

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

March 1, 2007

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

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
and are not a verbatim transcript of the proceedings.

Tapes 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
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
MARCH 1, 2007

	Page
1. Roll Call	1
2. Approval of Minutes of February 1, 2007	1
3. Commission Special Announcements/Personal Privilege	1
4. Proposed Revision to Timber Management Plan	1
5. To receive and consider Hunting Seasons and Regulations Protocol and Turkey Seasons and Regulations Protocol and further providing with respect thereto	3
6. To receive and hear Enforcement & Aviation Reports/February	3
7. To receive and consider Litter Proclamation	4
8. To receive and consider Notice of Intent on the Hunter Education Program	5
9a. To receive and consider 2007-08 Hunting Season Information & Public Comments	9,16
9b. Commission's Opportunity to offer Amendment to 2007-08 Hunting Season Regulations and Dates and to Discuss and Adopt same	10
10. To receive and consider an update to the Bird Dog Training Area Notice of Intent and request for public comment extension and further providing with respect thereto	12

11.	To receive and consider Notice of Intent to Lift the Moratorium on Processing Pending Oyster Lease Applications and further providing with respect thereto	17
12.	Set July 2007 Meeting Date	21
13.	Receive Public Comments	21
14.	Adjournment	21

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, March 1, 2007

Chairman Earl King, Jr. presiding.

Terry Denmon
Frederic Miller
Patrick Morrow
Henry Mouton
Wayne Sagrera
Robert Samanie, III

Secretary Bryant Hammett was also present.

Chairman King called for a motion for approval of the **February 1, 2007 Commission Minutes**. A motion for approval was made by Commissioner Samanie and seconded by Commissioner Morrow. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Mouton stated he received a letter with a return address of State Employee, Baton Rouge, Louisiana, 70802 and the writer made comments that the Department “screwed up royally in their response to Hurricane Katrina”. The writer goes on and stated that a report written by an outside firm proved this but someone within the Department forced them to change the findings of the report. Commissioner Mouton then read a statement he prepared for this state employee.

Then Commissioner Mouton asked Mr. Don Puckett to give an update on the Maurepas Swamp lawsuit. Mr. Puckett stated the litigation on the Maurepas camps were finalized with the Supreme Court denying Ritz. With that, all litigation has ended and the Department was currently working cooperatively

with the camp occupiers on a timeframe to allow them to remove what they want from the premises.

Chairman King echoed the sentiments of Commissioner Mouton on the great job the Department did during the Hurricane Katrina recovery.

Proposed Revision to Timber Management Plan began with Commissioner Fred Miller stating he was satisfied with what the Department provided on this issue. Mr. Kenny Ribbeck stated there were a few minor changes that needed to be made in the plan. Chairman King asked if the changes would become part of the approved program and Mr. Ribbeck answered yes. He then asked Mr. Ribbeck to go through the changes. The first was an additional sentence added to page 1 under Plan, Forestry Program staff have classified 58 different forest cover types that we recognize on our WMAs. On page 2, the word of needed to be or. An additional sentence was added to the third page, third paragraph: However, if long-term habitat benefits are deemed greater than the short-term aesthetic disruption, the buffer may not be maintained. The final paragraph on page 4, the words “including Neotropical migratory birds” were inserted. Hearing no questions or public comment, Commissioner Miller made a motion to adopt the timber management plan with the changes included. Commissioner Samanie seconded the motion and it passed with no opposition. (See Attachment A for Timber Management Plan)

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

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
GENERAL FOREST MANAGEMENT PLAN REVISION
March 1, 2007

WHEREAS, since 1959 the Department has purchased, or received donations of over 460,000 acres of land dedicated as Wildlife Management Areas (WMAs), and

WHEREAS, these lands were purchased as a means of conserving the dwindling bottomland hardwood forest and other special forest-type resource areas in the state along with their associated resident and migratory wildlife resources, and

WHEREAS, in the past the mineral resources derived from these lands have provided funding for the Department's various management programs, including land acquisition, and this non-renewable resource is now almost depleted and unable to fully support the program, and

WHEREAS, the Commission recognizes the need of a controlled harvest program of the renewable forest resources on the WMAs for maintenance and development of wildlife habitat and quality timber production, as well as being a means to financially support the Department's management programs, including land acquisition, and

WHEREAS, the Commission recognized the need for a plan of action to manage the Department's renewable forest resources when approving the General Forest Management Plan on October 12, 1995 that has perpetuated all qualities associated with the various habitat components represented by the diverse forest resource landholdings, and

WHEREAS, the Department's General Forest Management Plan Revision (Plan) updates the original plan and supports the conservation of natural and unique habitat communities occurring on the WMAs as well as the restoration of the State's bottomland hardwood forest resources, and

WHEREAS, the Plan establishes an updated WMA forest resource monitoring system to help guide the Department's managers in the long-term management of these timber resources to insure their integrity in perpetuity, and

WHEREAS, the Plan recognizes the need to provide quality wildlife oriented recreational opportunities for the public, and maintenance of the

aesthetic qualities associated with the forest resources on the WMAs, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does endorse and adopt the General Forest Management Plan Revision as the official plan for the administration and management of the Department's Wildlife Management Area Forest Resources.

