

Louisiana Wildlife and Fisheries Commission Meeting Minutes

May 5, 2016

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

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes from March 03 and April 07, 2016 Meetings
4. Commission Special Announcements / Personal Privilege
5. To hear Enforcement Reports April 2016
6. To hear an update on the 2016 Legislative Session
7. To consider a Notice of Intent modifying the black bass regulations on the Sabine River
8. To consider a Declaration of Emergency setting the opening dates of the Territorial Sea and 2016 Spring Inshore Shrimp Seasons
9. To consider a Declaration of Emergency and Notice of Intent modifying the 2016 Recreational Gag Season and Gag and Black Grouper size limits
10. To hear a Summary Report on the 2015/2016 Public Seed Ground Oyster Season
11. Announcement of dates for the 2016 Free Recreational Fishing Days
12. To consider a Notice of Intent to Outlaw Quadruped, Nutria and Beaver Night Take Permit
13. Set September 2016 Meeting Date
14. Receive Public Comments
15. Adjournment

I. Call to Order

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

Chairman Yakupzack began the meeting with the Pledge of Allegiance

II. Roll Call

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

Billy Broussard

Chad Courville

Julie Hebert

Bill Hogan

Pat Manuel

Bart Yakupzack

Secretary Melancon

III. Approval of Minutes (March 23, 2016 and April 07, 2016)

Chairman Yakupzack called for approval

MOTION was made by Commissioner Broussard and seconded by Commissioner Manuel

Chairman Yakupzack called for a vote and the motion passed

IV. Commission Special Announcements / Personal Privilege

There were none heard

V. Enforcement Reports: April 2016

Captain Eddie Skeena, LDWF Enforcement

Enforcement Case Report:	Month
Written Citations:	561
Written Warnings:	407
Public Assistance:	21
Monthly Boating Crash / Incident Report:	
Boating Incidents:	9
Number of Injuries:	11
Number of Fatalities:	0

News Releases:

Two Men Arrested for Shrimping Violations

Louisiana Department of Wildlife and Fisheries enforcement agents arrested two men for alleged shrimping violations on April 27 in Terrebonne Parish. Agents arrested Tracey L. Trahan, 37, of Houma, and Sterlin Billiot Jr., 22, of Dulac, for trawling during a closed shrimp season. Lee was also cited for not having navigation lights.

Agents on patrol found the vessel with Trahan as the captain four miles inside state waters running without any navigation lights in Terrebonne Bay actively trawling for shrimp around 11:30 p.m. After making contact with Trahan and Billiot Jr., agents found the men in possession of 663 pounds of shrimp.

Agents seized the shrimp and the two trawls. The vessel was seized on a department seizure order. The two men were also booked into the Terrebonne Parish Jail.

The shrimping season for state inside waters is scheduled to be set at the May Louisiana Wildlife and Fisheries Commission meeting.

Trawling for shrimp during a closed season brings a \$400 to \$950 fine and up to 120 days in jail. Running a boat at night with no navigation lights carries a \$50 fine and up to 15 days in jail.

Agents participating in the case are Lt. Joseph Arnaud, Senior Agent Michael Williams and Senior Agent Thomas Wolf.

Five Men Cited for Red Snapper Violations in Federal Waters

Louisiana Department of Wildlife and Fisheries enforcement agents cited five men for alleged red snapper fishing violations on April 24.

Agents cited Carman Johnson, 44, of Mobile, Ala., Ryan Bergeron, 19, of Houma, Randy Landry, 51, of Houma, Jordan Musso, 30, of Broussard, and Robert Musso, 51, of Youngsville, for possessing red snapper in federal waters during a closed federal red snapper season. Agents also cited Johnson for over the limit of red snapper.

LDWF agents working a Joint Enforcement Agreement patrol found the five men in three separate vessels at least 15 miles off the coast of Louisiana. Agents found Johnson in possession of eight red snapper, Bergeron and Landry with three red snapper between them, and Jordan and Robert Mousso also with three red snapper total.

The federal red snapper season in federal waters opens on June 1 in the Gulf of Mexico. During the season, each fisherman is allowed two red snapper 16 inches or longer per day.

Possessing red snapper in federal waters during a closed federal season and over the limit of red snapper each brings a \$100 to \$350 fine and up to 60 days in jail for each offense. Johnson may also face up to \$230 in civil restitution.

Hessmer Man Sentenced for Downed Trees on Spring Bayou WMA

A Hessmer man was sentenced on April 11 in 12th Judicial District Court in Avoyelles Parish for his part in the cutting down of trees on the Spring Bayou Wildlife Management Area (WMA).

Judge William Bennett sentenced Keith Savoy, 49, to serve two years in jail suspended, to pay \$15,000 in civil restitution to the Louisiana Department of Wildlife and Fisheries (LDWF), \$2,500 fine, \$750 for the cost of prosecution and \$400 in court costs. Savoy was also given five years of probation during which time he will not be allowed on any Wildlife Management Area (WMA) and not allowed to possess recreational hunting or fishing licenses.

Savoy also leased land where he had a hunting camp on the Avoyelles Parish School Board Property, which is adjacent to Spring Bayou WMA. Savoy has until July 1, 2016 to remove any property and then will not be allowed on school board property during the time of his probation.

Savoy was found guilty on March 2 for simple criminal damage to property with the value of damage being between \$500 and \$50,000. Savoy cut over 100 trees in the northeast corner of Spring Bayou WMA to block navigable access to an area known as the “fields” where he regularly hunted.

Avoyelles District Attorney Charles Riddle and Assistant District Attorney Tony Salario prosecuted the case.

LDWF enforcement agents arrested Savoy on March 6, 2014 at his residence for criminal damage to state property after a four month investigation.

The trees Savoy cut down ranged from 10 inches to 30 inches in diameter and up to 50 foot tall including cypress, oak and willow trees.

Agents involved in the case are Lt. John Volentine, Sgts. Gabe Guidry, Chad Watts and Bear Fletcher, and Senior Agents Doug Anderson Jr., Jay Callegari, Heath Wood, Kurt Hatten, Dale Wheat, Kenny Robertson and John Hattaway. Avoyelles Parish Sheriff’s Office Deputy Matthew Smith and Detective Jeremiah Honea also assisted in the case

VI. To hear an Update on the 2016 Legislative Session

Chairman Yakupzack passed this item. Yakupzack explained that Cole Garrett who was to present this item to Commission was not present. Mr. Garrett was required to attend the Senate Natural Resource Committee Meeting at the State Capitol

VII. To Consider a Notice of Intent Modifying the Black Bass Regulations on the Sabine River Bobby Reed, LDWF Fisheries Division

This regulation area includes the stretch of River from the Toledo Bend River to the I-10 Bridge. There is currently a 14 inch minimum length on the Common boundary waters, the main channel only – proposing to lower the minimum to 12 inches. This will triple the increase in angler harvest opportunity. This action was initiated by Texas – contacted LDWF last year indicating they would be taking additional population assessments of the Large Mouth Bass on their side of the River.

In conclusion their studies were given to us in February and proposed that we lower the regulations to 12 inches to allow wider angler opportunities for Large Mouth Bass. This will only affect the length limit and not the daily bag limit which will remain the same at 8 fish.

Background- LDWF worked with the state of Texas beginning in 2010 to standardize sport fishing regulations on our common boundary waters including Caddo Lake, upper Sabine River, Toledo Bend, lower Sabine River. In those areas, we have a reciprocal agreement that entitles dually licensed anglers from either state to fish those common boundary waters.

When we implemented standard regulations in 2011, we knew that when new science became available it would be necessary from time to time to tweak the regulations. We came to Commission in 2014 to make a slight adjustment to the Catfish regulations.

