

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

April 5, 2007

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

BATON ROUGE, LOUISIANA

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

Baton Rouge, Louisiana 70808
For more information, call (225) 765-2806

**AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
APRIL 5, 2007**

			Page
1.	Roll Call		1
2.	Approval of Minutes of March 1, 2007	1	
3.	Commission Special Announcements/Personal Privilege		1
4.	To receive and hear Enforcement & Aviation Reports/March		1
5.	To recognize 50 th Anniversary of the Southeastern Cooperative Wildlife Disease Study	2,5	
6.	To receive and consider Notice of Intent on Mourning Dove Hunting Zones and further providing with respect thereto	2	
7.	To receive and consider 2007-08 Hunting Season Information & Public Comments	4	
8.	To receive and consider Notice of Intent on White Lake Wetlands Conservation Area Management Plan and further providing with respect thereto	7	
9.	To receive and consider Declaration of Emergency on Red Snapper Recreational Season and Daily Take and Commercial Size Limit and further providing with respect thereto	11	
10.	Set August 2007 Meeting Date		19
11.	Receive Public Comments		19
12.	Adjournment		19

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 5, 2007

Chairman Earl King, Jr. presiding.

Frederic Miller
Patrick Morrow
Henry Mouton
Wayne Sagrera

Secretary Bryant Hammett was also present.

Commissioners Terry Denmon and Robert Samanie, III were absent from the meeting.

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

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

To receive and hear Enforcement & Aviation Reports/March began with Lt. Col. Keith LaCaze presenting an award to Sgt. Chris Carpenter from Region 6. Sgt. Carpenter was selected as the Enforcement Officer of the Year for the State from nominations from each Region and Section within the Division. The Shikar Safari Club annually participates with the Enforcement Division in the program. The Club presents to the Agent of the Year their Shikar Safari award in recognition of his service. Sgt. Carpenter has been with the Department for 6 years, currently resides in Lafayette with his wife and was assigned to the Lafayette Parish. Lt. Col. LaCaze asked Col. Winton Vidrine to present the award to Sgt. Carpenter. Chairman King thanked Sgt. Carpenter for his hard work and dedication on behalf of the Commission.

Moving on to the report, Lt. Col. LaCaze stated main activities were centered around the statewide turkey season opening and fishing activities. A total of 1,594 citations were issued along with 358 written warnings and agents helped with 63 instances of public assists. Also included was a breakdown on the turkey cases which consisted of 23 hunting turkey over bait, 1 attempting to take over the limit of turkey, 1 hunting with illegal methods and 3 hunting without the required turkey hunting license. The Aviation Report showed the two planes flew a total of 37.3 hours for the month with the third plane down for

maintenance. Boating accidents totaled 15 for March which reflected the increase of boating activities. Year to date total was 19. From the accidents this month, 4 injuries and 5 fatalities occurred. News Releases discussed were on rescuing two fishermen on Toledo Bend, Region 7 turkey baiting cases, red snapper fishery violations and a Region 5 agent investigating night hunting when the alleged violator shot a shotgun at the officer's truck and he was arrested and charged with aggravated assault with a firearm.

To recognize 50th Anniversary of the Southeastern Cooperative Wildlife Disease Study was handled by Mr. Dave Moreland. Mr. Moreland stated the individual he wanted to recognize was not at the meeting but would get his name on record. The Southeastern Cooperative Wildlife Disease Study (SCWDS) was a cooperative unit established in 1957 to investigate deer diseases. Each state in the southeast contributed to this organization which is housed at the University of Georgia with the Wildlife Veterinary School. As the Unit evolved, the name was changed to focus on all wildlife diseases and issues. Mr. Moreland felt this Unit was the envy of a lot of the United States' wildlife units due to their expertise. One individual with the Department that was instrumental in getting the organization established in 1957 was Mr. Joe Herring. Mr. Herring came to the Department as a biologist and worked his way to serve as Assistant Secretary and Secretary. He served on the Steering Committee for the organization and also was involved with the deer management program. Mr. Moreland expressed appreciation for Mr. Herring's hard work and support given to the Department. He then referred to an article in the Louisiana Conservationist on the 50th anniversary of the SCWDS group. Chairman King asked Mr. Moreland to recognize Mr. Herring when he does come in the meeting.