Earl P. King, Jr., Chairman
LA Wildlife and Fisheries Commission

Mr. Don Puckett began stating that the Commission charged him with providing a refinement on the next agenda item, **To receive and consider Hunting Seasons and Regulations Protocol and Turkey Seasons and Regulations Protocol and further providing with respect thereto** and to prepare the turkey season protocol. The Resident Game Hunting Season Protocol was identical to that adopted in January except that the title was refined. The Turkey Hunting Protocol had the same framework with the appropriate months as the game hunting protocol with the process beginning in June and finally adopted in December. Commissioner Morrow asked if the Resident Game Hunting Season Protocol was inclusive of the spring squirrel season. Mr. Puckett answered yes. Chairman King asked if action was needed. Mr. Puckett recommended taking the Protocol's up with separate motions. Hearing no further discussion, Commissioner Denmon made a motion to adopt the Resident Game Hunting Season Protocol. The motion was seconded by Commissioner Miller and passed with no opposition. Then Commissioner Mouton made a motion to adopt the Turkey Season Protocol and it was seconded by Commissioner Miller. This motion also passed with no opposition. (See Attachment B for protocols.)

To receive and hear Enforcement & Aviation Reports/February began with Lt. Col. Keith LaCaze stating this month was a transition month with hunting season winding down and fishing and boating activities gearing up. A total of 986 citations and 188 written warnings were issued and agents helped with 57 instances of public assists. As a point of information, there were migratory cases reported but those were made in the late days

of January. The Aviation Report showed a total of 32.5 hours flown in the Department's three planes. The monthly boating report showed 2 accidents with no fatalities. The first accident was in St. Martin Parish and the other occurred on Lake Bistineau. News Releases discussed included: fishermen taking gamefish from nets on Bayou Maria and 2 individuals from Concordia Parish charged with taking gamefish illegally. Then Lt. Col. LaCaze mentioned several upcoming News Releases that involved sentencing on migratory bird cases. Sentencing for a case from November 2005 for 3 individuals cited for taking an over the limit of ducks was \$1,000, 40 hours of community service, 18 months of probation and loss of hunting privileges for 1 year for each person. Another person cited for an over the limit of teal from September 2006 was given a \$1,500 fine, 2 years probation, 120 hours community service, and loss of hunting privileges for 18 months. The last case involved 6 individuals taking an over the limit of ducks and the penalties included \$3,070 in fines, 80 hours of community service, 1 year of probation and loss of hunting privileges for 3 years. Lt. Col. LaCaze then mentioned the Department would start the application and interview process for the next Enforcement Academy hoping to fill their 20 vacancies.

To receive and consider Litter Proclamation began with Major Jeff Mayne stating that 5 years ago, the Enforcement Division took a more active, aggressive role in litter citations. This would be the third year the Department has partnered with Keep Louisiana Beautiful and Louisiana State Police to enter into a high profile media campaign. The campaign would run March 8, 9 and 10 and lets the citizens know these 3 groups would take a zero tolerance for litter. Last year, the Enforcement Division issued 773 littering citations of which 234 were gross littering citations. Major Mayne then asked the Commission to adopt the Proclamation which would proclaim March 8, 9 and 10 as Zero Tolerance for Litter in the Sportsman's Paradise. Commissioner Samanie made a motion to adopt the Proclamation, seconded by Commissioner Morrow and passed with no opposition.

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

P R O C L A M A T I O N

WHEREAS, the State of Louisiana enjoys a well deserved reputation for possessing a diversity of landscape from the picturesque hills of the northern portion of the state to the sub-tropical marshes of the south, and

WHEREAS, for many years, the abundant and varied scenery of Louisiana has attracted thousands of visitors annually to enjoy both nature at its finest and the many living resources and natural wonders, and

WHEREAS, litter scattered around the beautiful landscape of our great state, has been not only an eyesore for local residents, but has greatly detracted from the state's flourishing tourist industry and negatively effects our states ecosystem, and

WHEREAS, the State of Louisiana, Keep Louisiana Beautiful, the Louisiana Wildlife and Fisheries Law Enforcement Division, the Louisiana State Police, and innumerable local civic agencies have initiated the "Zero Tolerance for Litter" initiative in 2005 to better inform local residents of the importance of keeping our state litter free, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission applauds the efforts of Louisiana's Law Enforcement Officers and members of Keep Louisiana Beautiful in their attempt to bring about a cleaner, more attractive environment for all citizens and visitors, and

NOW THEREFORE the Louisiana Wildlife and Fisheries Commission hereby proclaims March 8th, 9th & 10th, of 2007 to be

ZERO TOLERANCE FOR LITTER IN THE SPORTSMAN'S PARADISE DAYS

and that all hunters, fishers, boaters and natural resource enthusiasts join the Louisiana Wildlife and Fisheries Law Enforcement Division, Louisiana State Police and Keep Louisiana Beautiful members in helping our state reach its potential as a litter free state.