Q Commissioner Manuel, Does this have anything to do with all the flooding?

A Bobby Reed, no sir

Q Commissioner Courville, Is your staff in concurrence with Texas data?

A Bobby Reed, Yes we are in total agreement

MOTION by Commissioner Broussard

Commissioner Hogan seconded the motion made by Commissioner Broussard
Chairman Yakupzack called for Public Comments

There were no comments heard

Chairman Yakupzack called for a vote and the Motion passed with no opposition

(The Full Text of the Notice of Intent is
Made a part of the Record)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission
Sabine River Large Mouth Bass Size Limit

The Wildlife and Fisheries Commission does hereby give notice of its intent to modify the recreational harvest regulations for largemouth bass on the waters of the Louisiana-Texas boundary, specifically the Sabine River in Beauregard, Calcasieu, Sabine and Vernon Parishes in accordance with the reciprocal agreement between Louisiana and Texas.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§110. Texas Boundary Waters Recreational Creel, Size, and Possession Limits

A. Purpose

1. Pursuant to Louisiana Revised Statute 56:673 and the July 1, 2010 Memorandum of Understanding between Louisiana Department of Wildlife and Fisheries and Texas Parks and Wildlife, the Commission hereby ratifies and enters into an agreement with the Texas Parks and Wildlife Department to establish uniform and reciprocal regulations for the recreational harvest of freshwater game fish on the waters of the Louisiana-Texas boundary, specifically Toledo Bend Reservoir, Caddo Lake, and the Sabine River. Those regulations are as follows:

B. Toledo Bend Reservoir

1. The recreational daily creel limit (daily take) for largemouth bass (*Micropterus salmoides*) and spotted bass (*Micropterus punctulatus*) is set at eight fish, in aggregate. The minimum total length limit for largemouth bass (*M. salmoides*) is 14 inches. There is no minimum length limit on spotted bass. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.
2. The daily creel limit for white bass (*Morone chrysops*) is twenty-five (25) fish and there is no minimum length limit.
3. There is no limit on the daily take of yellow bass (*Morone mississippiensis*).
4. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at twenty-five (25) fish, in the aggregate, and there is no minimum length limit.
5. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at fifty (50) fish in the

aggregate, there is no minimum length limit and not more than five (5) fish may exceed thirty (30) inches in total length.

6. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at ten (10) fish. The minimum length limit is eighteen (18) inches.

C. Caddo Lake

1. Harvest regulations for black bass (largemouth bass, *Micropterus salmoides* and spotted bass, *Micropterus punctulatus*) on Caddo Lake are as follows:

a. Largemouth bass size limits – fourteen to eighteen (14-18) inch slot. A 14-18 inch slot limit means that it is illegal to keep or possess a largemouth bass whose maximum total length is between 14 inches and 18 inches, both measurements inclusive.

b. Spotted bass size limits – no minimum length limit. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.

c. The daily creel limit (daily take) for black bass (*Micropterus spp.*) is set at eight (8) fish, in the aggregate, of which no more than four (4) largemouth bass may exceed eighteen (18) inches maximum total length.

2. The daily creel limit for white bass (*Morone chrysops*) is twenty-five (25) fish and there is no minimum length limit.

3. There is no daily creel limit on yellow bass (*Morone mississippiensis*), and there is no minimum length limit.

4. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at twenty-five (25) fish, in the aggregate, and there is no minimum length limit.

5. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at fifty (50) fish in the aggregate, there is no minimum length limit and not more than five (5) fish may exceed thirty (30) inches in total length.

6. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at ten (10) fish. The minimum length limit is eighteen (18) inches.

D. Sabine River

1. Harvest regulations for black basses (largemouth bass, *Micropterus salmoides* and spotted bass, *Micropterus punctulatus*) on the Sabine River are as follows:

a. The river proper from Toledo Bend Dam downstream to the Interstate 10 Bridge the minimum length limit for largemouth bass (*M. salmoides*) is 12 inches.

b. The river proper upstream from Toledo Bend Reservoir to the point at which the entire river enters Texas as marked by state line sign the minimum length limit for largemouth bass (*M. salmoides*) is 14 inches.

c. The recreational daily creel limit (daily take) for largemouth bass (*Micropterus salmoides*) and spotted bass (*Micropterus punctulatus*) is set at eight fish, in aggregate. There is no minimum length limit on spotted bass. For enforcement purposes, a spotted bass shall be defined as a black bass with a tooth patch on its tongue.

2. For purposes of this section, the Sabine River shall be defined as the river proper from the Toledo Bend Dam downstream to the Interstate 10 bridge and the river proper upstream from Toledo Bend Reservoir to the point at which the entire river enters Texas as marked by state line sign.

a. The daily creel limit for striped bass (*Morone saxatilis*) is set at five (5) fish. There is no minimum length limit and only two (2) fish may be over thirty (30) inches in total length.

b. The daily creel limit for white bass (*Morone chrysops*) is twenty-five (25) fish and there is no minimum length limit.

c. There is no daily creel limit on yellow bass (*Morone mississippiensis*), and there is no minimum length limit.

d. The recreational daily creel limit for black crappie (*Pomoxis nigromaculatus*) and white crappie (*Pomoxis annularis*) is set at twenty-five (25) fish, in the aggregate, and there is no minimum length limit.

e. The recreational daily creel limit for channel catfish (*Ictalurus punctatus*) and blue catfish (*Ictalurus furcatus*) is set at fifty (50) fish in the aggregate, there is no minimum length limit and not more than five (5) fish may exceed thirty (30) inches in total length.

f. The recreational daily creel limit for flathead catfish (*Pylodictis olivaris*) is set at ten (10) fish. The minimum length limit is eighteen (18) inches.

E. Daily Possession Limit: Toledo Bend Reservoir, Caddo Lake, and the Sabine River

1. The following possession limits apply to all persons while on the waters of Toledo Bend Reservoir, Caddo Lake, or the Sabine River. No person shall possess any species of fish in excess of a one day creel limit. No person shall at any time possess in excess of the daily creel limit of any species, except that a two day creel limit may be possessed on the land, if the fish were caught on more than one day and no daily creel limits were exceeded. No person shall possess any fillets of any fish species while on the water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25) (a), R.S. 56:325 (C), R.S. 56:326.3, R.S. 56:673.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:548 (August 1988), amended LR 17:278 (March 1991), LR 17:1123 (November 1991), LR 19:790 (June 1993), LR 23:999 (August 1997), LR 31:948 (April 2005), LR 37:2439 (August 2011), LR 40:802 (April 2014), LR 42:xxx (xxx 2016).

Family Impact Statement

In accordance with Act #1183 of 1999 Regular Session of the Louisiana Legislature, 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)

Poverty Impact Statement

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

Provider Impact Statement

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

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments of the Notice of Intent to Mr. Patrick Banks, Office of Fisheries, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 or Bobby Reed at breed@wlf.la.gov no later than 4:30 p.m., July 5, 2016.

