

Louisiana Wildlife and Fisheries Commission Meeting Minutes

June 2, 2016

Commissioned Approved: July 2, 2016

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The following constitute minutes of the Louisiana Wildlife and Fisheries Commission Meeting and are not verbatim transcripts of the proceedings. Audio files of the meetings are kept at the Louisiana Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, Louisiana 70808

For more information, call (225) 765-2806

Call to Order

Pledge of Allegiance

Roll Call

Approval of May 05, 2016 Commission Meeting Minutes

Commission Special Announcements / Personal Privilege

To hear Enforcement Reports May 2016

To hear an update on the 2016 Legislative Session

To consider a Notice of Intent to establish the Oyster Harvester Training Program

To hear an update on Potential Actions to address overfished status of Blue Crabs

To hear an update on West End Artificial Reef Project

To hear an update related to possession limit for saltwater recreational finfish landed at Port Eads Marina

To hear an update on the Notice of Intent to Outlaw Quadruped, Nutria and Beaver Night Take Permit and to consider amendments thereto

Set October 2016 Meeting Date

Receive Public Comments

To consider holding an executive session, pursuant to R.S. 42:17(A)(2) to discuss on-going litigation in the matters of: State of Louisiana v. ASA Properties, et al., Docket No. 72779, Sec. B, 42nd JDC, DeSoto Parish; State of Louisiana v. ASA Properties, et al., Docket No. 35809, Red River Parish; Chesapeake Louisiana, L.P. v. Pintail Properties, LLC, et al., Docket No. 35565, 39th JDC, Red River Parish; Petrohawk Operating Company v. Chesapeake Louisiana, L.P., et al., Docket No. 35,903, Red River Parish; QEP Energy Company v. Pintail Properties, et al., Docket No. 35,801, Red River Parish, and; Stroud Petroleum Inc. v. Pintail Properties LLC, et al., Docket No. 34865, 39th JDC, Red River Parish

To consider allowing the Attorney General's Office to pursue settlement negotiations on behalf of the Commission in the litigation identified in Agenda Item 15

Adjournment

1 **CALL TO ORDER**

2 The regular meeting of the Louisiana Department of Wildlife and
3 Fisheries Commission was called to order at 9:30 AM on May 05, 2016 in
4 Baton Rouge, LA at the Louisiana Department of Wildlife and Fisheries
5 Headquarters Building in the Louisiana Room by Chairman Bart Yakupzack

6 **PLEDGE OF ALLEGIANCE**

7 Chairman Yakupzack began the meeting with the Pledge of Allegiance

8 **ROLL CALL** – *Wendy Brogdon*

9 Wendy Brogdon conducted a roll call. The following persons were
10 present:

11 Bart Yakupzack

12 Chad Courville

13 Julie Hebert

14 Bill Hogan

15 Pat Manuel

16 There were five Commissioners in attendance, a quorum was met

17 **APPROVAL OF MAY 05, 2016 COMMISSION MEETING MINUTES**

18 Chairman Yakupzack called for approval

19 A **MOTION** was made by Commissioner Manuel and seconded by Commissioner
20 Hebert; Chairman Yakupzack called for a vote

21 **Motion passed** unanimously.

22 **COMMISSION SPECIAL ANNOUNCMENTS / PERSONAL PRIVILEGE**

23 Manuel: Are we going to continue to have afternoon meetings every
24 year during April May and June?

25 Yakupzack: As a brief background, there appears a conflict between the
26 Commission meeting times during Louisiana Legislative Session with the
27 Committee meeting of the Senate Natural Resources Committee and the
28 House Natural Resources Committee. In an effort to make our meetings
29 and those meetings co-exist, the Commission agreed to have our
30 meetings in the afternoon during Legislative Sessions.

31 Courville: Do we need to make a Motion to move the meeting times to
32 2:00PM?

33 Manuel: We can just leave open until March 2017

34 Melancon: We are good for now, as the Regular Session is over and we
35 should not have any conflicts with the Special Session. Have Wendy

36 Brogdon make a note that when we get to next year we will make a call
37 with the Senator to see if there is a conflict; if so, we will resolve
38 beforehand

39 Yakupzack: Request to have the minutes reflect and a calendar note be
40 made for the Commission that the first of next year we assess the
41 times of the Committee meetings as to not conflict with Commission
42 meetings.

43 Hebert: Announced she received a letter from the Governor's Office
44 that she did not receive Senate Confirmation. The reason for that from
45 the Directors of Boards and Commissions is that she does not meet the
46 criteria for representing fish and fur trade. That coincides with the
47 Resolution I did to support state management of the Red Snapper last
48 month that we unanimously concurred on and passed. In light of the
49 matter, regardless of political affiliations, we all have an opinion
50 to voice it and to serve. We all have the ability to serve at local,
51 state and federal levels and I was able to bring together projects
52 over a million dollars in a short period of time my first month up
53 here for Ducks Unlimited. Not wanting to alienate Delta Waterfowl, we
54 did a Cooperative Endeavor so our locals could have hands on projects
55 and we could all go get weevils for our duck leases and help to
56 eradicate the Salvinia issue. I have very strong values and opinions
57 concerning our state waters, our habitat and environment in which we
58 all hunt and fish. Whether we are commercial, charter or purely
59 recreational, I think its time for Louisianans of all types to band
60 together or we're going to lose our state waters, our state +rights
61 and our state privileges to do what we've done always in Louisiana
62 which is hunt and fish whether its recreational or to make a living.
63 I'm ok that after my support of Garrett Graves House Resolution. I've
64 now been taken off of this Commission. I'm just a small town girl
65 from the Midwest where are values are strong and true very much like
66 south Louisiana. I've been here over twenty years; fell in love with
67 Louisiana – the life the culture, the heritage, the fishing, the
68 hunting. My husband from Bayou Lafourche who grew up shrimping and
69 crabbing to make ends meet during summer sessions when school was out
70 to pay for books – that being said, thank you Bobby Jindal for my

71 original appointment, Secretary Barham for his dubious support while I
72 hit the ground running, Senator Gary Smith Jr., who tried his best to
73 keep me on the Commission and the staff of the Department of Wildlife
74 and Fisheries, all of the Enforcement officers on the waters of Grand
75 Isle and on the docks – I see you regularly, you are all tremendous
76 professionals and we are lucky to have you. Thank You. I was honored
77 to serve my state and my fellow Louisianans. I worked tirelessly to
78 research and become knowledgeable of the important issues facing this
79 Commission. I considered every single side of every single issue. I
80 answered every phone call and every email that came through my office.
81 Our boats name is the "Passion" – We're on the water almost every
82 weekend. We hail out of Grand Isle, say hello. It's named the
83 Passion because sometimes the fish are biting on Sunday's and we
84 should probably be at church. Don't feel sorry for me up here. I
85 wanted to spend four years, six years up here but I'm going to wear
86 this as a badge of honor and we're going to fight the good fight on
87 this. I'll see you on the water on the other side of the podium.
88 Tight lines to our fisherman; straight shooting for our hunters and
89 high profits to our commercial guys out there because we all need to
90 band together

