth hunt. Other additional openings may be presented at the July Commission Meeting. For the 2010 season, about 260 young people applied

for youth hunts but there was only enough room for 110. Mr. Stafford noted there can be more opportunity for youth to hunt without negatively impacting the resource. Commissioner Morrow asked if the harvest for this year was low due to an early opening. He added that the reason for the question was due to the Department wanting to do calendar adjustments for the 2011 season. Mr. Stafford stated results from the first week of the season indicated harvest was about 34 percent below the previous years harvest, but the seasons final result was about 14 percent below. The Department felt the reason for the slow start was the long severe winter. Another indication to support that reason was a study, in cooperation with LSU, on Sherburne WMA where they were monitoring hen reproduction. The previous 2 years, incubation began around the 1st week of April, but this year, incubation began 3 weeks later. Commissioner Graham stated that he has heard from north Louisiana hunters and they do not like the early season dates. He then asked if the early season study was to see how it related to the production success. Mr. Stafford stated there has been no study conducted between opening dates and nesting periods. He felt 2010 was an unusual year for nesting. Commissioner Graham then felt there was no data to support or not support the basis for hunting pressure and nesting success and Mr. Stafford stated there was none.

Mr. Fred Kimmel presented the next agenda item, **To receive and consider Notice of Intent on amending Hunting Preserve Regulations.** Hunting preserves were facilities the Department licenses to release game birds for shooting. Birds released typically were bobwhites, but may also be chuckers, pheasants and mallards. There are about 25 hunting preserves in the state, generally commercial operations, having an expanded season from October 1 to the end of April with no bag limit. In the current rule, there are restrictions on using pheasants on hunting preserves. This restriction was implemented as a precaution to protect the wild turkey resource from a disease referred to as black head. The disease can affect all game birds, but wild and domestic turkeys were more susceptible with a high mortality rate. Mr. Kimmel explained that the disease was a protozoan disease that has an intermediate host and staff did not want any pheasants that had the disease to interact with turkeys. About 9 preserves are allowed to use pheasants and these are in areas with very low or no turkey populations. Since the original restriction, there has been an increase in interest to use pheasants and there has also been advances in the use of the drugs and sanitation to control the disease. Last year, some of the hunting preserves were sampled and found

that 2 were completely free of the disease and 1 did have some pheasants with the disease. Mr. Kimmel then recommended a modification to the rule which will have 2 categories of hunting preserves - those that can use pheasants without condition and those preserves with a conditional license. The conditions included the pheasant flock would be free of the disease, a biologist or other authorized personnel will be granted access to the site, if greater than 10 percent of the samples indicated the disease, then the preserve could not release pheasants until they were treated and below that 10 percent threshold. Mr. Kimmel felt the proposed change would protect the wild turkey populations and allow the preserves additional hunting opportunities. Commissioner Sagrera asked how many preserves were in the state and he was told 25. Then the Commissioner asked how often would the testing occur. Mr. Kimmel stated it could occur as often as a couple of times a year, but a protocol needed to be developed. Commissioner Voisin asked how was a low and high turkey population figured. Mr. Kimmel stated it has become harder and harder to make the distinction, they take an area on a case by case basis and look at the forested area immediately adjacent to the preserve. Hearing no further questions, Commissioner Sagrera made a motion to approve the Notice of Intent, seconded by Commissioner Morrow and 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 Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to amend the rules for Hunting Preserves.

Title 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 3. Wild Birds

§305. Hunting Preserve Regulations

A. As provided by R.S. 56:651, the department may issue a license to operate Hunting Preserves. Hunting preserves are to be operated under the following regulations:

1. Application Requirements

a. Application shall be made in writing on forms provided by the department.

b. Applicant must provide proof of ownership or verification of exclusive hunting rights from the landowner of the property the hunting preserve is to be operated. This is to be returned with the application.

c. All applicants, including applicants for renewal as required by the Department, must provide a written operational plan detailing the type(s) of birds to be released, the methods(s) and time of release, and location(s) of release. A description of hunting activities that occur or are likely to occur on the preserve and surrounding property must also be included. In the case of hunting preserves approved to utilize mallards, a map must be included in the operational plan which indicates the release site, water areas, and shooting areas. A license will not be issued until the operational plan has been approved by the Department. Deviation from the approved operational plan is permitted only with written consent of the Department.

d. The department may revoke/deny any hunting preserve license for failure to comply with any fish or wildlife laws, for reasons relating to disease or public health, for deviation from an approved operational plan, or for failure to abide by the rules and regulations established for this hunting preserve program. Revocation/denial shall be for a minimum of one entire hunting preserve season.

e. New applications must be received prior to August 1 for operation during the forthcoming hunting preserve season.