VIII. To Consider a Declaration of Emergency setting the opening dates of the Territorial Sea and 2016 Spring Inshore Shrimp Seasons

Jeff Marx, LDWF Fisheries Division

To set the opening dates for the Spring Inshore Shrimp Season and open the Territorial Seas from the Atchafalaya River west to Freshwater Bayou
Generally done at the same time that Vermilion Bay is open

Overview of the landings for 2013, 2014 and 2015

2013 96.4 Million pounds

2014 113.1 Million pounds

2015 82.8 Million pounds

Louisiana 2015 Shrimp Landings (Heads off Weight)

3 Main Shrimp species

Brown - Mainly caught in May, June and some in July

White - Starts in August and goes through November

Seabob – December, January and February

Each Basin has a crew of field personnel that collects samples

Mr. Marx thanked the field crews for their work, especially in bad weather conditions



2015 Louisiana Brown Shrimp Catch by Basin:

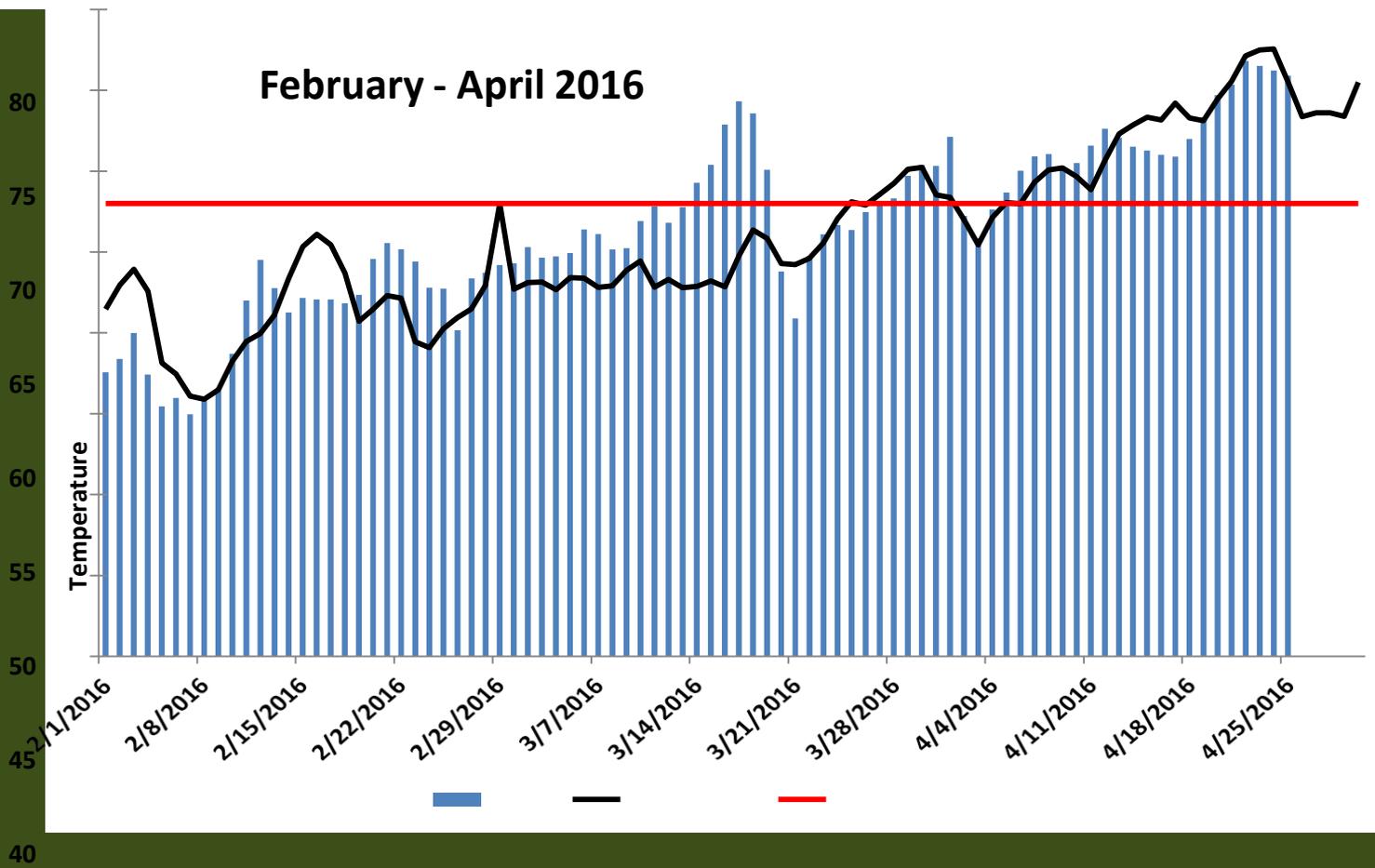
39.9% Barataria Basin, 37.6% in Terrebonne Basin, 13.7% Ponchartrain

2015 Rain Fall - Experienced heavy southeast area rainfall

2016 Rain Fall – Average for this year

South Barataria Bay monthly water temperature – 68 degrees is optimal growth
March was very warm and provided good growing conditions

February - April 2016



The salinity has been low running at 6-8 throughout the year 0 is 10 parts per thousand; 10 is optimal growing conditions

Crossover Data

Lake Borgne crosses over May 25th

Black Bay crosses over May 24th

Barataria crosses over May 13th

Vermilion Bay, White Shrimp, and very low salinity

Tidal

New Moon on May 16th

Full Moon on May 2

Mermentau-Calcasieu-Sabine Basins	May 15	6AM	51%
Terrebonne Basin Caiilou Bay	May 5	6PM	52%
Terrebonne Basin Timbalier Bay	May 4	6PM	54%
Barataria Basin	May 2	6PM	50%
Ponchartrain Basin Black Bay	May 6	6PM	51%
Ponchartrain Basin Lake Borgne	May 16	6PM	51%

Cannot open Vermilion Teche Basin at night - set to open 6AM on May 16



C Commissioner Broussard, Asked to hear public comments prior to making a MOTION

Chairman Yakupzack called for Public Comments

David Chauvin, Operates a loading facility in Dulac; stated he will lose a lot of white shrimp if we wait until the 16th; Would like to start earlier

Q Commissioner Hebert, Can you specify a prime date?

A David Chauvin, The 9th; he stated he's been out of work since the middle of December and they need more days on the water

Timothy Chouest, stated it hurts individual places when open at different times. This causes heavy population in each place because we travel with the openings. You should open the coast all at the same time; everything is coming in right now and people want nice shrimp. The later the better for opening

Guy Ledet, Houma, stated he agreed with Mr. Chouest. The water is still cold because of the rain. He stated there is plenty of shrimp and eggs. Also would like you to open all the areas at one time and wait as long as possible to allow the shrimp to grow.

Dean Blanchard, stated he doesn't like the date of the 9th. He said it needs to wait and open later; He stated that right now the shrimp are running 168 to the pound, there is no sun and they need to still grow. He likes the statewide opening on the 23rd because of the economic benefits of waiting.

Q. Commissioner Broussard asked if Mr. Blanchard owns a shrimp house and if he buys shrimp

A. Dean Blanchard, Yes and he also has boats

Jimmy Dupree, Fishing since 1957; supports a later date, May 23rd. He reminded the Commission that last year they waited and it worked really well for the industry

Justin Chouest, Shrimps the Vermilion Bay area. He likes the Department recommendation but prefers a later date, the 23rd

Charles Huber, Jefferson Parish Commercial fisherman; Agrees with Department recommendation but should open statewide all at once and if he could recommend, his recommendation would be the 23rd

Barry Rogers, commercial fisherman from Terrebonne Parish; his recommendation is to open on the 16th. Commended LDWF Biologist Jeff Marx for his good work and the data he provides

Donald Dardar, fishes the Pointe-Aux-Chene area; recommends opening on the 16th due to the most recent rains and soon to have a new moon

Q. Commissioner Manuel, is all of shrimping closed right now?

A. Jeff Marx, yes, all inshore is closed

Q. Commissioner Manuel, is there a shrimp taskforce and what are their recommendations?

A. Jeff Marx, Yes, the Department gave the Taskforce the data and they did not offer a recommendation

Q. Commissioner Manuel, did the Commission use the Department's recommendation last year?

A. Jeff Marx, Commission did not use the recommended dates but they did open statewide as Commission recommended

Q. Commissioner Broussard, you cannot shrimp at night in Vermilion because it is in Statute

C. Chairman Yakupzack, can you explain cross over date for our new Commissioners that were not here last May

A. Jeff Marx, the crossover date – we take a snapshot of the shrimp on Sunday and we measure all of their growth every size class. We are able to, with a known growth rate – walk them forward. We are looking for fifty percent – when fifty percent of the shrimp are bigger than/larger than one hundred count. That date that you see is when that data crosses over. They meet the criteria