To receive and consider Notice of Intent on Mourning Dove Hunting Zones and further providing with respect thereto began with Mr. Mike Olinde reading the boundary description. In 1973, the U.S. Fish and Wildlife Service allowed states to begin zoning north-south. Louisiana used that option for three years by using U.S. Highway 190. In 1976, the boundary was changed to Interstates 10 and 12. This boundary did not resolve the real issue since the Service had a restriction that south zone hunters could not hunt before September 20. In 1986, the Department stopped using that line. Mr. Olinde noted that the U.S. Fish and Wildlife Service has done away with the September 20 earliest opening date for south zone which gives more flexibility in accommodating hunters. A sub-committee of the Dove Focus Group drew up the described boundary, then did a random survey and found that over 80 percent of hunters supported zoning in the south. Mr. Olinde asked the Commission to accept the Notice of Intent and use the line developed by the sub-committee. He then pointed out that next month, staff would present a Declaration of Emergency to set all of the dove regulations including zoning, dates and bag limits. Commissioner Morrow asked if the Department had formulated any proposed north-south dates yet. Mr. Olinde stated he reported at the December Commission Meeting the south zone dates and this received favorable support from a survey. He added he has tentative dates for the northern zone, but these were not discussed with his Supervisors. Mr. Olinde hoped to get the dates and rationale to the Commission within the next week. Commissioner Morrow asked if there would be time following the presentation of the

Declaration of Emergency for public comments. Mr. Olinde stated that migratory bird seasons were always handled with a Declaration of Emergency. Commissioner Morrow felt there was a need for public input with discussions of a 3 day opening weekend and a 9 day split. He hoped the Department would put the information on the website so the public could comment. Mr. Olinde stated the proposed dates for the south zone were posted on the website already. In terms of the timing and process, Mr. Olinde added that the Department needed to let the U.S. Fish and Wildlife Service know immediately after taking action at the May meeting on the zones. Commissioner Morrow stated he understood the deadline for zones, but felt the public should be given the opportunity to voice their concerns on the dates. He again asked that the Department post on the website as soon as possible the regulations that would be presented to the Commission. Mr. Moreland stated they could go ahead with his request to post the Department's recommendations on the website. Commissioner Miller felt Commissioner Morrow was correct from a practical standpoint. The issue of dates and zones was much hotter in the southern portion of the state than it was in the north. Commissioner Miller stated he would talk with Commissioner Denmon and provide Mr. Olinde with their dates. Hearing no further comments, Commissioner Miller made a motion to adopt the Notice of Intent as presented. Commissioner Mouton 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 Department of Wildlife and Fisheries and Wildlife and Fisheries Commission do hereby advertise their intent to establish mourning dove hunting zones.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§323. Mourning Dove Hunting Zones

The state shall be divided into North and South Mourning Dove Hunting Zones by the following boundary: Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate

12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by 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 Mr. David Moreland, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than Wednesday, June 6, 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

Mr. Dave Moreland began the next agenda item, **To receive and consider 2007-08 Hunting Season Information & Public Comments**, stating the Commission should have received a synopsis of the public comments received. He added that during this week he received a flurry of comments supporting the 2 PM closure on Atchafalaya Delta WMA. Mr. Moreland felt the low turn out at the public meetings was interesting compared to the 2006 meetings. He thought maybe the hunters were satisfied with the season dates and regulations. Also in the Commissioner's packets was information on requiring non-toxic shot for snipe, rails and gallinules on the WMAs. This would be proposed statewide when the waterfowl season package was presented. During the March Commission Meeting, there was concern on the hunting of coyotes and whether hunters could legally take them or not. Now, Mr. Moreland stated they wanted to present an amendment that would clarify the hunting of unregulated quadrupeds. The statement would now read as: "Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer." Commissioner Miller stated this clarifying language satisfied his questions concerning the shooting of coyotes. He then made a motion to adopt the amendment. Commissioner Morrow seconded the motion. The motion passed without opposition.

The next amendment presented by Mr. Moreland would clarify the ATV regulations for the spring squirrel season. The regulations now would permit the use of ATVs, but did not

specify their use during the spring squirrel season. The language would read as follows: "ATVs are prohibited from March 1 until August 31 except ATV trails are open on areas with a spring squirrel season and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs." Hearing no questions, Commissioner Sagrera made a motion to adopt the proposed language, seconded by Commissioner Morrow and passed with no opposition.