Earl P. King, Jr., Chairman
Wildlife and Fisheries Commission

To receive and consider Notice of Intent on the Hunter Education Program was handled by Mr. John Sturgis. He stated staff wanted to look again at section F within the Notice of Intent which stated that “all persons ages 10 and 11 even though they are hunter education certified in the State of Louisiana, would still have to hunt with a supervisor.” Explaining further, Mr. Sturgis stated that any person 10 and older were eligible to become hunter education certified. As far as supervision at this point goes, persons 16 and over must be certified and have to buy a license so there would be no supervision required. Those persons aged 10 through 15 could hunt unsupervised if hunter education certified. If not certified, they could still hunt with an adult supervisor. Youth aged 9 and younger are not yet old enough to become hunter ed certified and must hunt with an adult supervisor. The change in the Notice of Intent involved those within the 10 through 15 age group. Staff wanted to require hunters 10 and 11 years old to be supervised by an adult even if the youth was hunter education certified. Commissioner Mouton felt youth 12 through 15 hunting unsupervised was scary. Mr. Sturgis stated he checked other states for their regulations and found a number of them allow persons 12 years or older can hunt unsupervised. From the hunter education classes the Department taught, it was noted that the learning curve was better for those 12 years of age and older. Commissioner Morrow agreed that 10 and 11 year olds, even if certified, should be supervised. Statistically he felt there was not really a problem with the 12 to 15 year old group. Mr. Sturgis stated he did not have the breakdown of statistics with him, but it was spread through the ages and it was not all with the younger group. Commissioner Morrow understood Commissioner Mouton’s concern, but if more restrictions were implemented on the youth, it could stymie them in wanting to get outdoors. Hearing no further questions, Commissioner Morrow made a motion to adopt as written. Commissioner Miller seconded the motion and it passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby advertise their intent to establish regulations for mandatory hunter education certification.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter C. Hunter Education Program

§312. Hunter Education Program Certification Policy

A. The Wildlife & Fisheries Commission shall be the sole authority for establishing minimum requirements for certification of student and volunteer instructors and for the overall administration of the Louisiana Hunter Education Program. The Louisiana Hunter Education Program shall meet the minimum performance guidelines for the basic hunter education course as set forth by the International Hunter Education Association Hunter Education Standards.

B. The Department of Wildlife and Fisheries shall maintain an electronic database of all students and active instructors who have successfully met the requirements for certification.

C. Requirements for hunter education student certification shall be as follows:

1. For the standard taught hunter education course:

- a. Attend a minimum of ten (10) hours of required instruction;
- b. Complete a written exam prepared by the Louisiana Hunter Education Program exhibiting the required proficiency;
- c. Demonstrate the ability to safely handle hunting firearms; and
- d. Upon successful completion of the requirements, students shall receive credentials that validate such.
- e. Provide the required information necessary to complete a student application form.

2. For the home study program:

- a. Complete the required computer course as set forth by the Louisiana Hunter Education Program;
- b. Attend a field day scheduled through the Louisiana Hunter Education Program;
- c. Complete a written exam prepared by the Louisiana Hunter Education Program;
- d. Demonstrate the ability to safely handle hunting firearms; and
- e. Upon successful completion of the requirements, students shall receive credentials that validate such;
- f. Provide the required information necessary to complete a student application form.

D. Requirements for bowhunter education certification shall be as follows:

1. Successfully complete the required bowhunter education course as set forth by the Louisiana Hunter Education Program in accordance with the National Bowhunter Education Foundation;

2. Provide the required information necessary to complete a student application form.

E. Minimum age for certification in all courses within the Louisiana Hunter Education Program shall be 10 years of age.

F. All persons ages 10 and 11 who are hunter education certified, while hunting in the State of Louisiana, are to be accompanied by and under the direct supervision of a person who is 18 years of age or older and has a valid hunting license or proof of successful completion of a hunter education course approved by the department in order for that certification to be valid. Direct supervision means that the person being supervised shall be within normal audible voice proximity and in direct line of sight of the supervising adult at all times.

G. Requirements for volunteer instructor certification shall be as follows:

1. Complete a minimum of twelve (12) hours of classroom and field instructions;

2. Pass a written exam prepared by the Louisiana Hunter Education Program;

3. Demonstrate the ability to lead students through exercises that exhibit the safe handling of hunting firearms; and

4. Upon successful completion of instructor training, candidates shall be certified for an initial two year period. Recertification shall be contingent on continued participation in the Louisiana Hunter Education Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:699.3

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

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

Interested persons may submit written comments on the proposed Rule to John E. Sturgis, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than Thursday, May 3, 2007.

