

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

February 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
FEBRUARY 1, 2007**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, February 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 **January 4, 2007 Commission Minutes**. A motion for approval was made by Commissioner Mouton and seconded by Commissioner Miller. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Miller stated he read with considerable interest an article by Mr. Joe Macaluso on Secretary Hammett's plan to address a stable funding mechanism for the Department. He added that he lauded the Secretary for the effort and assured the Secretary of his total support in getting this done.

Chairman King announced that the item, **To receive and consider Resolution and Notice of Intent to Lift the Moratorium on Processing Pending Oyster Lease Applications and further providing with respect thereto** would be deferred until the March Commission Meeting.

To receive and hear presentation of Employee Awards and Recognition

began with Ms. Marianne Burke stating that the program was designed to improve moral, efficiency, productivity and allow the employees to know that they are appreciated. These award winners were nominated by their co-workers. Customer Service Award recipients were Ms. Tina Faul from Office of the Secretary, Mr. Mike Genusa from Office of Wildlife and Ms. Linda Allen from Office of Management and Finance. Employee of the Year Awards for the Professional Category were Ms. Janis Landry from Office of Management and Finance, Sgt. Chris Carpenter from the Office of Secretary, Mr. Guthrie Perry from the

Office of Wildlife and Mr. Martin Bourgeois from the Office of Fisheries. Recipients of the Employee of the Year Awards in the Support role were Ms. Ruth Rigg from Office of Management and Finance, Ms. Rashetta Williams from the Office of Secretary, Ms. Karen McCall from the Office of Wildlife and Ms. Sue Landrum from the Office of Fisheries. The last category under Employee of the Year was Technical and Maintenance and those recipients were Mr. Kim Bourriague from the Office of Wildlife and Ms. Marsha Strong from the Office of Fisheries. The next category was for Special Achievement by a Team and it recognized outstanding job performance in a team with the efforts resulting in an outstanding contribution to the Department. The first team to be recognized was the Licensing Analyst and Specialists from the Office of Management and Finance and they were Ms. Christy Armand, Ms. Sheila Blache, Ms. Secunda Byrd, Ms. Annette Daigle, Ms. Sheila Johnson, Ms. Sally LeJeune, Ms. Frances Mayo, Ms. Celeste Mays, Ms. Halane Ricketts, Ms. Marian Thigpen, Ms. Julia Bruetting, Ms. Deborah Sander and Ms. Janell Sutton. Office of Wildlife Region 7 Wildlife Team was another recipient of the Special Achievement by a Team and those employees were Mr. Mark Bible, Mr. Jerome Borne, Mr. Bradley Breland, Mr. Thomas Bruhl, Mr. Billy Burchfield, Mr. Cody Cedotal, Mr. Jason Childres, Mr. James Davis, Mr. Marc Dupuy, Mr. Frederick Hagaman, Mr. Keith Hemsteter, Mr. Wayne Higginbotham, Mr. Bruce Knight, Mr. Donald Locascio, Mr. Randell Myers, Mr. Michael Perot, Mr. Kenneth Ribbeck, Mr. Norman Stafford, Mr. Edward Trahan, Mr. Thomas Tuma, Mr. Calvin Waskom and Mr. Christian Winslow. Recipients of the Special Achievement by a Team for the Office of Fisheries were the "Comeback Team" of Mr. Jason Adriance, Ms. Danica Bailey, Mr. Richard Bejarano, Mr. Arthur Bernard, Mr. Kenneth Berteau, Mr. Gerald Bordelon, Mr. Dayne Boudreaux, Mr. Carl Britt, Mr. Jack Cahill, Mr. Timothy Connolly, Mr. Raymond Curtis, Ms. Suzanne Delaune, Mr. Anthony Dunbar, Ms. Aimee Eschete, Ms. Aimee Fortier, Mr. Neil Gauthier, Mr. Roy Giardina, Mr. Gregory Godchaux, Mr. Gregg Goodspeed, Mr. Daniel Graff, Mr. Brett Hano, Mr. William Hano, Mr. Brian Hardcastle, Ms. Cara Hoar, Mr. Keith Ibos, Mr. Raymond Impastato, Mr. Howard Jones, Mr. Gregory Laiche, Mr. Brian Lezina, Mr. Clarence Luquet, Mr. Vaughan McDonald, Ms. Turkessa McGee, Mr. Clarence Meyers, Mr. Matthew Montz, Mr. Anietie Obot, Mr. Randall Pausina, Mr. Brian Perkins, Mr. Alton Primes, Mr. Wade Rodriguez, Mr. Thomas Rowley, Ms. Betty Trahan, Ms. Laura Triche, Ms. Mandy Tumlin, Mr. Mark Webb, Mr. Matthew Weigel, Mr. Preston Wier, Mr. Christian Winslow, Ms. Yolanda Wright, Ms. Cynthia Yoes and Mr. Brian Yuhasz. The next team recognized for a Special Achievement award went to all of the agents within the Enforcement Division. The last Special Achievement by a Team award was multi-divisional for the Becoming an Outdoors Woman program and those employees were Mr. William Breed, Mr. Todd Buffington, Mr. Mike Burns, Ms. Angela Capello, Ms. Theresa Cross, Mr. Travis Dufour, Ms. Cheryl Fischer, Mr. Kenny Hebert, Mr. Jarrod Hughes, Mr. Daniel Hurdle, Mr. Wayne Huston, Mr. Jonathan LeBlanc, Mr. David Moreland, Ms. Dana Norsworthy, Mr. Mark Roy, Mr. Mitch Samaha and Mr. John Sturgis from the Wildlife Division; Mr. Evan Thames from Marine Fisheries and Mr. Ricky Yeldell from Inland Fisheries. The last award was the Secretary's Award which recognizes excellence and outstanding accomplishments for an employee's role in the Department. The recipients were Dr. Ruth Elsey from the Fur & Refuge Division and Col. Winton Vidrine from the Enforcement Division. Col. Vidrine stated that the Enforcement Division received a lot of recognition for their efforts in search and rescue following the