2. Suitability of Area for Use as a Hunting Preserve

a. No license for a hunting preserve shall be issued until an on-site investigation has been completed by the department and the department has determined that the property is suitable for the purpose of the proposed hunting preserve.

The department shall base its determination on whether or not the proposed shooting area will cause conflicts with wild migratory game bird hunting, or be in violation of state and federal regulations concerning the feeding of migratory waterfowl or the use of live decoys, that the establishment of the shooting area will be in the public interest, and that the operation of a hunting preserve at the location specified in the application will not have a detrimental effect upon wild migratory or resident game birds.

b. No license shall be issued for any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if its operations are likely to result in attracting such concentrations of wild waterfowl.

c. No hunting preserve using mallards shall be located within five miles of any wildlife area with significant waterfowl concentrations owned or leased by the state or federal government or by non-profit conservation organizations.

d. Licenses for hunting preserves using mallards will not be issued in the coastal zone, defined as that area south of I-10 from the Texas state line to Baton Rouge, south of I-12 from Baton Rouge to Slidell and south of I-10 from Slidell to the Mississippi state line.

e. i. No license shall be issued for the use of pheasants on any hunting preserve situated within areas with medium to high turkey populations. Except, a conditional license for the use of pheasants may be issued provided the applicant/licensee agrees to and adheres to the following:

(a). The pheasant flock must be free of *Heterakis gallinarum*, the vector for *Histomonas meleagridis* which can cause blackhead disease in wild turkeys.

(b). Department biologists or other authorized personnel must be granted access to all pheasant pens without advance notice to collect biological samples for *Heterakis gallinarum* testing;

(c). If greater than 10% of the samples indicate the presence of *Heterakis gallinarum*, pheasant releases must immediately stop and cannot resume until the flock is treated and subsequent testing by the Department indicates that no greater than 10% of the samples are positive for *Heterakis*.

gallinarum.

(d). Use of drugs to control *Heterakis gallinarum* must adhere to drug withdrawal times as established under federal guidelines.

ii. In areas with low turkey populations and low potential for expansion, pheasants may be used without condition. This determination will be made at the local level by a department biologist in consultation with the wild turkey program leader. ~~Agricultural areas contiguous to occupied turkey habitat may use pheasants without condition if the preserve boundaries are at least one half mile from the nearest woodland.~~

f. The licensee is responsible for notifying the Department of changes in activities or conditions that may affect the suitability of the property for a hunting preserve. If at any time, the Department determines that activities or conditions on the hunting preserve or surrounding property make the property unsuitable for a hunting preserve, or that continued operation of the hunting preserve is not consistent with these regulations, the Department may immediately revoke the hunting preserve license, or require modification of the operational plan.

g. Applicants and licensees are advised that hunting preserve licenses are issued following a review and recommendations by Department staff. Licenses are issued on an annual basis for a 12-month term only. Changing conditions, including those such as climatic, biological, and land use, which may be beyond the control of the applicant/licensee, may result in certain applications not being granted, or licenses not being renewed. Annual renewal of hunting preserve licenses cannot be assured and applicants/licensees are cautioned to take these factors into consideration when making any investments or commitments which may relate to the continued issuance of a hunting preserve license.