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

Earl P. King, Jr.
Chairman

To receive and consider 2007-08 Hunting Season Information & Public Comments began with Mr. Jimmy Anthony stating not many comments were received from the Notice of Intent adopted at the last meeting. He preferred to include those with the one that may be received from the statewide hearings that would be held during March and report on them at the next meeting. However, Mr. Anthony noted there were 2 amendments to present. The first was to clarify the generic language on the WMAs. At the last meeting, there was year specific dates in the title on the WMA schedule and to make it permanent, those years would be stricken. Commissioner Denmon asked if the request was to remove 2007-08 from the WMA title and if the dates would be the same for each year. Mr. Anthony answered yes. Hearing no further discussions, Commissioner Mouton made a motion to adopt the WMA schedule as permanent with no reference to specific years. Commissioner Sagrera seconded the motion. Commissioner

Miller asked if the word season should be removed from the WMA title since leaving it would not be grammatically correct. Mr. Puckett felt taking the word season out would be appropriate. Mr. Anthony agreed with the change. Commissioner Denmon asked about the National Wildlife Refuges and their dates. Mr. Anthony stated that would be a separate amendment. Commissioner Miller stated he offered a friendly amendment. Mr. Puckett stated this was an amended motion to delete 2007-2008 season from the block relative to the WMA hunting schedule. The motion passed with no opposition.

The second amendment, according to Mr. Anthony, was on the federal areas. Staff met with the U.S. Fish and Wildlife Service after the February Commission Meeting in order to receive their recommended season dates. Then he asked that the current Notice of Intent be amended to allow for the federal seasons to progress. The seasons were the same and one reason they may not change was due to a lawsuit challenging their season setting process. Funds for Animals brought the lawsuit and have been joined by Defenders for Wildlife. Mr. Anthony added that the federal refuges will not know until April whether they would or would not have seasons. If this lawsuit was successful, approximately 75 refuges would be affected across the nation for the next 2 years. Commissioner Morrow asked if the lawsuit affected all of the federal refuges. Mr. Anthony stated it was for those created or had hunting seasons created after 1997. Commissioner Morrow asked who instituted the lawsuit and Mr. Anthony stated Funds for Animals instituted it and was joined by Defenders of Wildlife. Commissioner Denmon noted, with the adoption of the protocol and the generic season language, each year the Commission would have to adopt the federal seasons. Then he asked if the federal refuges should be taken out of the Notice of Intent and made a stand alone item next year. Mr. Puckett stated these dates could be adopted as a second Notice of Intent, but once this process was completed, there would be a complete set of seasons including federal lands. Presumably the federal season dates would change each year and so the Commission could be presented with a Notice of Intent for the federal lands only. Mr. Anthony asked that the federal refuges as well as Kisatchie and Corps of Engineers lands be amended and added to the Notice of Intent. Commissioner Morrow made a motion to adopt and it was seconded by Commissioner Denmon. Hearing no further discussion, the motion passed with no opposition.

Commission's Opportunity to offer Amendments to 2007-08 Hunting Season Regulations and Dates and to Discuss and Adopt same began with Chairman King relinquishing the gavel to Vice-Chairman Morrow during the discussion of this item. Vice-Chairman Morrow asked if any Commissioner had an amendment to propose. Commissioner Denmon stated he had an amendment that involved unregulated quadrupeds under D.8. He wanted to remove the sentence that read "Coyote hunting is restricted to chase only during still hunting segments of the firearm and archery only season for deer.". Commissioner Denmon felt coyote populations were at epidemic proportions and did not see any reason to not allow them to be hunted during still hunting segments. Then Commissioner Denmon made a motion to remove that sentence. Commissioner Miller seconded the motion and added that if the provision was enforced rigorously, every farmer and rancher in the Red River Valley as well as their guests would be in violation of the law. Vice-Chairman Morrow asked for discussion; hearing none the motion passed unanimously.

Next, Commissioner Mouton proposed an amendment allowing those 18 and younger to use 20 gauge shotguns with slugs during the black powder season. Commissioner Miller asked what age was he allowing. Commissioner Mouton suggested 18 and younger. Mr. Anthony stated the language he developed was for those under 16 and Commissioner Mouton felt that was fine. Vice-Chairman Morrow asked if that was an add on amendment. Mr. Anthony read the language: "Special Youth Deer Shotgun Season on Private Land, either-sex: Youths under the age of 16 may hunt deer with 20 gauge shotguns using slugs only during the muzzleloader season in each deer hunting area." He added that this special season would come under the same hunter education requirements as that adopted earlier in the meeting. Vice-Chairman Morrow asked if the amendment was for 20 gauge only and he was told yes. Commissioner Denmon asked if another regulation required those hunters to be accompanied by a licensed adult. Mr. Anthony reminded them that 10 and 11 year olds would need adult supervision, but those 12 through 15 would not. Vice-Chairman Morrow restated the motion by Commissioner Mouton and read by Mr. Anthony which would allow youth under 16 to hunt either-sex deer during muzzleloader season with a 20 gauge with a slug. Commissioner King seconded the motion. Commissioner Denmon asked if a 15 year old could hunt without an adult as long as he was hunter certified

and Mr. Anthony stated that was correct. Vice-Chairman Morrow asked for public comment.