There were no other questions heard

MOTION by Commissioner Broussard to open Statewide at 6:00AM on May 23rd, 2016

Commissioner Manuel seconded the motion made by Commissioner Broussard

There were no other comments heard

Chairman Yakupzack called for a vote and the Motion passed with no opposition

(A majority of the shrimpers/those that spoke publicly applauded and thanked the Commission)

Q. Mr. Dupree, you can't you drag at Vermilion Bay, White Lake, Grand Lake and Calcasieu Lake at night is because of the white shrimp – we can't troll in the bay at night. You skim or butterfly and troll in all the canals and the Intercostal Canal at Freshwater Bayou; This shouldn't be and you a count on the shrimp (100 count) – but the way it reads, it just counts if you have it on the boat. That count needs to put to possession so that no matter who has it

(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

Spring Shrimp Season Opening Dates
May 5, 2016

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2016 Spring Shrimp Season in Louisiana state waters to open as follows:

In state inside waters at 6:00AM Monday, May 23.

In that portion of state outside waters extending a distance of 3 nautical miles seaward of the inside/outside shrimp line as described in R.S. 56:495 from the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line to the western shore of Freshwater Bayou at -92 degrees 18 minutes 33 seconds west longitude to open at 6:00AM Monday, May 23, 2016.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to delay or advance these opening dates if biological and technical data indicate the need to do so, and; to close any portion of Louisiana's inside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop. The secretary is further granted the authority to open any area, or re-open any previously closed area, and to open and close special shrimp seasons in any portion of state waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

***IX. To Consider a Declaration of Emergency and Notice of Intent
modifying the 2016 Recreational Gag Season and Gag and Black
Grouper size limits***

Harry Blanchet, LDWF Fisheries Division

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NOAA Fisheries are applicable in waters of the Exclusive Economic Zone (EEZ) of the United States. NOAA Fisheries, through the Gulf Council, has promulgated regulations adjusting the season for the recreational harvest of gag grouper to be open from June 1 through December 31, previously July 1 – December 2, each year. NOAA Fisheries has further promulgated regulations adjusting the minimum size limit of gag and black grouper from 22 inches total length to 24 inches total length based upon an analysis of size at maturity.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters to coincide with these sizes and season modifications set forth by NOAA Fisheries, it is necessary that emergency rules be enacted

The recreational season for gag grouper in Louisiana waters shall open on June 1, 2016 and remain open through December 31, 2016. The Commission further declares that the size limit for recreationally harvested gag and black grouper shall be 24 inches total length until further notice.

Q. Commissioner Broussard, were there any changes?

A. Harry Blanchet, Yes, the season is extended a little bit into June and recreational size limit has increased from 22 to 24 inches on gag – the rest stays the same

Q. Commissioner Courville, this information was handed down from NOAA, is that correct?

A. Harry Blanchet, yes

Q. Commissioner Courville, does your staff get a chance to evaluate their assessment and develop some concurrence?

A. Harry Blanchet, yes but this is only for state waters. The gag grouper harvest in Louisiana state waters even with the extended nine mile jurisdiction is not a whole lot. A lot of the gag in state waters is below the existing minimum size much less the proposed minimum size

MOTION by Commissioner Broussard

Commissioner Hebert seconded the motion made by Commissioner Broussard

There were no other comments heard

Chairman Yakupzack called for a vote and the Motion passed with no
opposition

(The Full Text of the Declaration of Emergency
and Notice of Intent is made a part of the Record)

DECLARATION OF EMERGENCY

Reef Fish Harvest Regulations

2016 Recreational Gag Season and Gag and Black Grouper Size Limits

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NOAA Fisheries are applicable in waters of the Exclusive Economic Zone (EEZ) of the United States. NOAA Fisheries, through the Gulf Council, has promulgated regulations adjusting the season for the recreational harvest of gag grouper to be open from June 1 through December 31, previously July 1 – December 2, each year. NOAA Fisheries has further promulgated regulations adjusting the minimum size limit of gag and black grouper from 22 inches total length to 24 inches total length based upon an analysis of size at maturity.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters to coincide with these size and season modifications set forth by NOAA Fisheries, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedures Act, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:6 (25) (a) and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons and limits for saltwater finfish, the Commission hereby declares:

The recreational season for gag grouper in Louisiana waters shall open on June 1, 2016 and remain open through December 31, 2016. The Commission further declares that the size limit for recreationally harvested gag and black grouper shall be 24 inches total length until further notice.

The Commission also hereby grants authority to the secretary of the Department of Wildlife and Fisheries, upon informing the Chairman of the Louisiana Wildlife and Fisheries Commission, to modify the provisions of this Declaration of Emergency if notified by NOAA Fisheries that the recreational seasons or limits for the harvest of gag and black grouper have been modified in the Federal waters of the Gulf of Mexico, or as needed to effectively implement the provisions herein upon notification to the chairman of the Wildlife and Fisheries Commission. Such authority shall extend through January 31, 2017.

NOTICE OF INTENT

Reef Fish – Harvest Regulations (LAC 76:VII.335)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.335) modifying existing reef fish harvest regulations. Proposed changes modify the season for the recreational harvest of gag grouper to be closed from January 1 through May 31 of each year and increase the recreational minimum size limit of gag and black grouper from 22 to 24 inches total length. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), 56:320.2, 56:326.1, and 56:326.3 to the Wildlife and Fisheries Commission.

Title 76 WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §335. Reef Fish - Harvest Regulations

A – D 8. ...

E. Recreational and commercial minimum and maximum size limits, unless otherwise noted.

Minimum Size Limits

1. Red snapper 16 inches total length (Recreational)
13 inches total length (Commercial)
2. Gray, yellowtail, and cubera snapper 12 inches total length
3. Lane snapper 8 inches total length
4. Mutton snapper 16 inches total length
5. Vermilion snapper 10 inches total length
6. Red grouper 20 inches total length (Recreational)
18 inches total length (Commercial)
7. Yellowfin grouper 20 inches total length
8. Gag grouper 24 inches total length
9. Black grouper 24 inches total length (Recreational)
24 inches total length (Commercial)
10. Scamp 16 inches total length
11. Greater amberjack 34 inches fork length (Recreational)
36 inches fork length (Commercial)
12. Hogfish 12 inches fork length
13. Banded rudderfish and lesser amberjack 14 inches fork length
(minimum size)
22 inches fork length (maximum size)
14. Gray triggerfish 14 inches fork length

F –G 1...

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

Species or Group Closed Season

[See Prior Text in b-e]

a. Gag January 1 through May 31 of each year.

G 3 – J.....

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36:1791 (August 2010), LR 38: 2383 (September 2012), LR 39:330 (February 2013), LR 40:95 (January 2014), repromulgated LR 40:1116 (June 2014), LR 40:2281 (November 2014), LR 42:____, LR 42:_____.

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 the effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999 regular session of the Louisiana Legislature, 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).

Poverty Impact Statement

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

Provider Impact Statement

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

Public Comment

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Fisheries Division, Department of Wildlife and Fisheries, Box

98000, Baton Rouge, LA 70898-9000, or via e-mail to jadriance@wlf.la.gov prior to Thursday, August 4, 2016.