91 Yakupzack: Thanked Commissioner Hebert on behalf of the Commission and
92 as Chairman

93 **ENFORCEMENT REPORTS: MAY 2016 – Cpt. Eddie Skeena, LDWF Enforcement**

94 ENFORCEMENT CASE REPORT

95 Written Citations: 743

96 Written Warnings: 344

97 Public Assistance: 24

98 MONTHLY BOATING CRASH / INCIDENT REPORT

99 Boating Incidents: 14

100 Number of Injuries: 06

101 Number of Fatalities: 03

102 (3) NEWS RELEASES

103 *Four Cited for Recreational Shrimping Violations*

104 Louisiana Department Wildlife and Fisheries enforcement agents cited four
105 people for alleged recreational shrimping violations on May 21 in Terrebonne
106 Parish. Agents cited Tony Bella, 28, of Bourg, Percy Michel, 28, of
107 Thibodaux, Necole Hello, 32, of Thibodaux, and Courtney Boquet, 26, of Bourg,
108 for possessing over the legal limit of shrimp and intentional concealment of
109 fish. After receiving complaints about potential over the limit of shrimping
110 taking place in the Robinson Canal area, agents found the four subjects
111 catching over their limit and removing the catch from the fishing grounds to
112 a nearby residence. Agents obtained information that Bella and Michel were
113 casting netting for shrimp at Robinson Canal in lower Terrebonne Parish. The
114 agents also discovered that Hello and Boquet would remove shrimp from the
115 fishing area for Bella and Michel and bring the shrimp to a nearby residence
116 so they would not have over their allotted limit. Agents made contact with
117 the female subjects at the residence in Montegut and found they had 328
118 pounds of shrimp. Agents with the assistance of the Terrebonne Parish
119 Sheriff's Office (TPSO) were able to stop Bella and Michel from cast netting
120 at Robinson Canal.

121 The recreational limit for shrimp on May 21 was 50 pounds a day per vessel or
122 vehicle. Agents seized the shrimp and sold them for market value. Possession
123 of recreational over the limit of shrimp brings a \$250 to \$500 fine and up to
124 90 days in jail. Intentional concealment of fish carries a \$900 to \$950 fine
125 and up to 120 days in jail. Agents participating in the case are Senior Agent
126 Dean Aucoin and Thomas Wolf along with the assistance from the TPSO.

127

128 *Man Cited for Crab Theft in Plaquemines Parish*

129 Louisiana Department of Wildlife and Fisheries (LDWF) enforcement agents
130 cited a Slidell man for alleged crab trap theft in Plaquemines Parish on May
131 11. Agents cited Broward Barwick, 26, of Slidell, for removing the contents
132 of crab traps that were not owned by him, failing to mark crab traps and
133 theft of crab traps. Agents set up surveillance on a line of crab traps near
134 Pointe Fienne in Plaquemines Parish and watched Barwick run the line of crab
135 traps and emptied the contents onto his vessel. The agents inspected this
136 line of traps and found that several were untagged or tagged by different
137 commercial fishermen. The penalty for removing contents of crab traps, using
138 crab traps without required markings and theft of crab traps carries a up to
139 a \$950 fine and 120 days in jail for each offense. Agents seized multiple
140 crab traps that will be returned to their owners and returned five boxes of
141 crabs to the water. Agents participating in the case are Senior Agent Gary
142 Pierce and Agent Kyle Haydel.

143

144 *LDWF Enforcement Division Agents Assist in DWI Case in Which Grand Isle*

145 *Commercial Fisherman Sentenced to 20 Years in Prison*

146 Rockey Burnham, a 44-year-old Grand Isle commercial fisherman, was sentenced
147 to 20 years in prison Friday (May 6) after his sixth conviction for DWI, a
148 case in which Louisiana Department of Wildlife and Fisheries Enforcement

149 Division agents Sgt. Ezekiel Talbert and Senior Agent Michael Marques
150 assisted. Burnham was accused by Jefferson Parish prosecutors of colliding
151 his boat into several other watercraft and a shrimp dock in Grand Isle on
152 April 28, 2015. Prosecutors said he was under the influence of diazepam, nor
153 diazepam and methamphetamine. He was found guilty by a jury April 20 of
154 fourth-offense or more DWI and sentenced May 6 by Judge Conn Regan of the
155 24th Judicial District Court. Burnham will serve his sentence without the
156 benefit of probation, parole or suspension of sentence, the Jefferson Parish
157 district attorney's office stated. LDWF Enforcement Division agents were
158 notified by and assisted the U.S. Coast Guard after the incident in Grand
159 Isle. Impairment was considered a possible contributing factor. After
160 performing poorly on a series of standardized field sobriety tests, Burnham
161 was arrested by Talbert and Marques for DWI and transported to the Grand Isle
162 Police Station. Further tests were administered and Burnham was later
163 transported to Jefferson Parish Detention Center.

164 **TO HEAR AN UPDATE ON THE 2016 LEGISLATIVE SESSION** – Cole Garrett

165 Patrick Banks, Assistant Secretary Fisheries Division announced that Cole
166 Garrett was out of town and not present but did provide each member with an
167 update on current legislative bills and the staff is ready to answer any
168 questions.

169 Q. Courville: Provide an update on the two oyster bills that were discussed
170 in legislation today.

171 A. Banks: Two oyster bills are on the floor of the Senate today trying
172 to get through one of the last hurdles. One is the process for lifting the
173 Oyster Lease Moratorium which was put in place by the Commission at the
174 request of the Governor's Office in 2002. This bill is on the cusp of
175 passing. The second bill is a companion bill that deals with land rights
176 issues and private oyster leases / leases issued to oystermen for dual

177 claimed water bottoms. These are water bottoms claimed by both the adjacent
178 land owner as well as by the state. The Attorney General's Office helped
179 draft this bill and it's on the floor of the Senate today.