Mr. Joe Macaluso, The Advocate, asked if the amendment was 20 gauge or 20 gauge and larger. Commissioner Mouton stated it was 20 gauge only. Commissioner Denmon asked the rationale behind using a 20 gauge. Commissioner Mouton stated he contacted a gun distributor and their research indicated the ballistics between a 20 gauge and black powder were almost identical. Another reason was to create hunting opportunities. Commissioner Denmon stated he was all for the amendment.

Hearing no further discussion on the amendment, the motion passed with no opposition.

Commissioner Miller read from section D.4. which referred to the taking of game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited. He then stated he did not see any reference to taking game animals from boats until the section on general deer regulations. Commissioner Miller felt the prohibition on taking game animals from boats should be noted under the general regulations section. Mr. Anthony stated some regulations were statutorily set. He added they have not changed anything, they may have added more language to help clarify the public's request for information. Lt. Col. LaCaze stated the additional language dealing with the aid of aircraft came about from a case where an aircraft was used to locate deer and hunters went by land to kill them. After weaving through the regulations on hunting from a boat, Lt. Col. LaCaze stated that hunters can hunt squirrels and rabbits from a boat, but not any other species.

Commissioner King stated his amendment dealt with Area 2 deer season. Area 2 traditionally had 70 days of still hunting and with or without dog hunting days that was split equally. In 2004-2005, the Commission added 9 days to the with or without dog season, creating a 79 day season creating an imbalance for the still hunters. The amendment by Commissioner King was to keep the 79 day format with a split of 40 - 39 with the extra day to change alternate years. He then asked the Legal Section to adjust the language to make this generic. Commissioner Mouton seconded the motion.

Mr. Anthony offered the following language for Commissioner King's amendment which would give the still hunters the odd numbered days during an odd year and the even numbered days during the even years. At the request of Vice-Chairman Morrow, Mr. Anthony read the following language into the record: Area 2 still hunting would open last Saturday of October; closes the Tuesday before 2nd Saturday of December in odd numbered years and on Wednesday during even numbered years except when there are 5 Saturdays in November and then it will close on the Tuesday in odd numbered years or Wednesday during even numbered years before the first Saturday of December. The with or without dog segment would open on the Wednesday before the 2nd Saturday of December in odd numbered years and on Thursday during even numbered years except when there are 5 Saturdays in November, then it will open on the Wednesday before the 1st Saturday of December on odd numbered years and Thursday during even numbered years. The season closes on the Sunday after the 2nd Saturday of January. Commissioner King made a friendly motion to accept the language as read by Mr. Anthony. Commissioner Mouton again seconded the motion. Commissioner Denmon asked if the dog hunters would be okay with the opening in the middle of the week. Commissioner King stated he would attend each of the public hearings within Area 2 to accept comments from those hunters. He added he talked with several people from the Area and they welcomed the change on the front end since the rut was ongoing. Then Commissioner King stated this was addressed during the Deer Dog Task Force meetings and those people asked him to continue to work on this issue. Again, Commissioner Denmon asked if the hunters were going to be mad since the opening was not on a Saturday. Commissioner King stated the comments he received stated they would not be mad. He again noted all they wanted to do was to even out the 79 day season. Commissioner Denmon explained how the situation now came to be with the hunters complaining the season did not open on a Saturday.

Mr. Don Sutton, an Area 2 dog hunter, stated they did not have any problem with opening the season during the week. He stated they would appreciate putting the season back in balance.

Commissioner King added that he spoke with Ms. Beth Hodson, Executive Director of the Dog Hunters Association, and they had no problem with the proposal. Hearing no further discussion, the motion passed with no

opposition. At this point, Vice-Chairman Morrow turned the gavel back over to Chairman King.