3. Types of Releases Allowed

a. The use of mallards on hunting preserves is limited to those operations whereby domestic mallards are released in a controlled fashion to proceed over positioned shooters in their flight path. No direct releases of any species of domesticated waterfowl into the wild for any sporting purposes or for any reasons are permitted within the state.

b. Quail may be released after September 1 on hunting preserves for the purpose of providing coveys for hunting. Pheasants and chukars may not be released on hunting preserves more than one day prior to a scheduled hunt. No direct releases of domesticated game birds, including but not limited to quail, pheasants and chukars, into the wild for purpose of population establishment are permitted within the state.

c. All quail and mallards must be banded in accordance with R.S. 56:654(4) prior to release.

4. Inspection of Permitted Areas and Domesticated Game Birds

a. Applicant must provide proof that the birds to be released originated from a source flock participating in the National Poultry Improvement Plan (NPIP) within 365 days prior to release and have not been in contact with birds from non-NPIP sources.

b. The premises of game bird production facilities and/or holding pens may be inspected by the department or by a designated agent for assessment of health of birds and sanitation of facilities. General pen requirements must conform to those adopted by the Louisiana Wildlife and Fisheries Commission for game breeders.

c. Accurate records of animal husbandry and mortality must be maintained at production/holding facilities and will be subject to periodic inspection by the department.

d. Every person who brings or causes to be brought into this state live domestically reared game birds for shooting purposes must comply with Livestock Sanitary Board regulations on livestock, poultry, and wild animals (R.S. 7:11705, 11767 and 11789). A copy of the health certificate must also be forwarded to the Department of Wildlife and Fisheries within 10 days for each shipment of birds. Any shipment of birds not accompanied by a health certificate shall be destroyed or returned to the place of origin by the importer at his sole cost and responsibility.

5. Hunting Licenses Requirements. A basic hunting license or hunting preserve license is required of all persons hunting on hunting preserves. In addition, a Louisiana Waterfowl Hunting License (formerly known as a state duck stamp)

is required as provided by law of all persons taking or hunting mallards on any hunting preserves.

6. Season Dates. The season during which shooting will be permitted shall be set by the Louisiana Wildlife and Fisheries Commission. The current season is fixed for the period of October 1 through April 30.

7. Shooting Hours. Shooting hours for hunting preserves shall be set by the Louisiana Wildlife and Fisheries Commission. The current hours are one-half hour before sunrise to sunset.

8. Methods of Take

a. Shotguns 10 gauge or smaller capable of holding no more than three shells in the magazine and chamber combined; nontoxic shot is required for hunting mallards on hunting preserves approved for use of mallards.

b. Muzzle-loading shotguns;

c. Falconry;

d. Archery equipment.

B. Existing state laws R.S. 56:651-659 and federal law 50 CFR 21:13 address bird banding, bird identification, bird transportation, reports and records and other issues. Compliance with these state and federal laws are mandatory. Hunting and taking of wild migratory and wild resident game birds on licensed hunting preserves must conform to all state and federal hunting regulations, including, but not limited to: non-toxic shot requirements, federal duck stamp requirements, live decoy prohibition, seasons and bag limits.

C. Changes in Rules. The Louisiana Wildlife and Fisheries Commission, Louisiana Department of Agriculture and the U.S. Fish and Wildlife Service may from time to time make changes in these rules and it is the responsibility of the licensee to apprise himself of any changes and to abide by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:651-659.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1136 (October 1992), amended LR 28:1033 (May 2002), LR 36: .

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

Interested persons may submit written comments relative to the proposed rule to Mr. Fred Kimmel, Wildlife Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, August 5, 2010.

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

Stephen J. Oats
Chairman

To begin the next agenda item, **To receive and hear Presentation on Wildlife Restoration Funds**, Mr. Scott Longman stated he oversees the deer, WMA, waterfowl and forestry programs within the Wildlife Division. Another task he oversees was the Wildlife Restoration Funds that come to the Department. The initial act was called Federal Aid and Wildlife Restoration Act and the Department called it the Pittman-Robertson or PR Fund. The act was put into effect over 70 years ago and currently funds the majority of programs in the Wildlife Division. This fund was a partnership between the U.S. Fish and Wildlife Service, the states and manufacturers of firearms and ammunition. The funds were historically used on WMAs for boundary work, access and trail maintenance, timber planting, reforestation, general public hunts, youth hunts and physically challenged hunts. The staff uses the funds for trapping, banding, surveys, hunter education, shooting ranges and fund research with universities. Also the funds are used on private lands to manage the habitat and will be used this year for bear research and the coastal WMAs. Next, Mr. Longman showed where the funds come from, 11 percent tax on firearms and ammunition, 10 percent on pistols and handguns and 11 percent on archery equipment. The funds were collected at the manufacturers level by the U.S. Fish and Wildlife Service and apportioned to the State based on certain criteria. The formula for the fund was