hurricane, and the support they received from all employees was tremendous. He then thanked everyone for their support. Chairman King, on behalf of the Commission, congratulated all of the employees that received recognition and awards. Commissioner Sagrera also congratulated all of the employees and then read 2 letters from the Louisiana Alligator Farmers and Ranchers Association addressed to Ms. Karen McCall and Dr. Ruth Elsey.

To receive and hear Enforcement & Aviation Reports/January began with Lt. Col. Keith LaCaze stating the main focus for this month was waterfowl and illegal night hunting. He felt the deer population in the state was good overall since most of the night hunting cases the agents made ended with hunters having a deer with them. A total of 1,086 citations and 154 written warnings were issued and agents helped with 39 instances of public assists. The monthly boating report showed 2 accidents with 1 fatality in Iberville Parish. The Aviation Report showed a total of 64.9 hours flown in the Department's three planes. News Releases discussed were on gill netter arrests in Plaquemines Parish, night hunting and drug arrest in Concordia Parish, agents from Region 7 issuing 78 litter citations during the last half of 200, poachers caught hunting with night vision equipment, and 3 adults and 1 juvenile caught with an over the limit of ducks from Avoyelles Parish. The Operation Game Thief Program held their annual meeting during the month and dispensed \$18,700 for reward money during 2006. Since 1984, the Program has provided \$234,200 in rewards.