180 Q. Hebert: House Bill 1084 – Restriction of imported and exotic cats.
181 Received a call from Chris Guidry represents Michael Sandlin re: Exotic
182 Animal Permit for Tiger Truck Stop in Gross Tete. They are concerned the
183 Tiger will be confiscated. Where is this standing?

184 A. Melancon: The Department has set up rules and regulations and No one can
185 confiscate the cat. When the cat dies, the issue may arise again.

186 C. Manuel: Chris Guidry called him also; I called the Department and was
187 assured this is not a Department Bill

188 C. Melancon: Just received notice that both Oyster Bills passed the Senate;
189 now they both move to the House

190 Q. Courville: Service Monkeys – What's the status of Service Monkeys?

191 A. Melancon: This issue is now behind us. A Senator introduced legislation
192 then decided not to pursue

193 **TO CONSIDER A NOTICE OF INTENT TO ESTABLISH THE OYSTER HARVESTER TRAINING**
194 **PROGRAM** - Steve Beck, LDWF Oyster Program Manager

195 This Notice of Intent will establish the requirements needed to complete the
196 program, including training in the Louisiana Shellfish Sanitation Program and
197 the best harvest practices for conservation of the species.

198 House Bill No. 303 was signed by the Governor to become Act 276 which requires
199 any applicants for an Oyster Harvester License complete an educational
200 program prior to receiving the license. This NOI is supported by the Oyster
201 Taskforce and consists of a video or a series of videos that can be taken
202 online and then answer a series of questions. A score of 80 percent is
203 required to pass.

204 Q. Courville: Will you have computers available?

205 A. Beck: Yes, the program is still under development and we hope to have in
206 all of our field offices and in the Sea Grant Extension Offices throughout
207 the coastal zone

208 Q. Courville: Will a list of the locations be disseminated to the Oyster
209 Taskforce?

210 A. Beck: Correct.

211 Q. Courville: How long is the certificate good for?

212 A. Beck: 3 years at this time.

213 Q. Yakupzack: Is the 3 year requirement in the NOI? Is Harvester License
214 required annually?

215 A. Beck: Yes, that is correct, it is annually

216 C. Yakupzack: It needs to be stated in the NOI clearly that the License is
217 annual and the training certificate is good for 3 years

218 C. Patrick Banks: The 3 year requirement is written into the law / the Act
219 that was passed. We can add this into the NOI if the Commission choses.

220 Q. Yakupzack: This law is part of the regulations in the Commercial License
221 requirements?

222 A. Banks: The Act was passed and we are presenting the NOI as required
223 by the Act that was passed and the 3 year requirement was required by the
224 ACT. We can add that requirement to the NOI for clarity. This is the
225 Administrative Rules that govern what the Act directs us to do.

226 Q. Manuel: The Legislation passed the Act and we are to provide the
227 details to it?

228 A. Banks: Correct. Typically the Act that is passed by the Legislature
229 becomes statute, Title 56 Statute and it directs the Department

230 Q. Manuel: The statute does not detail all of the details, correct?

231 A. Banks: Typically that is correct

232 Q. Manuel: What happens if we don't promulgate rules and regulations?

233 A. Melancon: The rules and regulations are the critical words here. Any
234 time legislation is enacted, each Department is given the duty to develop the
235 rules and regulations. The rules are returned back to the Legislature for
236 review and then we implement them into practice on a day to day basis.
237 Steve Beck read HB 303 ACT 276: Beginning in license year 2017 and
238 thereafter, any person applying for an oyster harvester license shall have
239 completed the oyster harvester education program within the previous three
240 years. The oyster harvester education program shall be developed by the
241 department, promulgated under the Administrative Procedure Act by the
242 commission, and implemented by the department for the purpose of developing
243 professionalism in the oyster harvest industry. The oyster harvester
244 education program shall include training in the Louisiana Shellfish
245 Sanitation Program, Chapter 3 of Part IX of Title 51 of the Louisiana
246 Administrative Code, "Preparation and Handling of Seafood for Market". In
247 addition, the oyster harvester education program shall include best practices
248 for conservation of the species.

249 Q. Courville: to Patrick Banks – should we amend the NOI to include the 3
250 year verbiage?

251 A. Banks: I would recommend we go ahead and amend to add the 3 year
252 requirement because these are the regulations that will be in Title 76 of the
253 Administrative Code.

254 **MOTION** by Commissioner Courville to approve the Notice of Intent with an
255 Amendment to include the verbiage "that the certification will be required
256 every three (3) years or as additional information becomes available for
257 education and deemed appropriate by the Department".

258 Commissioner Hogan seconded the motion made by Commissioner Courville

259 Chairman Yakupzack called for Public Comments

260 There were no comments heard

261 Chairman Yakupzack called for a vote

262 **Motion passed** with no opposition

263 *(The Full Text of the Notice of Intent is made a part of the Record)*

264 **NOTICE OF INTENT**

265 The Wildlife and Fisheries Commission does hereby give notice of intent to
266 promulgate a rule establishing the Oyster Harvester Training Program (R.S.
267 56:303.6(D)), for the purpose of developing professionalism in the oyster
268 harvest industry. This Notice of Intent shall establish the requirements
269 needed to complete the program, including training in the Louisiana Shellfish
270 Sanitation Program and the best harvest practices for conservation of the
271 species.

272 TITLE 76 WILDLIFE AND FISHERIES

273 Part VII. Fish and Other Aquatic Life Chapter 5. Oysters

274 339. Oyster Harvester Training Program

275 A. The following defines the requirements necessary to complete the
276 program to develop professionalism in the commercial oyster industry pursuant
277 to R.S. 56:303.6 (D). This program shall hereafter be referred to as the
278 Oyster Harvester Training Program.

279 B. Policy: Applicants for an oyster harvester license shall complete and
280 receive a certificate for an online course within the previous three years,
281 or within the previous year if the requirements covered in course material
282 have substantively changed, in order to receive the oyster harvester license.
283 The course will provide a detailed overview of the Louisiana Shellfish
284 Sanitation Program, Chapter 3 of Part IX of Title 51 of the Louisiana
285 Administrative Code, "Preparation and Handling of Seafood for Market" and
286 cover the legalities and best management practices of oyster fishing,
287 including but not limited to, licensing and permitting requirements, oyster
288 harvest regulations, reporting requirements, responsible fishing, and vessel

289 operation. The applicant will be required to view 100 percent of the course
290 content and score a minimum of 80 percent in order to receive a certificate.