To receive and consider an update to the Bird Dog Training Area Notice of Intent and request for public comment extension and further providing with respect thereto was handled by Mr. Fred Kimmel. He reminded the Commission that in December 2006, a Notice of Intent was presented that amended the bird dog training rule to include other areas of public lands. At the December meeting, Commissioner Miller requested the consideration of mallards as a species to be used on bird dog training areas. Mr. Kimmel was recommending that mallards be included. The first change involved adding mallards to the species that can be used on a case by case basis. The other change was on the regulation closing all bird dog training areas during either-sex modern firearms seasons and turkey season. Commissioner Mouton explained a situation of bringing dogs onto Camp Beauregard and only being allowed to use 4 wheelers and the number of trips that it could involve. He asked if there was a way to resolve the problem. Mr. Kimmel stated that on Camp Beauregard people were training their dogs with a special use permit specific to the area. He added they would need to work with the Army National Guard in developing rules that would fit. Commissioner Morrow asked if Camp Beauregard would be included in the training areas this year. Mr. Kimmel stated they have not had discussions with the Army National Guard but would work with them on this proposal. Commissioner Morrow stated he as well as Commissioner Mouton received correspondence and the sooner would be better. Commissioner Miller made a motion to adopt the amendments as written and it was seconded by Commissioner Morrow. The motion passed unanimously.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries and Wildlife and Fisheries Commission do hereby advertise their intent to amend the rules for bird dog training areas on wildlife management areas.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§321. Bird Dog Training Areas

A. Purpose. Bird dog training areas (BDTA) are established to afford users of Wildlife Management Areas (WMA) and other public land an opportunity to train pointing dogs and flushing retrievers or spaniels with live released birds. The BDTA is not intended to serve as a hunting preserve. The following regulations are adopted to ensure that users of the BDTA utilize the area as intended, and to minimize the potential for negative impacts on wildlife.

B. Establishment and Posting. BDTAs may be established on any WMA or other public land with written consent of the managing agency. Portions of the WMA/public land without significant wild quail populations, and where wildlife will not be negatively impacted are suitable for establishment of BDTAs. BDTAs must be marked with signs and/or paint clearly indicating the boundaries.

C. Permits and Licenses. Each party using the BDTA for dog training must include at least one permittee, and the permittee must have a valid permit in his/her possession while engaged in dog training on the BDTA. For purposes of this rule, a person or party will be considered to be engaged in dog training if they possess or release live bobwhite quail, **mallards** or pigeons at any time, or if they are present on the BDTA with pointing dogs, spaniels or retrievers during the time quail, woodcock, **dove**, or waterfowl season is closed on the WMA/**public land**. Each BDTA requires a unique permit and permits are valid only on the specific BDTA for which the permit

is issued. Permits will not be issued to applicants with Class 2 or higher wildlife violation convictions or guilty pleas within 3 years of the date of application. All users of the BDTA must comply with the WMA/public land self-clearing permit requirements. Any person who takes or attempts to take released or wild bobwhite quail, **mallards**, or pigeons on the BDTA must comply with applicable hunting license and WMA/public land permit requirements.

D. Dogs. Only recognizable breeds of pointing dogs, spaniels, and retrievers may be trained on the BDTA. All dogs must wear a collar or tag imprinted with the name and phone number of the owner or trainer. Trainers shall not knowingly allow or encourage their dogs to pursue rabbits, raccoons, or other wildlife.

E. Birds. Only bobwhite quail, **mallards** or pigeons may be released for dog training activities on the BDTA. However, use of pigeons and mallards may be prohibited on specific BDTAs. Bobwhite quail, **mallards** and pigeons may only be released within the boundaries of the BDTA. Bobwhite quail, **mallards** and pigeons may be shot in conjunction with dog training activities. When WMA/public land hunting seasons are closed, only bobwhite quail, **mallards** and pigeons may be taken and possessed. When the WMA/public land quail, **waterfowl**, or woodcock hunting season is closed, bobwhite quail, **mallards**, and pigeons may only be shot within the boundaries of the BDTA. No more than 6 quail **or mallards** per day may be released, taken, or possessed per permittee. For example, a party consisting of 1 permit holder and 2 helpers may not possess, release, or take more than 6 quail **or mallards** per day. Wild quail may be taken on the BDTA at any time the BDTA is open to dog training and must be included in the 6-bird limit. There is no limit on the number of pigeons that may be taken, released, or possessed. All quail must be marked with a Department provided leg band prior to entering the WMA/public land, and if the bird is shot or recaptured, the band must remain on the bird until arrival at the trainer's domicile. **All mallards must be toe-clipped, or fitted with a seamless band, or otherwise marked in accordance with federal regulations.** Wild quail taken on the BDTA must immediately be marked with a LDWF issued band. Pigeons are not required to be banded. Bands will be provided by LDWF when the permit is issued. Persons in possession of live

bobwhite quail **or mallards** must have a valid game breeders license or bill of sale from a licensed game breeder.

F. Firearms. When the WMA/public land hunting seasons are closed, only shotguns with shells containing shot not larger than lead size 8 or steel size ~~7~~ **6** are permitted on the BDTA. **Mallards may only be taken with steel or other approved non-toxic shot.** Firearms must be encased or broken down upon entering and leaving the BDTA when the WMA hunting seasons are closed. Pistols capable of firing only blanks are also permitted.