To receive and consider Notice of Intent on the Hunter Education Program and further providing with respect thereto was presented by Mr. John Sturgis. He stated the Notice of Intent contained policies for the Hunter Education Program. In 1984 and 1987, these same policies were brought before the Commission but apparently never adopted. The goal was to have the policies officially adopted. The policies centered around the minimum age of 10 for certification, outlined certification requirements for a student and persons wanting to be certified as volunteer hunter education instructors. The Commission would be the sole authority to establish minimum requirements for the certification of students and volunteer instructors. One addition to the policy was that all persons aged 10 and 11 that are hunter education certified are to be accompanied by and under the direct supervision of a person who is at least 18 years old and has a valid hunting license and proof of successful completion of a hunter education course. Mr. Sturgis explained that this addition was included due to a hunting accident in the Lake Charles area. He then asked the Commission to give the Notice of Intent favorable review. Commissioner Mouton asked if it would be possible for a student to complete the shooting portion of their course by going to a business and paying to shoot. Mr. Sturgis stated that could be considered; however, those individuals would need to be hunter education certified. Commissioner Miller asked if youth aged 5, 6 or 7 had to be hunter certified or were they to accompany their parents. Mr. Sturgis stated that any youth under 10 could take the hunter education course if they wished, but would not be certified until they reached the age of 10. Youth under 10 can hunt, but they must be accompanied by a supervisor or an adult 18 years or older that was legally licensed to make the hunt. Commissioner Morrow made a motion to

adopt the Hunter Education Program Notice of Intent and it was seconded by Commissioner Samanie.

Mr. Joe Macaluso echoed Commissioner Miller's comment and added that he has 72 photos of children with deer. He asked if there was a state statute that required anyone younger than 10 to hunt with supervision. Not thinking there was a statute, he suggested this would be the prime time to extend the regulation to include language for those under 10 years old.

Commissioner Morrow agreed with Mr. Macaluso and asked if there was a statute that said anyone under the age of 10 had to be accompanied by an adult. Mr. Sturgis stated in Title 56 there was a statute that persons under the age of 16 not hunter education certified must hunt with an adult. He added that persons aged 10 through 15 could hunt unattended if they had taken the course; but those not certified could hunt with an adult and this included youth under 10 years of age. Commissioner Morrow asked if the regulation was that if a youth 10 or 11 wanted to hunt and was hunter education certified he must be supervised by an adult. Mr. Sturgis stated that was correct. Then Commissioner Morrow asked if those 12 to 16 could hunt alone if certified and again Mr. Sturgis stated yes. Commissioner Denmon asked if the regulation of not issuing certification to youth under 10 was law or Department rule. Major Jeff Mayne stated the 10 year old regulation was Department policy and this Notice of Intent would put that practice into law under Title 76. Commissioner Denmon asked if the Notice of Intent required the Department to not certify a youth under 10 years of age. Major Mayne stated the program would only certify a youth at the age of 10 and it would be valid for 10 and 11 year old youth when accompanied by an adult. Mr. Dave Moreland stated that Mr. Sturgis reiterated the point that a person younger than 16 may hunt without certification if accompanied by an adult. But he added that there was an exception to that for statewide youth deer hunts when the adult accompanying the youth has his hunter certification, that requirement was waived for the youth. Commissioner Denmon asked if that would conflict with the Notice of Intent and Mr. Moreland stated it could to some degree and would need some clarifying language. Commissioner Denmon asked if the clarifying language could be added to the Notice of Intent. Mr. Moreland stated "except during state youth hunts" could be added. Commissioner Denmon made a motion to adopt the Notice of Intent with the provision the Department come back with the revised terminology. Commissioner Morrow 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. 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, April 5, 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 Notice of Intent on the 2007-08 and 2008-09 Hunting Seasons and further providing with respect thereto began with Mr. Dave Moreland stating that at the December meeting a petition was presented by a group of hunters requesting deer dog hunting be allowed on Maurepas Swamp WMA and possibly other WMAs. The Department met with the group along with Secretary Hammett and discussed the proposal. There would not be any recommendation for the 2007-08 season, but comments would be accepted during the public hearings and staff would investigate the idea for the 2008-09 season. On a different issue, Mr. Moreland noted that Commissioner Miller commented on the Bird Dog Training Areas and the concept of using pen raised mallards. This could be worked out, but it was not suggested to change the original Notice of Intent. Once the original Notice of Intent was adopted, then they would come with a new one addressing the use of pen raised mallards on an area by area permit system. Commissioner Miller stated he saw where an increase in shot size was recommended for the mallards and that would be fine.