291

292 AUTHORITY NOTE: Promulgated in accordance with R.S. 56:303.6(D).

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

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

301 Family Impact Statement

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

307 Poverty Impact Statement

308 The proposed rulemaking will have no impact on poverty as described in
309 R.S.49:973.

310 Provider Impact Statement

311 This Rule has no known impact on providers as described in HCR 170 of 2014.

312 Public Comment

313 Interested persons may submit written comments relative to the proposed rule
314 to Mr. Steve Beck, Office of Fisheries, Department of Wildlife and Fisheries,
315 Box 98000, Baton Rouge, LA 70898 9000, prior to Tuesday, July 29, 2016.

316 **TO Hear an Update on Potential Actions to Address Overfished Status of Blue**
317 **Crabs** – Jeff Marx, LDWF Marine Fisheries Biologist

318 Issue: As per the 2016 Blue Crab Stock Assessment, the Blue Crab stock is
319 currently being overfished. The Bio-Mass is at a level that is lower than we
320 would like.

321 Management options being considered:

322 A month long commercial fishery closure and crab trap prohibition during
323 March for the years 2017, 2018, 2019 and either; Raise the minimum size limit
324 of commercially harvested blue crabs from 5 inches to 5 ½ inches or Restrict
325 harvest of female blue crabs during the months of November through February
326 for the years 2017, 2018, 2019.

327 A month long closure during March combined with either an increased size
328 limit or a restriction of female harvest would reduce the fishing mortality
329 enough to improve the overfished status.

330 The Crab Task Force meets next on June 8, 2016 and will discuss industry
331 recommendations as to how to address the overfished status of the stock.

332 The current suspension of the crab apprentice program is set to expire on
333 July 1, 2016. This suspension was put in place by the Commission as a
334 Declaration of Emergency in order to temporarily stop entrants into the crab
335 fishery.

336 Recent legislative efforts to address the overfished status of the stock by
337 the Crab Taskforce, with assistance from LDWF, were not successful.

338 LDWF plans to return to the Commission in July with management
339 recommendations after consultation with the Crab Taskforce.

340 Q. Courville: In a March closure, was there any consideration for the Lenten
341 season? Have you considered January and February?

342 A. Marx: For reference, the reason March was chosen – after discussions with
343 the Crab Taskforce we suggested October or March. With further input from

344 more processors and the others that work in the industry, October was ruled
345 out and March was next. Taskforce is aware the price goes up during that
346 time of year and this was their decision. No consideration was really given
347 to either January or February. We can still look at those and bring that up
348 to them. One of the reasons for March is, it is one of the lowest volume
349 months.

350 Q. Courville: The feedback I've received is January/February is pretty slow
351 times for the industry. I would like you to consider looking at the other
352 two months. Will you consider a split closure in consideration of the
353 producers and processors? I would like for you to at least consider this and
354 visit with all of those a closure would affect.

355 Q. Courville: Will this be able to coincide with the derelict crab trap
356 program?

357 A. Marx: If done during February or March. In Title 56 it states we are
358 allowed to close geographical areas of the state for 16 days from February 1
359 through March 31. The Commission can close the industry to fishing if there
360 is a threat. We can place seasons which is what we are doing here today.

361 C. Courville: In the consideration, I would like for us to think about what
362 reasonable amount of time it would take to pick up a sizable number of traps.
363 The feedback I've received referencing the virgin crab take is a significant
364 issue. At some point I would like you to provide us some information on what
365 does that really mean and on the size restriction will result in ring size or
366 the actual harvest size of the crab.

367 A. Marx: The size increase route if needed would deal with a lot of immature
368 females and making them unavailable. I don't have exact numbers right now. 5
369 ½ inches would be a size limit on the crab. We are not talking any change on
370 ring size. Any gear change or license fee increases has to be done by
371 legislation.

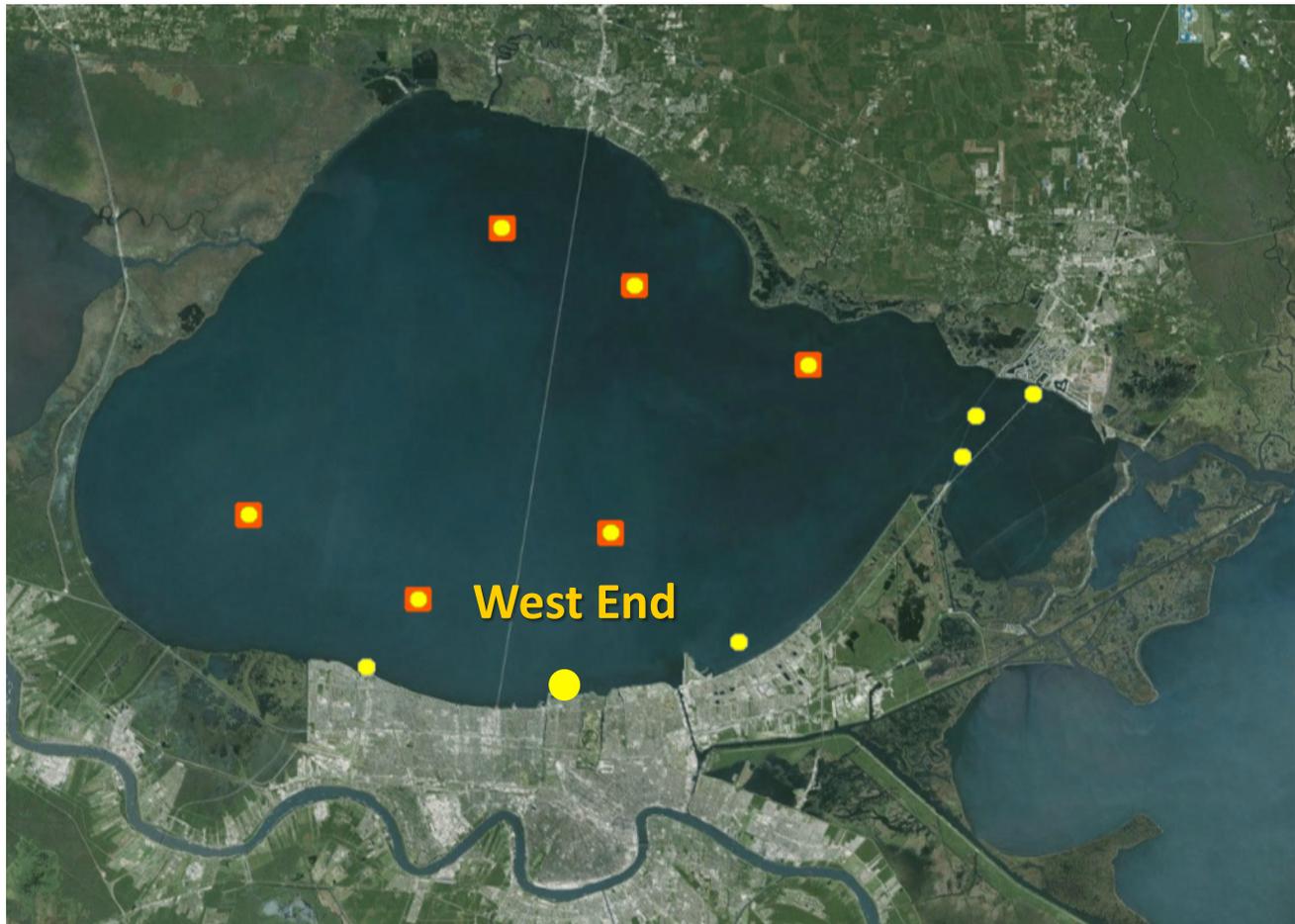
372 **TO Hear an Update on West End Artificial Reef Project** – Craig Gothreaux, LDWF
373 Artificial Reef Program Manager