Commissioner Miller stated there has been discussion on a request from the Department of Agriculture and operators of high fenced deer operations to expand the season to allow hunters to shoot deer with guns when the season opened. He then made a motion to expand the farm-raised white tailed deer season to allow either-sex farm-raised white tailed deer to be harvested with guns, archery and muzzleloaders when their season opens. Chairman King added that the season dates would be October 1 through January 31. Mr. Moreland stated the Department received similar requests and discussed it with staff and Enforcement. He noted that the Department of Agriculture regulated these preserves and there would be no issue on whether the deer harvested was pen raised or wild. The concept of allowing the use of guns beginning October 1 was good since it would help keep the pens in balance with the habitat. Commissioner Mouton made a motion to approve the amendment. Commissioner Sagrera seconded the motion and it was unanimously approved.

Before moving to public comments on the hunting seasons, Mr. Moreland stated that Mr. Joe Herring was at the meeting. He then asked Mr. Herring to come forward. Mr. Moreland noted he already laid a lot of accolades on Mr. Herring in talking about the Southeastern Cooperative Wildlife Disease Study and how he was a key player in getting it established and serving as Chairman of the Steering Committee. He then asked Mr. Herring if he would like to make any comments. Mr. Herring first apologized for being late to the meeting. He then discussed how SCWDS was formed. In the 1920's, 30's and 40's, agriculture was number 1. In the early 1950's, agriculture blamed the culprit for a lot of diseases on wildlife. Those in the wildlife circle felt this was not so, thus came the establishment of the Southeastern Cooperative Wildlife Disease Study of which Mr. Herring stated the Department was a member. The Southeast began with 12 states and has become so good that four other states joined for a total of 16. The University of Georgia had the best deal for a wildlife disease study by not charging any overhead. This contract is still in existence today so 100 percent goes to wildlife research. The disease study helped Louisiana in the floods of 1973, floods of 1975, and the deer die-offs that occurred in Madison Parish back in the 1950's. Mr. Herring then congratulated the Commission, Department and the Foundation for contributing to the research on chronic wasting disease. He felt the group brought notoriety to Louisiana and the other states that were members as well as to the University of Georgia. Mr. Herring thanked the Commission for allowing him to come here and appreciated the award. Mr. Moreland then read the plaque that was presented to Mr. Herring as well as presenting an autographed copy of a book, "Bows on the Little Delta" by Mr. Glenn St. Charles. Chairman King congratulated Mr. Herring for his

long history of service to the wildlife and fisheries resources, the Department and the people of Louisiana.

Next, Chairman King went back to accepting public comments on the hunting seasons and regulations.

Mr. Bob Danka stated he had four comments on the Atchafalaya Delta 2 PM closure proposal. The first was that Mr. Moreland stated he received comments favoring the proposal. But from his experience at the Commission Meetings, public hearings and the Department, Mr. Danka stated public comments have ranged from 1 in support of the proposal to 48 opposing the proposal. The next comment centered around a presentation that could be made by the Fur & Refuge Division on this issue. Mr. Danka asked the Commission to look at the last graphs which were on hunter success over the last 6 years. He felt there was no decline in hunter success in those graphs. The third comment was that there was no evidence in the presentation that the proposal would help hunters. Lastly, Mr. Danka felt there were other alternatives which were much more logical, such as eliminating some of the shallow draft motors on the WMA. He noted Atchafalaya Delta WMA was the crown jewel for waterfowl hunting in the State and would rather see hunters walk or paddle into the marshes instead of running motors.

Mr. William Walker stated he attended the public meeting in Bossier City where he lives and felt the 2 PM closure was so important he needed to again express his opinion on the matter. He noted that he was a duck hunter, has hunted all 4 flyways and beyond and felt the Atchafalaya Delta WMA was the finest place he ever experienced. Mr. Walker stated he and his hunting partner do not shoot hens, teal or shovelers, they were mainly after mallard drakes. The Department's restriction on airboats was wonderful and he agreed with Mr. Danka that the shallow draft boats harassed the ducks. He appreciated the pilings maintained on the Delta for houseboats, the camping areas and the regulation that does not allow permanent blinds. Mr. Walker felt that by restricting the hunting with the 2 PM closure and then adding in Mother Nature, you are left with the opportunity to hunt 30 to 40 percent of the day. He concluded stating it was the wrong thing to do.