Then Commissioner Miller asked about the 3 year hunting schedule scenario. Mr. Moreland stated those 3 years were 2005-06, 2006-07 and 2007-08. At this point, staff was presenting recommendations for the 2008-09 season. Mr. Moreland added that they were going to recommend calendar adjustments and not make any changes to the generic language. Commissioner Miller commented that the Commission still did not have a policy that stated that a specific season would begin on a certain date. Mr. Moreland stated they had the generic language and could continue working with that type scenario into perpetuity. Commissioner Miller asked that it should be considered since it added stability for the public to know when a season would begin. Commissioner Denmon suggested the Commission adopt the staff's generic season dates and then every year you would only have a calendar adjustment unless there was a need to change a season. He then asked if this fell within the protocol. Mr. Don Puckett thought that the dates were generically included which would allow for calendar adjustments. Commissioner Denmon asked Mr. Puckett to check the protocol and see if that generic season schedule was a part of the rule. Mr. Jimmy Anthony stated that the generic language was adopted in 2005. Commissioner Denmon thought that the language adopted in 2005 was only for 3 seasons. Mr. Anthony added that they plan to continue with the generic language all of the way through. Commissioner Denmon stated he wanted a determination on whether the generic language was a part of the rule adopted by the Commission. Commissioner Miller felt the action taken in 2005 was only for the 3 hunting seasons and was not a rule in perpetuity. Commissioner Morrow proposed that at the next meeting, staff present a Notice of Intent that set seasons generically into perpetuity. Chairman King asked Mr. Puckett to let the Commission know if the dates have been adopted into perpetuity or whether a new Notice of Intent was needed. Mr. Puckett stated he could provide a letter to answer their concerns. Commissioner Sagrera stated the whole object was to make the seasons permanent and not have to adjust every year.

Mr. Anthony began his presentation stating that the proposal would run from 2007 through 2009 except for the wildlife management areas since they change every season and are managed more intensely. Quail season would begin on the 3rd Saturday of November and run to last day of February and for 2007-08 season the starting date would be November 17 and for the 2008-09 season it would begin on November 15. There would be no changes recommended in the statewide seasons. Rabbit and fall squirrel seasons would open on the first Saturday in October and go through February. The generic language for the spring squirrel season would be the first Saturday of May and would run for 23 days. For the deer seasons, a small change in East Carroll Parish would occur for the 2008-09 season. Mr. Anthony explained additional generic language added on Area 1 that was needed when the calendar had 5 Saturdays in November. He added that other than the new language, there would be no changes for Area 1 deer season. There would be no changes for Area 2 deer season. Moving on, Mr. Anthony stated Area 3 has the same basic season structure as Area 8 except Area 8 allows dog hunting. With the different calendars, the generic language for Area 8 dog hunting was changed from closing the Sunday after the 1st Saturday of January to run for 37 straight days. For Area 3, the generic language would be changed to run for 37 straight days. Area 4 would have no changes for the 2007-08 season, but in 2008-09, the lower portion of East Carroll Parish

and the part of East Carroll Parish along the battue would move into Area 1. No season changes would occur in Area 4 nor Area 5 which was strictly East Carroll Parish. Area 6 would change with the addition of a portion of East Carroll Parish and the additional language for the years that have 5 Saturdays in November so the dog season would not be cut short. Chairman King stated he saw the deer season in Area 6 opened October 1 and ran through February 15 and noted it was a long season. For Area 7, the generic language was changed for dog hunting from closing on the 1st Saturday after Christmas Day to run straight for 35 days. Next slide shown was the language for the deer tagging system which was read by Mr. Anthony. Again Mr. Anthony explained the deer area boundary change for East Carroll Parish. Last year for the either-sex days, most parishes had either-sex opportunity every day of the modern season except for coastal parishes and some within the Basin. This year, all of those parishes have been removed and they will have either-sex days the entire season except for West Carroll Parish and the portion of East Carroll Parish within Area 4. Also, wildlife management areas, National Forest Lands and Federal Refuges would have specific either-sex days.