based on the state's land mass and the number of licensed hunters. Louisiana has to provide to the U.S. Fish and Wildlife Service the number of certified license holders in July each year. In the apportionments by year, Mr. Longman stated that there has been an increase in the purchase of firearms and ammunition over the last several years which has made the fund grow substantially. This year the Department may receive nearly \$8 million in federal funds. This fund is a reimbursement program, so for every dollar spent by the Department, the Federal Government will reimburse the state 75 cents. The match can be through in-kind services. The in-kind services and the Conservation dollars for this upcoming year may be as much as \$3 million. Chairman Oats felt a slide showed there was an increase in the number of hunters of about 40,000 over the last few years and asked how it affected the formula. Mr. Longman stated it depended upon how the other states did with their licenses.

To receive and consider Declaration of Emergency and Notice of Intent on Fisheries Closures due to Oil Spill was handled by Mrs. Karen Foote. This action would ratify the fishing closures the Secretary put in place over the last month which were still in place. The action also gives the Secretary authority to expand the closures or to lift them. Chairman Oats asked if this action was similar to the one taken last month. Mrs. Foote answered yes, but it was slightly different areas. Commissioner Voisin made a motion to approve the Declaration of Emergency and seconded by Commissioner King. Commissioner Voisin thanked Mrs. Foote for her efforts and that of the staffs through this stressful time. She appreciated the comment and would pass the comment on to the staff. Commissioner King asked if the current economic impact from the oil spill to the commercial and recreational fisheries was known at this time and Mrs. Foote stated it was unknown. Then Commissioner King asked if the future economic impact would be highly speculative and Mrs. Foote agreed. Secretary Barham noted he would be remiss if he did not bring to the Commission's attention the number of hours the Department's employees (biologists as well as support staff) have worked on the oil spill. He expressed his respect for each member of the staff. Hearing no further comments, the motion passed with no opposition.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission
June 3, 2010

In accordance with the emergency provisions of R.S. 49:953.B and R.S.49:967.D of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby closes all recreational and commercial fishing, effective immediately June 3, 2010, in the following area:

That portion of state inside waters north of Martin Island on the eastern shore of the Biloxi Marsh at 29 degrees 57 minutes 29.6 seconds north latitude; thence northward to Isle au Pitre at 30 degrees 09 minutes 20.5 seconds north latitude from the double rig line westward to 89 degrees 15 minutes 30 seconds west longitude, and the open waters of Breton and Chandeleur Sounds as described by the double rig line defined in R.S. 56:495.1, and that portion of state inside waters south and east of Baptiste Collette westward to the southern shoreline of Red Pass at 89 degrees 28 minutes 13.4 seconds north latitude, and that portion of state inside waters south and west of a line beginning at the intersection of the western shoreline of the Empire Canal and the inside/outside shrimp line as described in R.S.56:495; thence northerly along the western shoreline of the Empire Canal to 29 degrees 20 minutes 00 seconds north latitude; thence west along 29 degrees 20 minutes 00 seconds north latitude to the western shoreline of Grand Bayou; thence northerly along the western shoreline of Grand Bayou to 29 degrees 30 minutes 00 seconds north latitude; thence west along 29 degrees 30 minutes 00 seconds north latitude to 89 degrees 52 minutes 00 seconds west longitude near the western shoreline of Bay Batiste; thence north along 89 degrees 52 minutes 00 seconds west longitude to 29 degrees 35 minutes 00 seconds north latitude; thence west along 29 degrees 35 minutes 00 seconds north latitude to 90 degrees 14 minutes 00 seconds west longitude near the western shoreline of Little Lake; thence south along 90 degrees 14 minutes 00 seconds west longitude to 29 degrees 30 minutes 00 seconds north latitude; thence west along 29 degrees 30 minutes 00 seconds north latitude to the eastern shore of Bayou Terrebonne; thence southerly along the eastern shore of Bayou Terrebonne to 29 degrees 21 minutes 00 seconds north latitude; thence westward along 29 degrees 21 minutes 00 seconds north latitude from the eastern shoreline of Bayou Terrebonne to the eastern shore of Bayou Grand Caillou, thence southerly along the eastern shoreline of Bayou Grand