Before moving to the next item, Mr. Don Puckett reminded the Commission and the public that this was the last meeting amendments could be adopted. The May Meeting would be simply voting up or down the amendments that were previously adopted and to finally approve the Notice of Intent on the hunting seasons. Chairman King appreciated the update and felt they were all aware of it.

To receive and consider Notice of Intent on White Lake Wetlands Conservation Area Management Plan and further providing with respect thereto was presented by Mr. Phil Bowman. This action included a schedule of costs for consumptive and non-consumptive activities associated with the area. The consumptive costs were the same as those utilized for the past 3 or 4 years since the property was transferred to the State. On the non-consumptive costs, staff talked with a number of people that run operations such as this and they felt the costs created a break-even type situation. The costs have been reviewed

and were supported by the White Lake Board and staff. As a point of information, Mr. Bowman stated an amendment may come forth from the next Board Meeting as it related to various exemptions by groups or universities working in cooperation with the Department or doing activities beneficial to the area and/or Department. He then asked the Commission to adopt the Notice of Intent even though an amendment may be brought forward on the use of the facilities. Chairman King asked if the Board referred to was the White Lake Advisory Board and Mr. Bowman answered yes. Commissioner Morrow asked if all of the group hunts were filled last season. Mr. Bowman stated yes and added that they have all been filled since the State has been operating the property. Commissioner Mouton asked if there were any other properties, areas, WMAs that the Department allows the use of facilities. Mr. Bowman stated there are people that use Rockefeller from time to time and they incur a break-even charge. Commissioner Mouton felt that the costs for over-night stay were really cheap. Again Mr. Bowman explained that they discussed these costs with the White Lake Manager and members of the Board that have used places similar to this area and they feel the costs were very comparable. He agreed with Commissioner Mouton and felt it was cheaper than going to a hotel. Commissioner Mouton suggested adding a statement that the facility could not be used for political fund raisers and asked Mr. Bowman to mention that to the Board. Commissioner Morrow asked if after the rule was codified and the costs needed adjusting, would the Department need to go back to the Legislature to amend it. Mr. Bowman stated it would be in the Commission's purview to amend the costs. Commissioner Miller asked if sufficient Risk Management provisions of indemnity was in place on the use of the facility. Mr. Don Puckett commented that all of the Department's facilities were covered under Risk Management. Commissioner Miller then asked why not make private groups bring their own insurance to cover their activities. Mr. Puckett felt that was something that could be required from the private groups. Commissioner Miller then suggested the Board consider that quite thoroughly. Mr. Bowman stated he would bring that request to the Board's attention. He then asked Commissioner Miller if he was talking only about commercial type groups or was it to include groups of researchers from a university that may hold a meeting that would benefit the Department or White Lake. Commissioner Miller stated he was referring only to commercial type, private activities. Commissioner Morrow agreed that big corporations should provide their own insurance coverage and not have the State take on the extra liability. Chairman King asked Mr. Bowman to put this as an agenda item on the White Lake Board's next meeting. Mr. Bowman again asked the Commission to approve the Notice of Intent. Commissioner Sagrera asked what did 40% of public bid mean on the wild alligators. Mr. Bowman explained the bid process used on Marsh Island and Salvador since these areas were used to sell hides from the property. Commissioner Sagrera asked if it would be different since the trappers in the past were able to sell to whomever they wanted to, but now it would be up for public bid? Mr. Bowman answered yes. Commissioner Sagrera asked if the plan was to use the same hunters on White Lake and put the hides up for bid? Mr. Bowman again answered yes. Hearing no further questions, Commissioner Morrow made a motion to accept the Notice of Intent. Commissioner Sagrera seconded the motion. Chairman King then asked for public comment.

Mr. Joe Macaluso, The Advocate, stated he had a real problem with paragraph 2.e. on exemptions and felt it opened the door for a lot of abuse. He suggested the Board should strike that language from the Notice of Intent. Mr. Bowman stated that was the actual section that may be amended.