374 The West End artificial reef project is located on the south shore of Lake
375 Pontchartrain. It establishes the 12th artificial reef site in the lake, six
376 of which (noted by the red boxes) were recently expanded into inshore
377 planning areas. [Inshore planning areas (similar to their offshore
378 counterparts) are pre-approved zones centered around existing reef sites that
379 will facilitate and expedite future enhancement projects.]



Lake Pontchartrain
Artificial Reef Sites

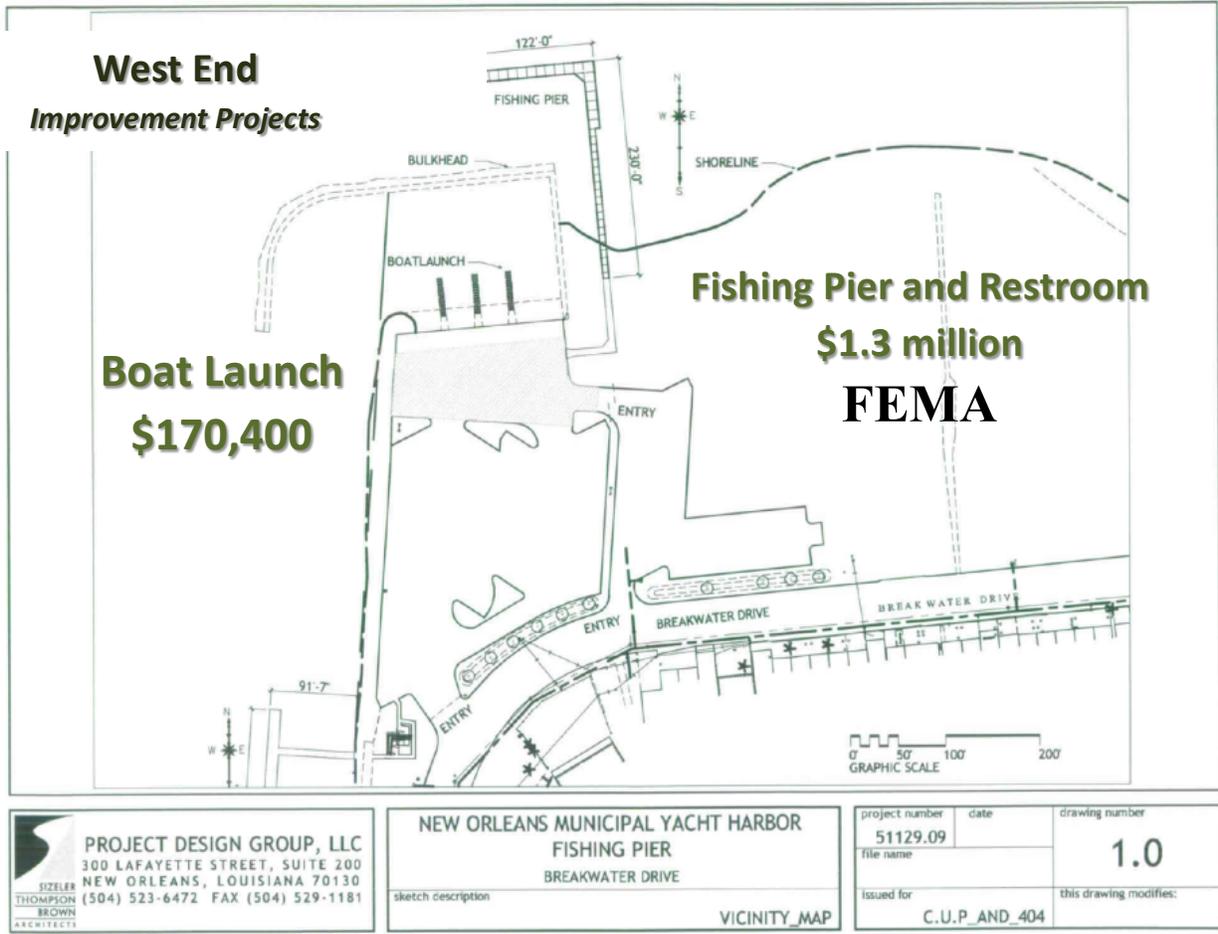
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381

382 The West End artificial reef is part of a multi-faceted improvement project
383 to this area that was heavily impacted by Hurricane Katrina. The reef

384 component is dovetailed into the boat launch renovation (funded in part by a
 385 LDWF sponsored Wallop-Breaux Boater Access Grant) and the construction of a
 386 fishing pier with restroom facility (funded through FEMA)



387

388 A 10-acre site was permitted for the reef creation project, centered around

389 the approximate location of the future fishing pier. Pre-deployment

390 monitoring including depth and sediment surveys (which indicated an area in

391 the NE corner that appear to be a relic shell pad), as well as a material

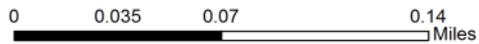
392 inspection where a combination of crushed concrete and limestone was selected

393 for use.

Louisiana Artificial Reef Program



**Permit Area Map DRAFT
West End Pier Reef**



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The reef material was deployed in 2-3 ft. mounds on the relatively hard bottom area indicated by the map, which also allowed for a buffer zone to avoid future construction activities. Once the pier is constructed, additional reef materials will be deployed within casting distance.