X. ***To hear a Summary Report on the 2015-2016 Public Seed Ground Oyster Season***
Steve Beck, LDWF Fisheries Biologist

Public Oyster Area Harvest Estimates:

Major Oyster Production Areas Only

Public Seed Grounds East of MS River, North of MRGO

Public Seed Grounds East of MS River, South of MRGO

Hackberry Bay Public Seed Reservation

Sister (Caillou) Lake Public Seed Reservation

Calcasieu Lake Public Oyster Area

Estimates derived from on-water interviews, not trip tickets

Data Preliminary

Harvest Fraction

Percent of available resource harvested

Shell Budget Fraction

Percent of predicted harvest amount that maintains reef material

EAST OF MS RIVER/NORTH OF MRGO:

Seed Oyster Harvest: **79,133 bbls**

Market Oyster Harvest: **86,972 sacks**

Total Harvest: **122,619 bbls**

Harvest Fraction: **24.1%**

Shell Budget Fraction: **83.7%**

Seed: **206.6%**

Market: **40.2%**

Season Length: Seed: **57 days** Market: **50 days**

Closure: Excessive Reef Removal, Undersize Harvest

April transplant: **4.9%** of total seed harvest

Flood events: No substantial mortality

EAST OF MS RIVER/SOUTH OF MRGO:

Seed Oyster Harvest: 11,133 bbls

Market Oyster Harvest: 7,323 sacks

Total Harvest: 15,289 bbls

Harvest Fraction: **30.2%**

Shell Budget Fraction: **350.6%**

Seed: **1,481.3%**

Market: **102.4%**

Season Length: Seed: 54 days Market: 193 days

Closure: Thresholds exceeded, Excessive reef removal

No harvest activity observed since March 14th

HACKBERRY BAY:

Seed Oyster Harvest: 9,359 bbls 

Market Oyster Harvest: 2,038 sacks 

Total Harvest: 10,378 bbls 

Harvest Fraction: 58.8%

Shell Budget Fraction: 530.6%

Seed: 1,035.3%

Market: 96.9%

Season Length: Seed: 4 days Market: 22 days

Closure: Thresholds Exceeded

SISTER LAKE:

Seed Oyster Harvest: 38,308 bbls 

Market Oyster Harvest: 65,147 sacks 

Total Harvest: 70,882 bbls 

Harvest Fraction: 35.6%

Shell Budget Fraction: 103.3%

Seed: 686.0%

Market: 51.7%

Season Length: Seed: 9 days Market: 37 days 

Closure: Thresholds Met/Exceeded

April Re-opening: -25.5% of total market harvest

-Allowed for by budget model

-Will test theory of increased spat

Settlement on disturbed shell

CALCASIEU LAKE:

Seed Oyster Harvest: Not Applicable

Market Oyster Harvest: 21,789 sacks 

Total Harvest: 10,895 bbls 

Harvest Fraction: 14.0%

Shell Budget Fraction: 64.9%

Season Length: 90 days (West Cove Only)

Frequent DHH Closures: High River Levels

Limited resource on East Side, improving

Continued low production in proximity to Ship Channel

2015 cultch plants appear successful

GENERAL OBSERVATIONS:

Season Goal: Prolonged season length in several areas within shell budget thresholds, partially successful

Heavy reliance on 2012 cultch plants

Oyster stock still well below average, need to consider more conservative management in order to rebuild

Q. Commissioner Broussard, What is the optimal harvest fraction?

A. Steve Beck, 50 percent

Q. Commissioner Courville, on the area east of MRGO, where the shell budget fraction on seed oysters was...; granted it's a low number but do you have any theory's on how you would address that or are you working on that?

A. Steve Beck, we are working on it; that was mainly the result of a lot of harvest occurring and our stock assessment did not cover a certain area that ended up having a high density of resource so our stock availability was low – they found a lot of resource that we didn't account for. That really raises the percentage. We are discussing and evaluating this issue

Q. Commissioner Hebert, how do you survey harvest availability?

A. Steve Beck, once a year in July using scuba divers using mapping, sonar and reef size

Q. Pat Manuel, do you ever add areas or change areas?

A. yes by evaluating alternative methods – Deciding on how to change method is met with caution

Q. Commissioner Hebert, do you use satellite imagery

A. Steve Beck, the water is very turbid and too deep for satellite; not feasible in Louisiana waters at this time

There were no other questions heard

Fred Whitrock called a Point of Order – He asked the Chairman to revisit Item 9 of the Agenda. He stated on Item 9 of the agenda that he thinks technically only the Notice of Intent was voted on and asked to go back and vote on the Declaration of Emergency for clarity

C. Chairman Yakupzack returned to Agenda #9 and asked for a MOTION on the Declaration of Emergency

C. Commissioner Manuel stated it was only one Motion because it was listed as one item and that this was not necessary

C. Mr. Whitrock, the way it was done was specifically was moved on the Notice of Intent

- C. Commissioner Manuel, the agenda item says one item
- C. Mr. Whitrock, I'm just going by what I think...If you are saying that was intended by the commission than that is fine, I am trying to make sure it is clarified that it did cover both

Chairman Yakupzack thanked Mr. Whitrock and in abundance of caution, the Chairman asked Commissioner Broussard to make his MOTION again to ensure it was clear that it was for both the Declaration of Emergency and the Notice of Intent

MOTION by Commissioner Broussard to accept the Declaration of Emergency and the Notice of Intent for Agenda Item #9

Commissioner Hebert seconded the motion made by Commissioner Broussard

There were no other comments heard

Chairman Yakupzack called for a vote and the Motion passed with no opposition

XI. *Announcement of dates for the 2016 Free Recreational Fishing Days*

Eric Shanks, LDWF Program Manager, Wildlife Education

In accordance with Act 301 of the 1987 Louisiana Legislature, the Wildlife and Fisheries Commission has declared the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and nonresidents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

This year's free fishing weekend will occur on Saturday and Sunday, June 11 and June 12, 2016

Q. Commissioner Manuel, What is the fiscal impact?

A. Jeff Marx, we will have to talk to the Department Economist to get that information

XII. ***To Consider a Notice of Intent to Outlaw Quadruped, Nutria and Beaver Night Take Permit***

Melissa Collins, LDWF Wildlife Biologist, Permits Coordinator

This Notice of Intent establishes regulations for the nighttime take of outlaw quadrupeds (feral hogs, coyotes & armadillos), nutria and beaver from September 1 through the last day of February

This NOI is in response to legislative and public requests to streamline the application process and alleviate concerns relative to outlaw quadrupeds, nutria and beaver depredation and property damage

General rules and regulations regarding permit application procedures, reporting requirements and violation penalties

A Permit may be issued to a landowner, lessee or agent

Permittee is allowed to take (locate, pursue or kill) outlaw quadrupeds (feral hogs, coyotes, armadillo), nutria and beaver at night during hunting season (September 1- last day of February)

Only allowed on **private property** with landowner authorization

And by any means of take authorized by LA R.S. Title 56

Applications must be submitted to the Regional Enforcement Captain or the Wildlife Permits Coordinator and must include:

Applicants name, date of birth, contact information, date of application, Parish, landowner, and location of property subject to the permit, map, acreage, legal description, landowner or lessee's written authorization

Permits may be issued during business hours by the Regional Enforcement Captains

Permits will be valid for one year: July 1-June 30

Permit termination

At request of permittee, landowner or lessee at any time

By the Department at any time for violation of regulations associated with the permit or any violation of law committed during the permitted activity

By the Department for Biological or specific Enforcement concerns

Ineligible persons

Individual convicted of night hunting related offense within previous 5 years

Individual prohibited from legally participating in a hunting activity

Individual prohibited from using a firearm

Reporting Requirements

Annual renewal contingent upon: No information changes, permittee concurrence, annual report submission by June 30

Reports shall be submitted on a form provided by LDWF and must include:

Name, permit number, permittee signature, quantity of outlaw quadrupeds, nutria and beaver harvested during permit season

General Rules

Prohibited actions include: Trespassing on unauthorized property (permits are nontransferable and only valid for the property for which they were listed)

Committing violations of law during the permitted activity

Participating or being present during permitted activities if you were:

Previously convicted of night hunting offense within previous 5 years

Prohibited from using a firearm; Prohibited from participating in hunting

The permit (or copy) must be with any permittee participating in activities under the authority of the permit

The Department's 24-hr Enforcement Dispatch must be notified:

Prior to engaging in permitted activity, each participant, the permit number and the permittee will receive confirmation # upon notification

Permittees:

Indemnify and hold harmless the State, Department & other applicable public agencies and employees and accept full responsibility/liability for any damages or injuries occurring during or as result of activities related to the permit

Permit Violations

Shall be a Class 2 violation (LA R.S. 56:32)

Persons participating or present during permitted activities will be in violation if they were:

Previously convicted of night hunting offense within previous 5 years

Prohibited from using a firearm; Prohibited from participating in hunting

The permit shall be immediately voided, shall not be reissued and shall remain void (unless there is an acquittal for the committed offense) if any individual is found to be in:

Violation of any provision (*sans* reporting requirements)

Violation of any other law during permit activities

Individuals in violation of any other laws during permitted activities shall be subject to the same penalties as authorized by law as if no permit was issued

Q. Commissioner Manuel, if convicted of daytime hunting violations can a person still get a permit? The rule says nighttime hunting violations

A. Melissa Collins, it does in deed state that, I will ask Colonel Broussard to answer

A. Colonel Broussard, Yes that is correct. It is nighttime, only nighttime

C. Commissioner Manuel, so if I shoot over the limit or out of season or what have you during the daytime, I can still get a permit? I only have to break the law during the day

C. Commissioner Broussard, the courts obviously aren't going to allow you to shoot for a while but I would think.....

C. Commissioner Manuel, it should be covered in the deal.....

Q. Commissioner Courville, What is the reasoning behind being that specific? There is obviously a reason you made it this specific.

A. Melissa Collins, obviously if you've previously been convicted of a nighttime violation, there is a good chance you are going to do this again and this opens the window up for that person or individuals to do the same thing. The good thing about this is our Regional Enforcement Captains are going to go out to these persons property, meet these land owners, establish the relationship with them and they will be able to do these background checks immediately while they are there and do the application the permit process right there. They will get a sense of whose going out there so when they hear shots fired they will be able to go out, or they will know this is indeed these people. It's to sort of deter anyone who previously did this.

C. Commissioner Courville, I'm with Commissioner Manuel, I don't see the need to be this specific but there may be at some point that you will have to elaborate on that at the next meeting when we consider this

Q. Commissioner Manuel, I do not see the reasoning behind this and I still don't understand after.....If a man or a woman is going to break the law in the daytime, they are going to break it at night or if they only broke it at night, there is a possibility they won't distinguish between night and day and break it..... If convicted of a hunting violation, any hunting violation, I don't see the reason to have it so specific

A. Melissa Collins, I understand. We will definitely have those conversations. I will have this conversation with Enforcement

C. Colonel Broussard, Mr. Chairman, we feel like if we put "any violation" that would be too broad and a lot of people may not intentionally violate the laws

Q. Chairman Yakupzack, when the Regional Supervisor, Captain receives these applications they have the ability to do a background check at that time?

A. Colonel Broussard, yes sir, they can do a back ground check anywhere either from their vehicle or their office – we can do that anytime, anywhere and we will actually do that.

Q. Chairman Yakupzack, under this NOI, do they have some discretion regardless of the offense to refuse an applicant if based on a rap sheet?

A. Colonel Broussard, No discretion at all. It is as stated in the NOI.

C. Commissioner Manuel, I would like to make a MOTION that we alter this Notice of Intent that "if you've been convicted of a hunting violation of any kind that you are not allowed to get a night time hunting permit".

A. Melissa Collins, that will be noted.

Q. Commissioner Broussard, Is it in the Statute anywhere...Is there a definition of what is classified as a hunting violation?

C. Commissioner Manuel, Hello.....

C. Commissioner Broussard, I would be slow to move forward without seeing that information in front of me first.

C. Commissioner Manuel, we could put it in and if it's against the law it won't.....

C. Colonel Broussard, that could be something as simple as a hunting license if you put a hunting violation - that could something as simple as a license. If you are going to do something like that I would recommend, a Class III or higher violation

C. Commissioner Manuel, I will go for something like that but being specific about a night time violation.....You shouldn't be allowed if you are convicted of shooting too many ducks or I shouldn't be allowed to have that night time hunting permit. Any kind of permit that you are going to give to somebody at night is going to beg for some violation.

Q. Chairman Yakupzack, Colonel Broussard can you go through, give us some examples of comparison of a Class II and Class III violation?

A. Colonel Broussard, basically just monetary penalty is what it is and I would have to go back in the law books to get you some examples, but Class III or higher are more serious offenses. The night hunting issues – if somebody goes out at night it generally is intentionally to break the law. Those hunting violations during the day a lot of times are just incidental and that's why we put it specifically at night.

C. Commissioner Broussard, I wouldn't have an issue with the....if it is worded as Class III Hunting Violation or worse.....

C. Commissioner Manuel, I can alter, amend my MOTION to make it a Class III or higher. Just to give it a night time violation...I think you are asking for trouble.

C. Melissa Collins, Wendy Brogdon just notified me that we have some time. The FEIS does not have to be submitted until June 20th so we have some time to have these discussions and change things if needed.

Q. Commissioner Manuel, and you would be willing to change them possibly?

A. Melissa Collins, possibly yes

Q. Commissioner Courville, I was of the impression currently, if you have an outlaw quadruped issue on your property during the hunting season you could actually go through this process now. Is that correct?

A. Melissa Collins, you can. What we've changed are: adding Nutria and Beaver to that take; We've changed the renewal process – trying to streamline everything so that you guys don't have to hand write or send me something. This way we can do it via email and that way you can establish a relationship again with the Enforcement Captains. It's been small changes. Mostly

changes to streamline things so you don't have to send me that huge packet. We are trying to get rid of all that and make it one piece of paper – It's our form, you fill in the blanks and we will take it from there.

Q. Commissioner Courville, do you have a sense of how many night permits have been issued?

A. Melissa Collins, It's approximately ninety something. They are strictly for feral hogs at this moment.

C. Commissioner Courville, The efforts by the Legislature are well intended but it is clear a lot of them don't have a sense that this already what they are trying to do in the Legislature; Already there is a procedure to do this and the procedure by which you have I think...as Commissioner Manuel said, this is the gateway for outlaws. This is such a challenge for the Enforcement Division. In the past when you heard a gunshot at night you knew something bad was happening and now we are opening up a little crack. I would like to commend the department for their efforts trying to weed a lot of that bad element out of this state and they've done a nice job of it and I'm very concerned that this is the gateway to start a whole new generation of folks that enjoy doing mischievous things at night in Louisiana. I appreciate your efforts.

My next question is why only a Class II? If you are caught shooting something at night, you shouldn't be violating this permit. I would like for you guys to consider making it a more significant offense.

A. Melissa Collins, I think we can consider that. We can have those discussions.

Q. Commissioner Courville, In your slide you said violation of any provision outside of reporting requirements; What happens whenever I get my permit and I kill all kinds of things and decide I'm not submitting the report.

A. Melissa Collins, You are not in violation so I'm going to probably call and hound you until you actually.....

Q. Commissioner Courville, at what point do you document me as being non cooperative and say I'm not giving you a permit anymore.