Hearing no further public discussion, 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

The Wildlife and Fisheries Commission does hereby give notice of its intent to revise the White Lake Wetlands Conservation Area management plan in accordance with the following rule.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

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

§335. White Lake Wetlands Conservation Area

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

<u>ACTIVITIES</u>	<u>SEASON</u>	<u>COST</u>
Alligators Wild Alligator Harvest Alligator Egg Collection	LDWF Season June & July	40% of public bid Public bid
Waterfowl Teal Lottery Hunts Youth/Physically Challenged	LDWF Season First Weekend	\$100 per gun No cost
Hunts Marsh Lottery Hunts	LDWF Season	\$150 per gun

Rice Lottery Hunts Group Hunts	LDWF Season LDWF Season	\$150 per gun \$25,000 per group
Fishing	March 15-August 15	\$40 per permit

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

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

1. Daily Use

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

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

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

d. Exemptions from daily cost - State agencies, local and Federal agencies and universities conducting research in cooperation with the department. Costs for beverages or lunch apply (\$10/person for drinks, \$20/person for drinks and lunch).

2. Overnight Use

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

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

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

d. Exemptions from daily cost – State agencies, local and Federal agencies and universities conducting research in cooperation with the department. Costs for beverages or lunch apply (\$10/person for drinks, \$20/person/meal).

e. Exemptions from costs for meals apply to all invited to department sponsored events.

3. Skeet Range
 - a. \$10/person/25 clay pigeons.
 - b. \$15/person/25 clay pigeons, 25 shotgun shells provided.
 - c. Exemptions – Any persons using the skeet range at department sponsored events.

4. Boat Tours
 - a. \$10/person/ride. Limited to authorized function attendees.
 - b. Exemptions – Any State, local or Federal agency in cooperation with the department on mutual projects. Any university in cooperation with the department on research projects.

5. Use of facilities is subject to availability as well as staff availability and other scheduled events on the area.

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

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

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

Interested persons may submit written comments on the proposed Rule to L. Brandt Savoie, Deputy Assistant Secretary, Office of Wildlife, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than .

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

Mr. Harry Blanchet handled the next item, **To receive and consider Declaration of Emergency on Red Snapper Recreational Season and Daily Take and Commercial Size Limit and further providing with respect thereto.** He began stating that normally this action was brought at the beginning of the year, but the staff did not have any idea where the Federal Government was going with recreational or commercial red snapper then. For the past several years, the recreational red snapper season opened on April 21 and closed on October 31. This was due to a larger allowable catch and recreational quota than what was being proposed for the current year. A lower quota for this year has required adjustments to the harvest from both the recreational and commercial sectors as well as adjustments to reduce the by-catch mortality. With the newly revised Magnuson Act, overfishing has to be ended by 2009-2010 and then the stock has to be rebuilt. The target for red snapper was to have the SPR rebuilt to 26 percent by the year 2032. The National Marine Fisheries Service published an interim rule that set the total allowable catch at 6.5 million pounds which included a recreational quota of 3.18 million pounds. In order to accomplish this, they reduced the creel limit in federal waters to 2 fish and reduced the captain and crew creel to zero which will allow the current recreational season to remain. For the commercial segment, the Service reduced the minimum size since the release mortality was much higher than for the recreational fishermen. The individual fishing quota was established at the beginning of the year and the remaining quota would be allocated to the commercial side. Also established was a target reduction for shrimp trawl by-catch mortality that would be accomplished in federal waters. The federal emergency rule published would only be in effect until the end of September, then it could be extended for another 186 days. The Gulf Council and National Marine Fisheries Service will hold meetings during the early summer to look at the reef fish amendment and shrimp amendment to look at what they wanted to do for the long term. In the resolution, the effective date for the commercial red snapper minimum size limit would be April 2 in federal waters and it would become effective immediately in state waters. The recreational red snapper bag limits become effective May 2 in federal waters and Mr. Blanchet asked the Commission that they become effective concurrently in state waters. Commissioner Morrow asked for further explanation on the different effective dates. Mr. Blanchet explained that effective upon passage was the reduction in the size limit to 13 inches for the commercial fishermen. Reduction for the recreational creel limit would become effective on May 2. Commissioner Morrow asked what would be the recreational size limit. Mr. Blanchet stated it would remain at 16 inches. Commissioner Sagrera asked for the rationale behind cutting the size commercially but not recreationally. Mr. Blanchet stated there were a lot of evaluations that go into setting recommendations and some of the information depended on where the fishing occurs. Recreational fishermen generally harvest red snapper from shallower waters than commercial fishermen which results in lower released mortality rates. In the eastern Gulf of Mexico, recreational fisheries estimated release mortality was about 15 percent and in the western Gulf, that mortality was around 40 percent. For the commercial fisheries, the mortality was on the order of 60 to 80 percent for released fish. Commissioner Sagrera did not understand why the federal government would not want to change the size and not loose that 40 percent mortality. Mr. Blanchet added that if the smaller size limit was used, then the season time line would be shorter. Commissioner Sagrera than commented a fisherman will kill a few more just to