Date: 4/26/2016

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400

401

To hear an update related to possession limit for saltwater recreational finfish landed at Port Eads Marina – Brett Falterman, LDWF Fisheries

402

Overview of the Program:

403

Provide a brief background of the Port Eads Catch Certification Program,

404

review the steps that were taken to develop and implement this program,

405

present results from Catch Certifications conducted on site at Port Eads

406

Marina during the previous year (as required by the Rule instituted on June

407

20, 2015 by LWFC), and a breakdown of estimated costs for this program during

408

the previous year.

409

Following the destruction of Port Eads Marina, a facility owned by PPG just about the mouth of South Pass (22mi downriver from Venice, LA), Federal Funds were obtained by PPG to rebuild the Port Eads facility. Upon completion of the project, PPG created a non-profit entity, 'Port Eads Fishing Refuge,' to manage the facility. PEFR leased the facility to 'John Burrel's High

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415 Adventure Company.' On June 20, 2015, LWFC passed a rule that allowed angler
416 who could document an overnight stay at Port Eads to clean their catch on
417 site and retain up to a 3-day possession limit if the catch was certified by
418 an 'LDWF employee or agent.' The Fisheries Management Section of the Office
419 of Fisheries was tasked with developing and implementing this Program.
420 In developing the Program, input was solicited from LDWF Enforcement (Region
421 8 Captain Steve McManus, HQ-Rachel Zechenelly and Strike Force Capt. Chad
422 Hebert) and USCG Gulf Council Enforcement Panel rep Lt. CMDR Jason Brand).
423 Water and tamper-proof bag tags, catch certification forms (formsite and
424 carbon copy), data sharing methods, and signage were all developed and
425 tested. Also, communication guidelines were developed that 1) established
426 High Adventure as the point of contact with LDWF with respect to request LDWF
427 catch certification presence, 2) established a minimum of 72 hour notice, and
428 3) established a method by which LDWF would notify the public when the Agency
429 agreed to provide this service (posted on 'fishla.org' website and press
430 release).



431
432 Signage posted at Port Eads review details of the rule passed by LWFC on
433 6/20/15. Very low ROLP compliance was encountered, so ROLP signage was

434 subsequently posted and LDWF biologists on site assisted participating
435 anglers in obtaining the free ROLP permit (which was a required field on the
436 Port Eads Catch Certification form).

New Rules regarding transporting fish for overnight guests of Port Eads Marina

When the following requirements are met, fishermen who stay overnight at Port Eads Marina may clean their inspected catch on site and transport up to a 3-day daily creel limit of certified fileted fish to land-based ports in Louisiana.

1. The fisherman holds and is in possession of all current recreational fishing licenses required.
2. The fisherman is in possession of and can provide a receipt issued by the Port Eads Marina facility that demonstrates, to the satisfaction of the department, an overnight stay at the Port Eads Marina facility.
3. Catches can only be inspected and certified for days on which LDWF staff is present at the facility. Upon landing his or her daily catch at the Port Eads Marina, the fisherman will contact LDWF staff on duty at the marina so that the catch can be inspected to ensure that the species, size and daily creel are within legal limits. Following inspection, fish can be fileted and must be marked with catch certification tags that will be provided by the certifying agent.
4. Once certified, the fisherman will be issued an interview form and bag tags for all bags of fish that correlate with an individual angler's catch. No active fishing can take place on board a vessel transporting bags of certified catch.
5. The fisherman is only in possession of his or her fish and shall not transport fish taken by another person back to the boat landing.

When a LDWF certifying agent is not present, fishermen should adhere to the state-wide, on the water possession limits. For a list of dates and times when an LDWF certifying agent will be present visit: <http://www.fishla.org/port-eads-marina-regulations>

For questions about the program contact:
Brett Falterman at 504-286-4160 or bfalterman@wlf.la.gov



437

438 Since the Rule was passed on June 20, 2015, LDWF biologists was been staffed
439 at Port Eads as requested by High Adventure on 4 separate trips ranging from
440 2-3 days. During those 4 events, 81 catch certifications were conducted which
441 utilized 134 unique bag tags and accounted for 299 individual fishes. Red
442 snapper were a component of 93.8% of the Certifications and comprised 50.8%
443 of the certified catch

444 No research species were encountered during Port Eads Catch Certifications.

445 No request from High Adventure for LDWF to appear was refused; though trip

446 length was frequently reduced due to High Adventure's inability to predict
447 participation in the Program. During the previous year, no single angler
448 retained the 3-day possession limit as allowed by the Rule.

449 Total Estimated Program Costs incurred by LDWF to develop and implement this
450 Program were conservatively \$8830.27. This estimate is based on my P-card log
451 (printer: \$441; labels: \$588.27; Documents: \$316) and self-reported hours by
452 employees Jason Froeba (20hrs), CJ Marshall (143hrs), Phil Kent (70hrs) and
453 Brett Falterman (52hs) as well as estimated vessel fuel (5 trips, 30
454 gals/trip=150gals@\$3.50=\$525.

455 Chairman Yakupzack called for comments

456 C. Jacque Kutscha, Metairie, LA – Heads up the nonprofit Port Eads Fishing
457 Refuge – A unique structure that Plaquemines Parish joined forces with; This
458 is a Public/Private Cooperative endeavor. It puts the best of the public and
459 private sector together. This is the 3rd season and we see activity up 50-60
460 percent over the first and second year. The facility is located 20 miles
461 from Venice from where one can drive to. The fishing out of Venice is wildly
462 popular. One of the luxuries is that charter captains or private luxury
463 boats can go out and be back to the dock to deliver their catch and crew. In
464 Port Eads we don't have that luxury. Last year the Wildlife & Fisheries came
465 up with this program in cooperation with us. We think we can expand this and
466 we're sensitive to the cost, although the cost upon viewing that was less
467 than I might have thought. We would like to expand this with the activities
468 at Port Eads and would like to work with Wildlife and Fisheries to develop
469 new approaches through personnel that might be close than some of the
470 personnel we might be able to do a better job of scheduling and we think we
471 can cooperate in our public/private cooperative endeavor with the department
472 of WLF and maybe introduce some new technology to help this program and make
473 it a pilot for other things and other places and we really feel that this

474 facility will take the next step in a research outpost for the likes of
475 LUMCON, UNALS Laboratory System. We have slated and plan to build two wet
476 labs down there for use of Wildlife and Fisheries, Tulane, LSU, LUMCON, UNALS
477 and others so we feel in the next twenty four months this is going to be a
478 special outpost place that all sportsmen in Louisiana and beyond can be very
479 proud of. I would like to thank Amos Cormier, President of Plaquemines
480 Parish for coming today and showing his support and supporting the economic
481 viability and the necessity of extending the Venice fishing estuary down to
482 Port Eads and the importance of all of that and also the Plaquemines Coastal
483 Zone Manager, Vince Frelic who has been very helpful. Our next big goal sort
484 of immediately is a necessity to dredge South Pass and get some of the larger
485 vessels make it for passage for all of our customers and friends coming down
486 to Port Eads.