G. Seasons. Unless specified, BDTAs are open to dog training all year. ~~, except all BDTAs are closed to bird dog training activities during the applicable WMA/public land turkey season and modern firearm either sex deer season. Additional~~ Closure periods may be adopted for some BDTAs. Such closure periods will be listed ~~in the annual hunting regulations pamphlet for the WMA on which the BDTA is located~~ on each BDTA annual permit.

H. Hunter Orange Requirements. Persons engaged in dog training on BDTAs during WMA hunting seasons must comply with WMA/public land hunter orange requirements.

I. Wildlife Management Area/Pubic Land Regulations. Except as provided herein, all rules and hunting seasons applicable to the WMA/public land on which the BDTA is located are also applicable to the BDTA. Additional regulations may be adopted for some BDTAs and will be listed ~~in the annual hunting regulations pamphlet for the WMA on which the BDTA is located~~ on each BDTA annual permit.

J. Violation of Rules. A person who is convicted or enters a guilty plea for violation of any provision of this rule shall be guilty of a Class 2 violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:109(B), R.S. 56:115, and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:2268 (September 2005); amended LR 33: .

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

Interested persons may submit written comments on the proposed Rule to Mr. David Moreland, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than April 17, 2007.

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

Earl P. King, Jr.
Chairman

Before moving on to the next agenda item, Chairman King apologized for not accepting public comments on hunting seasons during the appropriate time. He then opened the meeting for those comments.

Mr. Larry Robichaux, an Area 6 hunter, asked the Commission to extend the still hunting only season by 14 days. The extension would close the season on December 21 and leave it like that for a three year period. Commissioner Mouton asked for the Department's recommendation on the request. Mr. Anthony stated they would report back at the next meeting on this request.

Mr. Jerald Horst, a regular hunter on the Atchafalaya Delta, stated he was lucky enough to be one of the camp owners allowed to moor on the Delta. He wanted to speak in favor of the proposed regulation to limit hunting before 2 p.m. Mr. Horst noted Atchafalaya Delta was a crown jewel in public hunting opportunities for waterfowl in the United States. With the increase in hunting pressure, he felt the quality of hunting would be reduced. The birds were leaving before daylight and going to the middle of the Atchafalaya Bay.

The high quality of the habitat keeps the birds coming back at night. The quality of hunting has declined dramatically in recent years. The other problem, according to Mr. Horst, was that a certain number of hunters have resorted to night hunting. The enforcement agents do not know all of the routes through the bayous that hunters know. He then requested the Department institute a user fee for houseboat owners between Wax Delta and Atchafalaya Delta. Mr. Horst then noted the staff that works the Delta, particularly Cassidy Lejeune, have been remarkable. He encouraged the Commission follow the biologist's advice.

Mr. Bob Danka stated he was there to register his opposition to the 2 PM closure on Atchafalaya Delta. He added that four years ago there was a similar proposal, the Commission received public comments overwhelmingly opposed to the proposal and they rejected it. Mr. Danka agreed with the fact that this area was a special place and added that it was special due to the tidal influence on bird behavior. He felt the proposed change would ravage the success in waterfowl hunting he has had over the last 21 years. Mr. Danka's then talked about his hunt record over the last 9 years that was provided to the Commission. The graph showed that there was no decrease in his success over the last 9 years. Another statistic he emphasized was that over 90 percent of the mallards killed were drakes. Mr. Danka felt last year was his best year on the Delta with the harvest of 46 ducks, 40 of which were drake mallard. Another graph shown by Mr. Danka was a chart of the times of day he killed the ducks. If the 2 PM closure was implemented, 50 percent of his historical opportunities would be missed. Mr. Danka felt the area was tidally influenced and felt it important to maintain. If there was too much pressure, the birds would leave and the people would eventually leave, but Mr. Danka stated this was not happening. He felt he was a conservative hunter in the hopes of preserving the resource. Mr. Danka stated he would support lower limits, but could not support the 2 PM closure on the Delta.

Mr. James Smith stated he and his son has hunted Atchafalaya Delta for the past 15 years and found that the evening hunts were the time to go. The proposal to close hunting at 2 PM would be very detrimental and he concluded he opposed the change at this time.

To receive and consider Notice of Intent to Lift the Moratorium on Processing Pending Oyster Lease Applications and further providing with respect thereto was handled by Ms. Heather Finley. The Notice of Intent would allow only the processing of those applications that were pending at the time the moratorium was in place in 2002. The Commission took action on March 7, 2002 to place the moratorium in effect at the request of the Department of Natural Resources and Governor's Office. Since then, the State Supreme Court has ruled on the Avenal case and clarified the State's legal liability relative to coastal restoration projects and vacated the multi-million dollar settlement. The Legislature passed an Act during last year's regular session that allowed the Department of Natural Resources to buy out oyster leases. A letter from the Department of Natural Resources was received supporting the lifting of the moratorium. Also received was approval from the Governor's Office to proceed with the proposed action. Ms. Finley noted there were 437 pending applications at this time. Chairman King asked if the moratorium was instituted by the Governor and Ms. Finley stated it was instituted by the Commission. Commissioner Miller asked if the existing oyster leases have sufficient hold harmless and indemnity clauses to prohibit the State from being trapped again. Mr. Puckett stated they felt very confident based on the Avenal decision that the language was upheld by the Courts and was sufficient to protect the Department and State from liabilities from claims arising from coastal restoration. Hearing no further discussion, Commissioner Samanie made a motion to adopt the Notice of Intent, Commissioner Sagraera seconded the motion and it passed with no opposition.