fish a little longer. Commissioner Morrow asked if the state regulates size limits within state territorial waters and Mr. Blanchet answered yes. Then he asked if the Commission allowed recreational fishermen to keep any size, would it reduce the population for the long run because of reproduction. Mr. Blanchet stated the regulations were trying to restrain recreational harvest indirectly through size limits and bag limits instead of having something like a hard total allowable catch. If there was more allowable catch in recreational waters due to adjustments in size limits, then there has to be an adjustment somewhere else such as in season length or bag limits. Commissioner Morrow felt it would be an enforcement nightmare if the state had a different size limit than in federal waters. Mr. Blanchet agreed.

Commissioner Miller asked if this regulation did not become effective until May, what would be the recreational regulations for red snapper caught between April 21 and May 2. Mr. Blanchet stated there would be a 4 fish limit and that also included a captain and his crew on a charterboat. Commissioner Miller then asked how long has the Federal Government been trying to rebuild the red snapper population. Mr. Blanchet noted the first estimate was done in 1989 and the first regulations went into effect in February 1990 and that was to try to reach a 20 percent spawning stock biomass by the year 2000 which was not achieved. Next Commissioner Miller mentioned there was a rule that established a 9 million pound hard TAC for the commercial and recreational fishery with a 4 fish and a minimum of 16 inches with season dates similar to that now. He asked what was this regulation to achieve and Mr. Blanchet answered it was to have a 20 percent SPR by the year 2019 but the current projections show this will not occur. Commissioner Miller wanted to know if these regulations were being driven by the new Magnuson-Stevens Act and Mr. Blanchet replied it was from that and the most recent stock assessment. Commissioner Miller commented that when the regulations included a 9 million pound TAC, the by-catch reduction device was introduced in the shrimp industry. He asked what was to be the percent reduction in juvenile red snapper by-catch. Mr. Blanchet stated it was to be a 44 percent reduction. Then Commissioner Miller asked how much did it achieve. Mr. Blanchet felt it was under 20 percent, but Commissioner Miller noted it was only around 12 percent based on court testimony. He then wanted to know if that regulation failed and Mr. Blanchet answered yes.

Commissioner Miller then referred to the 2007 rule and asked how much was the established target reduction for shrimp trawl by-catch mortality. Mr. Blanchet read it was to establish a target red snapper by-catch mortality reduction goal of 50 percent reduction over the 2001-2003 average. Commissioner Miller asked how would that be accomplished.

Mr. Blanchet stated he did not know how the Feds would do that. The long term goals would be addressed in a Joint Reef Fish - Shrimp Amendment and Mr. Blanchet refused to guess what the specifics may be. Commissioner Miller continued wondering what would be the effect if the Commission refused to adopt the rule. He was told that the practical effect would be additional enforcement challenges in enforcing regulations in federal waters. Most of the red snapper commercial and recreational harvest landed in Louisiana comes from federal waters. Commissioner Miller read from a News Release that there was a Cooperative Enforcement Agreement between the Department and the National Oceanic and Atmospheric Administration (NOAA) for Law Enforcement. He asked Major Jeff Mayne what would be the effect if the Commission refused to enact the Declaration of Emergency.