487 C. Amos Cormier, Plaquemines Parish President, privilege to be here today.
488 With the cooperation of the Commissioners and the leadership of Mr. Melancon,
489 the Department of Wildlife and Fisheries is headed in the right direction.
490 The challenging oil prices that Plaquemines Parish faces as a result of the
491 economic situation leads to the imperative situation that we're in as far as
492 the Wildlife and Fisheries. That's one of the best resources that we have in
493 Plaquemines Parish historically speaking if you go back for the LA. Purchase
494 when Jefferson bought it, he really didn't buy it for Arkansas and Missouri,
495 he bought it for the Port of New Orleans and of course, Plaquemines Parish
496 because you have to go one hundred miles, ingress and egress to get to the
497 Port of New Orleans. As a result of that, we feel like we're the best kept
498 secret going and if you'd take the time to come down and visit, we feel
499 certain you would have a great time fishing and hunting in our Parish. We
500 appreciate all of the efforts to help us continue in that light. Thank you.

501 Q. Manuel: Do we have to decide something before June 20th when this
502 sunsets?

503 A. Yakupzack: My appreciation of the sunset provision of the NOI and the
504 Rule we passed was simply to hear about the efficacy of the program and I'm
505 sure this update lends to that here today, so I think we've satisfied the
506 sunset provision as it was written in the law. Mr. Whitrock do you see that
507 any other way?

508 A. Whitrock: I think you are correct

509 A. Yakupzack: I think the Department and Port Eads is in dialog and the
510 Department is going to come to the Commission with any changes to this Rule
511 or recommendations in the near future as I appreciate it.

512 C. Hebert: I have had the opportunity to go visit Port Eads through an
513 organization in which I chair a Tournament, International Women's Fishing
514 Association. We took 24 ladies from all over the world down there that are
515 used to fishing and recreating in remote locations and its interesting
516 because, High Adventure that runs Port Eads right now is used to working in
517 very remote conditions.

518 **To hear an update on the Notice of Intent to Outlaw Quadruped, Nutria and**
519 **Beaver Night Take Permit and to consider amendments thereto** – Melissa
520 Collins, LDWF Biologist, Nuisance Animal Control Director
521 The following statement was added to the original NOI presented at the May
522 Commission meeting: Persons failing to provide the annual report shall not
523 be subject to the penalty and provisions herein. Any such person failing to
524 comply with the annual report as prescribed by C.8 shall not be reissued a
525 permit until the reporting requirement under paragraph C.8. is submitted to
526 the department. Under Paragraph B2 the words "or lessee's" was removed and
527 the word Landowner is made plural

528 C. Chairman Yakupzack asked for a Motion to accept the NOI as amended

529 A **MOTION** was made by Commissioner Courville and seconded by Commissioner
530 Manuel; Chairman Yakupzack called for a vote

531 Motion passed unanimously

532 **Set the October 2016 Meeting Date**

533 A date of October 6 was chosen

534 A **MOTION** was made by Commissioner Manuel and seconded by Commissioner Hebert;
535 Chairman Yakupzack called for a vote

536 Motion passed unanimously

537 *(The Full Text of the Notice of Intent is made a part of the Record)*

538 **NOTICE OF INTENT**

539 Department of Wildlife and Fisheries

540 Wildlife and Fisheries Commission

541 Outlaw Quadruped, Nutria and Beaver Night Take Permits

542 The Department of Wildlife and Fisheries and the Wildlife and Fisheries

543 Commission do hereby advertise their intent to promulgate rules and regulations

544 governing the take of outlaw quadrupeds, nutria and beaver during the nighttime

545 hours from September 1 of each year through the last day of February of the

546 next year.

547 Title 76 WILDLIFE AND FISHERIES

548 PART V. WILD QUADRUPEDS AND WILD BIRDS Chapter 1. Wild Quadrupeds

549 §126. Outlaw Quadruped, Nutria and Beaver Night Take Permits

550 Purpose

551 To establish rules and regulations for the take of outlaw quadrupeds, nutria

552 and beaver during the nighttime hours (one-half hour after official sunset to

553 one-half hour before official sunrise) from September 1 of each year, through

554 the last day of February of the next year.

555 Permits

556 On private property, the landowner, or his lessee or agent with written

557 permission from the landowner may obtain a permit authorizing the take of

558 outlaw quadrupeds, nutria, or beaver during nighttime hours from
559 September 1 through the last day of February of the next year.
560 Permit Applications shall be completed on forms provided by the department,
561 with all required information including but not limited to: Applicants name,
562 date of birth, contact information, date of application, parish information
563 for applicant, landowner, and location of property subject to the permit,
564 map, acreage, legal description, landowner's expressed authorization to allow
565 night take for these species and any other information required by the
566 department for the proper administration of the permit issuance. Any change of
567 information requires the submission of a new permit application. Applications
568 must be submitted to the regional enforcement office in which the property is
569 located or to the Wildlife Permits Coordinator at the Baton Rouge
570 headquarters.

571 Permits may be issued during business hours by the Wildlife Enforcement
572 Captain located in the applicable regional enforcement office, or by
573 electronic means at the discretion of the department.

574 Permits shall be valid for a period of one year beginning July 1 and
575 terminating on June 30 of the following year. Permits may be renewed annually
576 without additional application upon submission of the annual report and
577 affirmation of the permittee's desire to renew, so long as the permittee has
578 adhered to the rules of the permit and all information contained in the
579 application remains accurate. The permit may be terminated by the permittee,
580 landowner, or lessee at any time. The department may terminate any permit at
581 any time for a violation of any regulation associated with the permit or for
582 any violation of law committed during the participation by any person during
583 the permitted activity. The department may also terminate permits for
584 biological issues or specific enforcement concerns that may arise.

585 Permits are not transferrable and are only valid for the property for which
586 they were issued.

587 No person shall be issued or obtain a permit if they have been convicted of
588 Class 3 or greater wildlife violation within a five year period or have been
589 prohibited in any way from legally participating in a hunting activity.

590 General Rules

591 Permit holders may take or authorize the take of outlaw
592 quadrupeds, nutria or beaver during nighttime hours on private property
593 for which the permit was issued from (one-half hour after official
594 sunset to one-half hour before official sunrise) during the dates of
595 September 1 through the last day of February of the next year.