Caillou to the intersection of the inside/outside shrimp line as described in R.S. 56:495 and the eastern shoreline of Bayou Grand Caillou at 29 degrees 10 minutes 16 seconds north latitude, and that portion of state outside waters seaward of the inside/outside shrimp line as described in R.S. 56:495 from the Mississippi/Louisiana state line westward to 91 degrees 20 minutes 20 seconds west longitude near the southwestern shoreline of Point au Fer and outside waters seaward of the inside/outside shrimp line as described in R.S. 56:495 from 92 degrees 18 minutes 00 seconds west longitude near Freshwater Bayou westward to 92 degrees 25 minutes 00 seconds west longitude.

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

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

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

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

Stephen J. Oats

Chairman

The Commissioners agreed to hold the **October 2010 Meeting** on Thursday, October 7, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments**. Mr. Tom Dufour stated he wanted to speak on the Delta Waterfowl proposal. He has been a volunteer for Delta primarily involved in the hen house project which he built and put in small lakes in North Dakota and South Dakota. Mr. Dufour has seen Delta's work first hand and he knew the importance of Delta's programs. He noted that the involvement with the ALUS program would have a tremendous impact on the number of waterfowl that may come to Louisiana in the future. He hoped that programs such as ALUS remain as they are for the production of waterfowl.

Mr. Mike Deliperto, a Delta Waterfowl volunteer, echoed some of the comments made by Dr. Rohwer. He added that the ALUS program recognized the value of conservation and restoring Canada while respecting the role of agricultural producers in environmental management. ALUS has the potential to have a similar landscape impact as CRP does in the prairie potholes. Delta works with farmers in a positive way to provide an economic incentive in exchange for habitat protection and enhancement. Mr. Deliperto then asked the Commission to allocate to Delta a share of the duck stamp funds which can be put towards ALUS.

Mr. Tony Taylor, Publisher of Louisiana Sportsman magazine, expressed appreciation to Mr. Barham for the quandary and job being done in keeping the public and reporters informed on the oil spill. He knew that what the state was up against was unprecedented with no end in sight. He then mentioned that there was some activity in Washington, DC which may shut down offshore drilling due to safety factors. Mr. Taylor compared that activity with closing fishing to further study what was happening with the oil spill which may kill the industry. He urged the Department to be more fluid with the closures and openings. Mr. Taylor knew that he would go back to fishing once it reopened, but felt that the occasional fishermen may not go back. There have been no reported fish kills, no reports of contaminated fish, and no reports of dispersants reaching the shore. EPA was doing extensive water testing and found that the purity of the water was good. Most fishermen, if they would encounter oil, would move to another location to fish. Mr. Taylor felt there was a need to be more cautious. He felt there was no correlation between seeing oil or spotted and

contaminated fish. The closures may be a bit much, and thought more areas could be open, according to Mr. Taylor. He agreed with the precaution on Corexit, but to their knowledge it has not been found to absorb into the muscle tissue of fish. Again he stated he wanted to fish. Mr. Taylor urged Secretary Barham and the Commission to do the best job they can and to open more areas even if it were pocket locations. Marina operators, news media, various websites were good ways to get the word out to the public if there were heavy concentrations of oil moving into an area. Commissioner Morrow noted the Commission sympathized with all of the fishermen and wanted the public to fish. He then asked Secretary Barham if the 7 day no oil could be reduced to 3 days or 5 days. Secretary Barham responded 7 days was the length of time it took to get results from the samples.

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

Robert J. Barham
Secretary

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