Next, Mr. Anthony talked about season changes on the wildlife management areas. He began with the addition of the spring squirrel season that would run from May 3 to May 11 on Bodcau, Boeuf, Clear Creek, Little River, East Tract of Maurepas Swamp, Russell Sage and Sherburne WMAs. Commissioner Morrow asked the reason for limiting the spring squirrel season on the WMAs as compared to the season on other lands. Mr. Anthony stated they wanted to be conservative since they did not know what hunting pressure there may be for this first year. He then announced there would be physically challenged deer hunting areas on certain WMAs that had no hunting on them. These hunts would be access restricted for handicapped persons wheelchair confined only. WMAs open for this type hunt would be Alexander State Forest, Big Colewa Bayou, Clear Creek, Buckhorn and Sherburne WMAs. Buckhorn WMA will also allow a youth deer lottery. Bodcau WMA was open this past season for bird dog training areas and the following WMAs would be added: Lake Ramsay, Sandy Hollow and Sherburne WMAs. Chairman King asked how big of an area does it take for the bird dog training. Mr. Anthony showed maps of each WMA and the number of acres that would be dedicated to bird dog training. Then Chairman King asked what was the permit fee charged to access bird training areas and Mr. Anthony stated there was no fee except buying a WMA license. Chairman King asked if there were other types of bird dog activities occurring on those WMAs. Mr. Anthony answered no, not at this time. Going on, he added that Bayou Pierre would hold a waterfowl lottery for youth hunters. Buckhorn WMA scheduled October 27-28, November 23-25, December 1-2, 8-9, 29-30 and January 5-6 for youth deer lottery by pre-application only. Elbow Slough and Ouachita WMAs would have youth waterfowl lottery hunts as well as physically challenged, wheelchair confined, waterfowl lottery hunts. On the South Farm on Sherburne WMA, there would be a physically challenged, wheelchair confined waterfowl hunting area. Atchafalaya Delta WMA would not allow waterfowl hunting after 2 p.m. On Bens Creek WMA, the deer population increased, so staff recommended increasing hunting opportunities by adding days to the either-sex season and 2 additional days for muzzleloader season. The entire deer season on Bodcau WMA would be either-sex. Another WMA that has had a deer population boom was Buckhorn WMA, so a youth and

physically challenged hunt was added, 4 days was added to the firearms either-sex season, 8 days were taken from the bucks only season and added to the muzzleloader season. One day of modern firearm either-sex was added to the Thanksgiving weekend on Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Jackson Bienville has seen a decrease in the hunting pressure, so an additional 29 days was added to the season and it would all be either-sex. Crawfishing would be allowed through June 30 instead of closing on May 31 on Ouachita WMA. A shotgun only season would be offered on Pass-a-Loutre WMA between the splits of the duck season for 7 days only. Conflicts were occurring on Sandy Hollow WMA between deer hunters and bird dog activities, so the firearms bucks only season was eliminated, 2 days were taken from the firearms either-sex season and 2 days were added to the muzzleloader season. The youth deer lottery has been popular on Sherburne WMA, so the first date would change from the 3rd Wednesday of December to the 3rd Friday of December.

Regulation changes on the wildlife management areas included: not allowing hunters onto a WMA no earlier than 4 a.m.; allowing hunters using camping areas to check out only once during any 72 hour period; eliminating the last general lottery deer hunt; allowing all hunters to retrieve their downed deer and hogs with an ATV; mandating non-toxic shot be used for snipe, rail and gallinule hunting; allowing waterfowl hunters to use the greentree impoundment on Dewey Wills WMA during the either-sex deer gun hunt; allowing unmarked hogs to be taken during any legal hunting season except during the spring squirrel season; continuing to allow the use of dogs to hunt hogs on Red River and Pearl River WMAs and adding the use of dogs on Three Rivers WMA; limiting internal combustion engines and craft to 10 hp rating on Greentree Reservoirs on Boeuf and Russell Sage WMAs; and allowing private landholders within WMAs to hunt regular season dates as long as they are enrolled in DMAP or LADT. On U.S. Corps of Engineers Indian Bayou lands, the season dates would remain the same as last year and the season limit would change from 2 does and 2 bucks to 3 does and 3 bucks. The Old River Control and Lock and Bonnet Carre Spillway areas would have no changes. Kisatchie National Forest lands would have no changes in season dates except on National Catahoula and Red Dirt Preserve which would back up their opening dates for allowing dogs for rabbit and squirrel hunting from January 5 to January 12.