596 Permittees are responsible for all participants and actions of such which take
597 place as authorized by this permit.

598 Permittees and any participant shall not trespass or commit any other
599 violations of law while conducting activities authorized by the permit.

600 No person shall be allowed to participate or be present during activities
601 authorized by the permit if convicted of a Class 3 or greater wildlife
602 violation within the previous five years or if they have any other prohibition
603 which would prevent the legal use of a firearm or participation in a hunting
604 activity. Such participation will be considered a violation of the permit
605 regulations.

606 Outlaw quadrupeds, nutria and beaver may be taken by any means of take
607 authorized by LA R.S. Title 56.

608 The original permit or copy thereof, issued by the department shall be with
609 any permittee participating in activities under the authority of the permit.

610 Permittees shall notify the department's law enforcement 24-hour dispatch at
611 1-800-442-2511 prior to engaging in activities authorized under the permit and
612 identify each individual who will be participating in any way with activities

613 authorized by the permit and permit number. Upon notification, the permittee
614 shall be issued a confirmation number for the notification.

615 A report of activities which took place under this permit shall be required to
616 be submitted to the department by June 30 of each year on official forms
617 provided or as otherwise approved for this purpose by LDWF, and consist of:

618 Name, permit number, and signature of permit holder;

619 Number of outlaw quadrupeds (coyotes, armadillos, feral hogs), nutria and
620 beavers killed under the permit during year;

621 Permittees hereby indemnify and hold harmless the state, department, and other
622 applicable public agencies and employees and accept full responsibility and
623 liability for any damages or injuries that occur during or as a result of
624 activities related to the permit issued herein.

625 Penalties for Violation

626 If any person is found to be in violation of any provision of this section,
627 except for the reporting requirements as prescribed by Paragraph C (8), or any
628 other law during activities authorized by the permit issued pursuant to this
629 section, the permit shall immediately be voided and such permit shall not be
630 reissued and shall remain void unless there is an acquittal for the offense
631 committed.

632 Persons found in violation of rules and regulations contained herein or any
633 other laws shall be subject to the same penalties as authorized by law as if no
634 permit was issued, in addition, violation of these regulations will be a class
635 two violation as defined in title 56:32 of the Louisiana Revised Statutes.

636 Persons failing to provide the annual report shall not be subject to the
637 penalty and provisions herein. Any such person failing to comply with the
638 annual report as prescribed by C.8 shall not be reissued a permit until the
639 reporting requirement under paragraph C.8. is submitted to the department.

640 AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112; 56:115; 56:116.1.

641 HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,
642 Wildlife and Fisheries Commission, LR 42: _____.

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

649 **Family Impact Statement**

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

655 **Poverty Impact Statement** The proposed rulemaking will have no impact on poverty
656 as described in R.S.49:973.

657 **Provider Impact Statement** This Rule has no known impact on providers as
658 described in HCR 170 of 2014.

659 **Public Comment**

660 All interested persons may submit comments relative to the proposed rule to
661 Melissa Collins, Post Office Box 98000, Baton Rouge, LA 70898-9000, or
662 mcollins@wlf.la.gov prior to September 4, 2016.

663 **Receive Public Comments**

664 C. Phillip Wheat: Denham Springs, Hunts Maurepas Area. Would like the
665 Commission to consider allowing airboats access. Go Devils and Pro Drives are
666 allowed and that's what tears up the swamp. Not against them, just would like
667 to have airboats also. We will buy a permit to have them. We only get 15-16

668 days a year to hunt on the Maurepas Swamp WMA – We would like to be able to
669 hunt 45 days but don't run dogs. Just have steel hunt for deer hunting.

670 C. Yakupzack: Thanked Mr. Wheat for coming to the meeting and speaking. For
671 future reference, Yakupzack explained the hunting rules and regulations
672 protocol and timeframe for public hearings and public comments. A department
673 WMA Manager will be in touch directly to Mr. Wheat and respond directly to his
674 request.

675 C. Timothy Loup: The reason we talked about March for blue crabs – My wife
676 is on the Taskforce, In March, 75 percent of the factory crabs which are the
677 picking crabs is an immature female. They don't have time to shed become a
678 female and go out and lay eggs. We strongly suggest an immature band on
679 immature females.

680 Q. Yakupzack: As opposed to a full closure in March; If you just had a ban
681 on immature females you would accomplish the same thing?

682 A. Loup: Yes, I think it would and a lot of other dealers feel the same way

683 C. Yakupzack: Thanked Mr. Loupe for his comments and asked Jeff Marx to
684 update the Commission next month and outline what affect an immature female
685 band would have on the overfishing status.

686 C. Marx: That is something we can look at. The problem giving you the
687 effective of that is: We don't have harvest data per say broken done by
688 immature females/females. I think we can get something. I think. We will
689 try.

690 **To consider holding an executive session, pursuant to R.S. 42:17(A)(2) to**
691 **discuss on-going litigation in the matters of: State of Louisiana v. ASA**
692 **Properties, et al., Docket No. 72779, Sec. B, 42nd JDC, DeSoto Parish; State**
693 **of Louisiana v. ASA Properties, et al., Docket No. 35809, Red River Parish;**
694 **Chesapeake Louisiana, L.P. v. Pintail Properties, LLC, et al., Docket No.**
695 **35565, 39th JDC, Red River Parish; Petrohawk Operating Company v. Chesapeake**
696 **Louisiana, L.P., et al., Docket No. 35,903, Red River Parish; QEP Energy**
697 **Company v. Pintail Properties, et al., Docket No. 35,801, Red River Parish,**
698 **and; Stroud Petroleum Inc. v. Pintail Properties LLC, et al., Docket No.**
699 **34865, 39th JDC, Red River Parish – Frederick Whitrock, Ryan Seidemann**
700

701 A **MOTION** was made by Commissioner Manuel and seconded by Commissioner
702 Courville; Chairman Yakupzack called for a vote
703 Motion passed unanimously
704 Chairman Yakupzack had the public leave the Room in order to hold Executive
705 Session
706 Chairman Yakupzack reconvened the meeting
707 **To consider allowing the Attorney General's Office to pursue settlement**
708 **negotiations on behalf of the Commission in the litigation identified in Agenda**
709 **Item 15 – Frederick Whitrock, Ryan Seidmann**
710
711 A **MOTION** was made by Commissioner Courville and seconded by Commissioner Hogan;
712 Chairman Yakupzack called for a vote
713 Motion passed unanimously
714 Adjournment
715 A **MOTION** was made by Commissioner Courville
716 **END**