A. Melissa Collins, according to these regs, you are not in violation. You are required to submit the annual report but I haven't yet had anyone say absolutely not.

C. Commissioner Courville, as this expands, I think there is a decent chance that will occur and I would like for you to consider something reasonable. There are going to be people who will say they are not doing the reporting. There needs to be some sort of recourse on behalf of the department to say I'm no longer eligible to participate because if I'm not willing to write a report, I'm probably not willing to follow the regulations and guidelines. I would like for you to consider that as well.

A. Melissa Collins, we will

C. Colonel Broussard, The Class II is simply a violation of the guidelines of the permit. If you illegally night hunt, kill a deer or whatever that automatically goes up to a Class VI violation where we actually seize your gun, your vehicle and there is jail time involved. There is a lot more to it once you violate night hunting laws. The violation of the permit requirements if you don't call is a Class II. If you actually go out and break the law by killing a deer for example, that's more serious penalties – Class IV and above. This is already in law.

Q. Commissioner Courville, do you have authority to enforce trespassing laws?

A. Colonel Broussard, yes we do. When that is incidental to what we do, we take all that information and provide it to the land owner and he can pursue those charges with the District Attorney.

Q. Commissioner Courville, if he's caught for trespassing then he's no longer eligible to participate in the program correct?

A. Colonel Broussard, that's correct, under the permit

Q. Commissioner Hebert, under the permit requirements it says that a permit maybe issued to the Landowner/Lessee/Agent – if a landowner – for everyone that comes and hunts do they operate under the landowner permit and the landowner is responsible for them doing the right thing?

A. Melissa Collins, the way that it works is you would have a.....I refer to them as sub permittee...If the permit is in your name and you are indeed the land owner, you are going to tell the Enforcement Captain at the time of application I foresee this person and so on, naming each person participating in the activity either with or without me and they will run background checks on that person.

Q. Commissioner Hebert, do they have to have a permit?

A. Melissa Collins, no they have to have a copy of the permit with them while they are in...participating in the activities.

Q. Commissioner Hebert, if they violate then the landowner is responsible? Or is the individual responsible?

A. Melissa Collins, it is the individual. If the individual violates some sort of law, then they are in violation....It's still a violation of the permit as well because it says in here that, if you are in violation.....

C. Commissioner Hebert, that concerns me a bit as well because if I have thousands of acres of land and I can have twenty guys go out there and shoot feral hogs and whatever else – if it doesn't fall back on me the landowner but on those people then I really don't care who goes out there or if they are law abiding citizens or not. They might can pass it today until they get caught. I think that's where I concur with Chad that this is really going to open up a

window of opportunity for people who do want to be mischievous. I think we need to hold the landowner a bit responsible as well.

Q. Commissioner Broussard, is it the property owner or permittee or permit holders responsibility to contact law enforcement anytime that activity is going to be taking place?

A. Melissa Collins, they are supposed to contact dispatch prior to engaging in the activity under this permit.

C. Commissioner Broussard, this is something we may be getting lost in. The one thing an outlaw is not going to want to do is call the game warden and tell him he is about to go outlaw so that's sort of a safety net.

C. Melissa Collins, they will list every individual who will be out that night and enforcement can either go out there...they will be notified...the local enforcement can go out there and wait and see what they are up to or just go out and say hey guys..... we do have that in place

Q. Commissioner Courville, what happens in that scenario where I mention four guys and my fifth buddy decides to show up and he's not listed but he's there. What's the penalty for that? He is a spectator in theory, but he's probably the bad element that I've just introduced

A. Melissa Collins, Each person needs to be listed as someone that is allowed to participate and again, that is something that will be done through Enforcement. They can call the Captain or Dispatch. If someone calls Dispatch – is there a way to run a background check immediately? (Question posed to Colonel Broussard)

A. Colonel Broussard, we can run a background check immediately at any time as long as it is an agent conducting.

Q. Commissioner Courville, if you go and come upon a group, an authorized group and they have an individual that is not on the list. What is the penalty?

A. Colonel Broussard, it is a violation of the permit.

Q. Commissioner Courville, no if, ands or wiggle room....It's a violation?

A. Colonel Broussard, yes, we will run it right there on the spot, over the radio, 24 hours a day

Q. Commissioner Courville, on the land owner form, what's that land owner authorization look like – based on the scenario; I have a trapping lessee and he's authorized to be on this piece of property as a trapper. Is there a separate form where I have to ok in signature that he presents to you guys – is there a separate landowner authorization form OR would his trapping lease be enough to have you guys accept it?

A. Melissa Collins, the way it stands now, we need an authorization from that particular landowner and the way it's in place now as you probably know is the landowner says, "I allow this person".....

Q. Commissioner Courville, so it is a form?

A. Melissa Collins, yes, right – we can include it on the one form. Which again, we are trying to make this as simple and streamlined as possible – and the Landowner can fill in the blank

C. Commissioner Courville, from my position here, I would like to see a short form where the land owner actually signs above and beyond any trapping lease, hunting lease that they may have had on that particular piece of property.

A. Melissa Collins, absolutely

Q. Commissioner Manuel, if I was the rice farmer and I go out and check water after dark and I see hogs in my rice field, I have to wait until the next morning to call and request a permit?

A. Colonel Broussard, during that time, period during the season - Right now you can shoot them

C. Commissioner Manuel, I know now...I'm talking about during that September...Six months of the year

A. Colonel Broussard, you can't – not without the permit.

A. Melissa Collins, we would be happy to assist you the very next morning and get it taken care of

C. Commissioner Courville, you can call two months in advance and get your blanket authorization which is what you should do

C. Melissa Collins, that's the other thing...let me point that out. Because the permit is expired on June 30th – you have a four month window from the last day of February until June 30th to get your renewal back to me. You then have another several months before the permit actually takes place so we have a pretty big window where if you have a problem, you know about it ahead of time.

Chairman Yakupzack, we have considering a Notice of Intent on this Outlaw Quadruped, Nutria, and Beaver night take permit. Commissioner Manuel made a MOTION with an Amendment earlier Class III or higher hunting violation will not be allowed to receive the permit. The MOTION on the floor is to adopt the Notice of Intent as is with one revision being that where it refers to a nighttime violation that it be substituted with a Class III Hunting Violation.

Q. Chairman Yakupzack, Do we have a Second on that MOTION as amended?

Q. Commissioner Broussard, class III or greater?

A. Commissioner Manuel, yes, or greater

Chairman Yakupzack, Class III or greater in place of nighttime

Chairman Yakupzack, Do we have a Second on that MOTION as amended?

Commissioner Manuel made a MOTION to accept the NOI as amended

Commissioner Broussard seconded the motion by Commissioner Manuel

Chairman Yakupzack called for a vote and the Motion passed with no opposition

Q. Commissioner Courville, Mr. Chairman, we will have how many months to comment on this? This will be on the agenda for next month and the following month?

A. Commissioner Manuel, this is a ninety day Notice of Intent

A. Wendy Brogdon, the Notice of Intent states comments will be accepted until August 4, 2016

C. Melissa Collins, the FEIS has not been done

C. Wendy Brogdon, the FEIS has not been completed therefore the NOI will not be submitted to the Register until June 10th for publication June 20th.

C. Commissioner Courville, so we can.....lets do that; we can revise it at the next if we need to

C. Commissioner Manuel, if we have some more revisions, we could make them at the June meeting and still have them made in time to make it in the State Register?