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

RESOLUTION

LIFTING THE MORATORIUM ON PROCESSING PENDING OYSTER LEASE APPLICATIONS

March 1, 2007

WHEREAS, the Louisiana Wildlife and Fisheries Commission, pursuant to R.S. 56:6(10) is authorized to, for the comprehensive control of

shellfish, adopt rules and regulations not inconsistent with the provisions of R.S. 56 Part 1 and in accordance with the provisions of the Louisiana Administrative Procedure Act, and

WHEREAS, R.S. 56:422(A) provides that certain residents, firms and corporations may lease bedding grounds for the cultivation and propagation of oysters within any waters within the territorial jurisdiction of the state, upon terms and conditions and subject to the restrictions and regulations set forth therein, or under the authority which may be imposed by the Commission, and

WHEREAS, the Secretary of the Department of Wildlife and Fisheries pursuant to R.S. 56:425(A) may lease state-owned water bottoms and natural reefs in the water bottoms of this state for the purpose of oyster cultivation, and

WHEREAS, on March 7 2002, the Secretary of the Department of Natural Resources and the Governor's Office requested that the Commission place a moratorium on issuance of oyster leases and on the taking of oyster lease applications for state water bottoms not presently under lease to reduce the State's exposure to potential claims from oyster leaseholders and to support the state's coastal restoration program and the Federal/State partnership which is critical to the efforts of the State to obtain comprehensive coast-wide restoration authorization and funding, and

WHEREAS, the Commission, through an emergency rule passed on March 7, 2002 and extended effective July 5, 2002, October 3, 2002 and February 26, 2003, and a final rule which became effective March 20, 2003, established a moratorium on the issuance of oyster leases for any water bottoms not currently under lease; which moratorium included direction to the Secretary to immediately cease the processing of pending oyster leases, and

WHEREAS, Act 425 of the 2006 Regular Session of the Louisiana Legislature provided a method by which the Department of Natural Resources may acquire oyster leases in areas where

there may be a physical impact from a proposed coastal restoration project, and

WHEREAS, the Secretary of the Department of Natural Resources notified the Governor's Office on October 2, 2006 that implementation of Act 425 and accompanying regulations would negate the need for the current oyster lease moratorium from a coastal restoration perspective as regards applications which were pending as of March 7, 2002, and

WHEREAS, Acting Assistant Secretary Gerald Duszynski of the Department of Natural Resources wrote a letter to the Governor's Office on November 22, 2006 in support of lifting the current oyster lease moratorium, and

WHEREAS, the Department received approval for this action this morning from the Governor's Office,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby amend LAC 76:VII.505.A to allow oyster lease applications which were pending as of March 7, 2002, to be processed, according to the Notice of Intent which is attached to and made a part of this resolution.

BE IT FURTHER RESOLVED, the Secretary of the Department of Wildlife and Fisheries is hereby authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the Final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent, and Final Rule, and the preparation of reports and correspondence to other agencies of government.

Earl P. King, Jr., Chairman
Wildlife and Fisheries Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend LAC 76:VII.505, which provides for a moratorium on the issuance of oyster leases. Said Rule is attached and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

§505. Oyster Lease Moratorium

A. A moratorium on the issuance of oyster leases for waterbottoms not presently under lease is established. This includes a moratorium on the taking of oyster lease applications for waterbottoms not presently under lease. Applications pending at the time of the March 07, 2002 moratorium may be processed. This includes all ~~All~~ pending applications ~~that have been will be~~ held, along with all fees paid, ~~pending a resolution of the moratorium,~~ unless the applicant ~~requested requests~~ cancellation of the application and refund of fees. In the event of the death of an applicant, the applicant's heirs or legatees should so notify the department; and any lease ultimately issued shall only issue to persons placed in possession of the application by Judgment of Possession or to a court-appointed administrator or executor on behalf of a deceased applicant's estate.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:948 (November 1984), amended LR 29:374 (March 2003), LR .

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

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connect 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).

Interested persons may submit comments relative to the proposed Rule to Heather Warner-Finley, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to May 3, 2007.

Earl P. King, Jr.
Chairman

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

Next item was to receive **Public Comments** and none were heard.

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

Bryant O. Hammett, Jr.
Secretary

scf