Major Mayne stated if there were inconsistent regulations in state and federal waters, voluntary compliance would be reduced. Further, it could create confusion among the

public and from state to state which could cause more citations to be written. Major Mayne felt there was not adequate compliance with the by-catch reduction devices on the shrimp trawls and one reason for this was the agents are, by statute, prevented from enforcing regulations on the by-catch reduction device. Confused, Commissioner Miller stated that the Department gets money to enforce fishery resource regulations for federal violations and asked if the state statute that prohibits the enforcing of by-catch devices was for state waters, federal waters or totally. Major Mayne stated there were 2 statutes, one prohibits agents from enforcing TED's and the other was the prohibition on enforcing the by-catch reduction devices. Commissioner Miller asked if Major Mayne's interpretation was for federal waters also and he was told yes. Commissioner Miller asked if the contract with NOAA required the Department enforce those regulations. Major Mayne stated this was not part of the cooperative agreement, and NOAA understood that Louisiana has those restrictions in state law. Commissioner Miller asked if the shrimp fishery in the EEZ adhering to the by-catch reduction devices had a free hand on whether to comply or not comply. Major Mayne stated there was limited enforcement with the Coast Guard. Commissioner Miller felt the prohibition was directed toward Louisiana citizens. Major Mayne was not sure of the target or rationale behind the action of the statute, but added it limited their abilities to achieve a greater level of compliance. Commissioner Morrow asked about the statute and wondered if it said that agents could not enforce in federal waters. Major Mayne stated the statute was that an enforcement agent shall not enforce any regulation that dealt with by-catch reduction devices. Commissioner Mouton stated the bill was proposed by Senator Mike Robichaux and he pushed it and got it signed into law. Commissioner Morrow felt the commercial and recreational fishermen were suffering because of that law. He added that the Department should tell the Legislature that they should amend the statute to allow agents to enforce the law. Chairman King asked Secretary Hammett to check into Commissioner Morrow's request. Secretary Hammett asked if that was a motion by the Commission. Commissioner Morrow made the request into a motion, it was seconded by Commissioner Mouton and approved with no opposition. Hearing no further comments, Commissioner Miller made a motion to adopt the Declaration of Emergency. Commissioner Sagraera seconded the motion and it passed unanimously.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

Resolution

2007 Recreational Red Snapper Season and Daily Take and
Commercial Size Limit
April 5, 2007

WHEREAS, the red snapper 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 Marine Fisheries Service

(NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, NMFS closed the recreational fishing season for red snapper effective midnight October 31, 2006 until April 21, 2007 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and

WHEREAS, NMFS has put into place interim measures for a regulatory amendment under the framework procedure of the reef fish fishery management plan that establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and

WHEREAS, NMFS has set the 2007 recreational quota for red snapper in the Gulf of Mexico at 3.185 million pounds, compared to the 4.47 million pounds in recent years, and

WHEREAS, the recreational fishing season for red snapper will open in Federal waters at 12:01 a.m., April 21, 2007, with a daily take and possession limit of four fish per angler including the licensed captain and crew of a permitted vessel under charter, and

WHEREAS, at 12:01 a.m., May 2, 2007, the recreational daily take and possession limit for red snapper in Federal waters will be reduced to two fish per angler, with a daily take and possession limit of zero for the captain and crew of vessels under charter, and

WHEREAS, the NMFS has indicated part of the rationale for its reduction in daily take and possession limits in the interim rule is to allow the recreational season to continue until October 31, and

WHEREAS, as part of the Federal interim rule, NMFS has established that at 12:01 a.m., April 2, 2007, the commercial size limit for red snapper in Federal waters has been reduced from 15 inches total length to 13 inches total length, and

WHEREAS, the Wildlife and Fisheries Commission has enacted a closure on recreationally harvested red snapper in Louisiana state waters consistent with the EEZ closure which is preferable as it assists in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2007 recreational red snapper season, and for the proposed change to the commercial red snapper size limit, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and size limits, and all rules and regulations pursuant thereto, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons and daily take limits based upon biological and technical data for saltwater finfish,

THEREFORE BE IT RESOLVED that the Wildlife and Fisheries Commission hereby establishes the 2007 season and daily take and possession limits for the recreational harvest of red snapper in Louisiana state waters, and modifies the commercial size limit for the 2007 commercial red snapper season, and

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season if he is informed by the Regional Administrator of NMFS that the recreational red snapper season is closed or projected to be closed in adjacent Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also hereby authorizes the Secretary to modify the recreational daily take and possession limits, opening and closing dates, and commercial size limits in State waters if he is notified that these provisions in Federal waters are modified from those specified in this Declaration of Emergency, and to open an additional recreational red snapper season in Louisiana state waters if he is informed that NMFS has opened an additional recreational season, and to close such season when he is informed that the recreational season is closed or projected to be closed in adjacent Federal waters and

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that 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 Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the

2007 recreational red snapper season, daily take and possession limits and commercial size limits in Louisiana state waters is attached to and made part of this resolution.