A. Wendy Brogdon, if there are substantive changes to the Notice of Intent that differ from the original Notice submitted with the FEIS, the Fiscal Economic Impact Statement; we are required to submit those changes to the Legislative Fiscal Office and a new FEIS will have to be created

C. Commissioner Hebert, in that case, I would like to make a MOTION to not only include the MOTION that Commissioner Manuel made, but also to include a MOTION if there are more; on the third violation of a property owner for anything Class III and above that the property owner loses their Permit

C. Frederick Whitrock, Mr. Chairman, under the Administrative Procedures Act, just something to consider is, it may be easier if you withdraw the MOTION you just passed and just let us bring back up next month with the changes you all indicated and you will have a fresh start on this with everything in it and you can go forward from there. This may be the easiest because this will not be published until the June Register anyways so you are really not losing any time.

C. Commissioner Manuel, so just in case we forget, we gonna put it in now

C. Chairman Yakupzack, I appreciate your concern Mr. Whitrock but I think I hear Commissioner Hebert's concern and I think under...and Melissa's

explanation under Permit termination that the Permit can simply be terminated by the Department for any specific Enforcement concerns. If we have a situation where a landowner has made a violation and our Enforcement Department feels like we should not go forward with permitting that landowner, we already have that discretion here in Enforcement.

C. Commissioner Hebert, ok I'm good with that

C. Chairman Yakupzack, I think her concerns are taken care of and this MOTION has already passed we are good with going forward as is and if there is something to address in June, we will have Melissa come back and do that.

Q. Commissioner Hebert, so I just got denied right?

A. Chairman Yakupzack, yes; You're good

A. Commissioner Hebert, I'm good with this

A. Chairman Yakupzack, I think your concerns are covered

XIII. Set September 2016 Meeting Date

After a brief discussion, the date of Thursday, September 1, 2016 was chosen
MOTION by Commissioner Manuel

Commissioner Broussard seconded the motion made by Commissioner Manuel
Chairman Yakupzack called for a vote and the Motion passed with no
opposition

XIV. Receive Public Comments

Robert Perez, Representing the Port Eads Fishing Refuge

The Commission passed a Notice of Intent a year ago with a three day possession limit for Port Eads. Mr. Perez stated the program is working fantastic and the fishermen are pleased. He stated he recently met with Secretary Melancon on beneficial dredge use as they have plans of dredging South Pass and have plans of building two wet labs on the facility at Port Eads. Viking Cruise Lines is looking at making South Pass / Port Eads a final destination on their tours up and down the river in coming years. He stated that they have seen an increase in the number of fishermen coming down to Port Eads. Mr. Perez asked that the Commission continue with this but to consider amending the Notice of Intent to allow a “designee” to fill out the paperwork. Mr. Perez stated Joe Yurt (sp.) with National Marine Fisheries – he has been part of the area for many years and has a wealth of knowledge or Scott Pilas out of Belle Chase area – he is in his late thirties early forties and done a very good job with the Management Group that we have at Port Eads, to be considered as a “designee” to authenticate the anglers catches for transport. He asked that you consider using one or both as a designee to oversee the program and fill out all the paperwork as they are both down there already. He stated this arrangement would be a big help. He said to of the problems that were seen last year is a problem to get a Department person to come to review and approve trip tickets. Sometimes the weather gets bad a we have a cancellation or may have a number of reasons why people come late or don’t come at all. We are having a problem scheduling the people from the Department down there right now. He finished with stating this would be a huge help if you could do them this favor and they really appreciate your help

Q. Commissioner Hebert, The people currently down there that could help with the monitoring and they would report to LDWF as a cooperative endeavor with Port Eads which is a public marina and the department?

A. Robert Perez, Yes

Q. Commissioner Hebert, Joe Yurt, would he also be interested in collecting ear bone data and things like that

A. Robert Perez, we could work that out – I’m sure he would share

A. Patrick Banks stated he is somewhat familiar and the Department does send biologist to Port Eads at the request of the Marina to certify catches on three day turnarounds. The

concern is that sometimes we send a biologist down and the weather changes and the people don't show. I am not familiar with the biologist Mr. Perez is speaking of – I would have to speak to my staff and I don't know if they share data

- Q. Commissioner Broussard, is there criteria in place for the department personnel or staff in place to go down there and do this? Department or non-department person
- A. Patrick Banks, the regulation the Commission passed indicates it is a Department Biologist or Agent
- Q. Commissioner Broussard, so the flexibility already exists that it can be an agent? Did the Notice of Intent mean that it be a Department employee
- A. Patrick Banks, it does say a Department Agent. We need to see if the term Agent can mean somebody other than an employee
- C. Secretary Melancon, You will need to have somebody that is a representative of the Agency – if you set a precedent of allowing a civilian per say at any marina - the data collection may not be accurate
- A. Commissioner Broussard, I'm not looking at it as data collection right now, I'm more interested in or will they be able to certify; the main point is for them to be able to bring a three day possession limit of fish, bagged or cleaned in from Port Eads
- Q. Secretary Melancon, the intent is one thing; making sure you have a person who is responsible to the state of Louisiana, to the Agency is the important thing here
- A. Commissioner Broussard, It's not about collecting the data, its that we have someone with the appropriate classification there that are doing the work
- C. Mr. Perez, the whole reason this came to effect was Port Eads is such a unique facility that there is not a road that connects us to land. It sits 24 miles south of Venice. You have people that go down on a regular basis. That's the main intent. Tuna and Snapper – people go down for typically three days whether they stay on their boats or at the lodge. It's a destination point.
- Q. Chairman Yakupzack, As I understand this issue – we appreciate your public comment as always, we appreciate anybody that come up but when this Commission passed this item about a year ago – when did we do this, in the summer of last year. We put a sunset provision in it and we required then that we wanted to hear how this was working out after a year. I

am directing to Patrick that we are going to hear from the Department maybe next month or the next – whenever the sunset hits on the Departments assessment of it and at that time they will address your comments and proposal. Am I understanding this correctly?

- A. Patrick Banks, you are correct Mr. Chairman we are committed to this program as the Commission pointed us down that road a year ago. We are going to continue to work with Port Eads and provide them the assistance they need as per the Rule that the Commission passed. I think it was passed in June. We will come back in either June or July to give you our assessment with additional information and you can let us know if you think the efforts are worth while or if we need to consider this alternative method of certifying catch et.,.
- C. Secretary Melancon, We've met with Mr. Perez and we would hope that Port Eads becomes a world wide destination point for deep sea fishing. We want to work with such a facility that Patrick has indicated – let us look at and we are willing to work and see if we can find some means, but let us look at the results of last year. It's only one year and I would suspect that your clientele should start growing or has started growing. One year will not make Port Eads, it will take time and we understand that. The industry understands that. Let us get the data and give you the report. In the meantime we can have those conversations about what works and what doesn't work and why or why not and give you a little more in depth information that you can digest and make informed decision
- C. Wendy Brogdon, the Rule was passed in June 2015 – it states the Commission shall review on an annual basis beginning one year from the date the rule becomes final. The Rule became final on June 20, 2015. Just to clarify, it states the contents have to be certified by a Wildlife and Fisheries employee or Agent on duty at the facility
- C. Commissioner Hebert thanked Mr. Perez for coming and providing the update on Port Eads

- C. Mitch Jurisich, Oyster Taskforce, he wants to ease everyone's mind about Agenda item #10, the Public Seed Grounds - The Taskforce has made efforts and progress since last years legislative session and this one. Last years session we imposed our lease rental fees by fifty percent and dedicated those funds to go into the public seed ground; we tax ourselves; we raised the permit from \$15.00 per vessel to \$250.00 per scraper; we are working on bills with the House and the Senate; Limit scrapers to two per vessel making it where the grounds can sustain. We are making a lot of efforts to protect ourselves

XV. Adjournment

MOTION by Commissioner Broussard

Commissioner Manuel seconded the motion made by Commissioner Broussard

Chairman Yakupzack called for a vote and the Motion passed with no opposition

END