Earl P. King, Jr., Chairman

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2007 Red Snapper: Recreational Season and Daily Take and Commercial Size Limit

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective midnight October 31, 2006 until 12:01 a.m., April 21, 2007 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 2007 red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, size limits, and all rules and regulations pursuant thereto, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons and daily take limits based upon biological and technical data for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for harvest of red snapper in Louisiana state waters:

The season for the recreational harvest of red snapper in Louisiana state waters will remain closed until 12:01 a.m., April 21, 2007 by reducing the bag limit to zero for that time period. The season will open at 12:01 a.m., April 21, 2007. The daily take and possession limit shall be 4 red snapper per person until 12:01 a.m., May 2, 2007. At that time, the daily take and possession limit shall be reduced to 2 red snapper per person. Also effective at

12:01 a.m., May 2, 2007, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. Their bag limit is reduced to zero.

The season for the recreational harvest of red snapper in Louisiana state waters shall close at midnight October 31, 2007; provided however that the secretary is hereby authorized to close the season earlier than that time if the season is closed or projected to be closed in adjacent Federal waters.

Effective immediately, the minimum size for red snapper harvested commercially is reduced to 13 inches total length.

All applicable rules regarding red snapper harvest including size, daily take and possession limits established by the Commission shall be in effect during the season hereby established.

During the effective period of this Declaration of Emergency, the recreational daily take and possession limit and commercial size limit set out in LAC 76:VII.335 are hereby superceded.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close the recreational red snapper season when he is informed by the Regional Administrator of NMFS that the recreational red snapper season is closed or projected to be closed in adjacent Federal waters.

The Commission also hereby authorizes the Secretary to modify the opening and closing dates in State waters if he is notified that the opening and closing of Federal waters are other than those specified in this Declaration of Emergency, and to open an additional recreational red snapper season in Louisiana state waters if he is informed that NMFS has opened an additional recreational season, and to close such season when he is informed that the recreational season is closed or projected to be closed in adjacent Federal waters.

Effective with any recreational take or possession limit under this emergency rule, no person shall recreationally harvest or possess red snapper whether taken from within or without Louisiana territorial waters in excess of such established trip or possession limit.

Effective with any recreational red snapper season closure, no person except those who possess a commercial reef fish permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish, and who are legally taking red snapper under federal rules regarding Individual Fishing Quotas for red snapper, shall possess any red snapper whether taken from within or without Louisiana territorial waters.

Earl P. King, Jr.
Chairman

The Commissioners agreed to hold the **August 2007 Meeting** on Thursday, August 2, 2007, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Randy Lanctot stated there was high interest among waterfowl hunters concerning afternoon closures on both public and private lands. He then suggested the Department should do research to determine the outcome of having a 2 PM closure to see if it improves the duck hunting, if hunters were satisfied or if it affected duck movement. Mr. Lanctot was told there was no plan for following up on this proposal and felt it would be irresponsible not to do some research.

Mr. Joe Macaluso, The Advocate, asked Mr. Mike Olinde to explain why there was a 120 day public notice, but yet he was coming back at the May Commission Meeting with a Declaration of Emergency on the dove zones. Generally, the migratory bird dates were announced at the July Meeting. Mr. Olinde stated that when the change on zoning was made, it would be effective until 2011. He added that a Declaration of Emergency could be adopted each year to reapprove the zone line with the seasons. The Notice of Intent would take effect before the dove season began and would not give the public the impression the zone line could be changed each year.

Mr. Larry Robichaux wondered if Commissioner Miller asked a question on the Atchafalaya Spillway. Commissioner Miller stated the question was on the Atchafalaya Delta WMA.

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

Bryant O. Hammett, Jr.
Secretary

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