Commissioner Mouton asked about the regulation restricting hunting on Atchafalaya Delta after 2 p.m. and wondered why the recommendation was to go back to it when they have a tide issue. Mr. Anthony felt Pass-a-Loutre had the most tidal influence and this regulation would not apply to that WMA. Atchafalaya Delta did not have a tidal problem, and lots of the public requested the change for this area. Mr. Moreland stated even with a tidal change and hunting pressure, the birds do not move, they simply stay in the Gulf of Mexico. Mr. Phil Bowman noted that not everyone would be in favor of the change, but felt it appropriate with the way the waterfowl has reacted in that area. This change would allow the birds to rest and hopefully may increase success rates on the area. Chairman King stated that the success rate on Atchafalaya Delta was 1.1 duck per hunter.

Mr. Ken Dancak, Forest Service, stated that last year the Catahoula lands south of La. Highway 8 were prohibited from hunting deer with dogs and most of the comments received were positive on the change. The Forest Service, nationwide, was developing a more restrictive off-road travel policy and it would probably take effect in 2008. This regulation could possibly be very similar to the off-road policy on WMAs.

Commissioner Denmon asked if there was a more standardized way to manage WMAs where there would not be as many changes each year. Mr. Moreland stated some of the changes on the WMAs came as a result of public comments heard last year and would provide additional hunting opportunities. He hoped that at some point those WMA seasons would be settled. With the wheelchair hunts, it was requested for more opportunities rather than just the one weekend and this was the reason for that change. Commissioner Denmon stated he did not see any problems with creating additional hunting opportunities. Mr. Anthony added that no opening dates were changed, they just added days to the end of the season. Commissioner Morrow felt the Department was expanding hunting days on the WMAs as well as youth and handicapped hunts which he as well as the Commission applauded. Mr. Anthony then mentioned the different locations for public hearings on seasons and regulations. Commissioner Morrow asked if a hearing would be held in Lafayette. Mr. Anthony answered no, there would be hearings in Houma and Opelousas.

Mr. Puckett thought he had a mechanism to have perpetual dates in Title 76. He suggested making an oral motion to amend the Notice of Intent to take the references to years out of the proposal and this would make it a permanent rule until changed. Commissioner Morrow made a motion to adopt the Notice of Intent with an amendment taking out specific dates in §101 and §103 in order to establish dates into perpetuity until further changed by the Commission. Commissioner Denmon seconded the motion. Before voting, Commissioner Mouton asked if the squirrel season would ever open on a Friday or Monday and he was told no, it would be a Saturday opening. Hearing no further discussion, the motion passed with no opposition.

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

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
February 1, 2007

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, Louisiana, February 1, 2007.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for resident game birds and quadrupeds, and

WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission as a Notice of Intent.

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 promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

PART XIX. HUNTING AND WMA REGULATIONS

Chapter 1. Resident Game Hunting Season

§101. General

The Resident Game Hunting Season regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the Department.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33: .

§103. Resident Game Birds and Animals

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	<u>OPENS:</u> 3 rd Saturday of November <u>CLOSES:</u> Last Day of February	10	20
Rabbit and Squirrel	<u>OPENS:</u> 1 st Saturday of October <u>CLOSES:</u> Last Day of February	8	16
<u>Squirrel*</u>	<u>OPENS: 1st Saturday of May for 23 days</u>	<u>3</u>	<u>6</u>
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer & 3 antlerless deer)

*NOTE: Spring squirrel season is CLOSED on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be OPEN, check WMA season schedule.

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	<u>OPENS:</u> 1 st day of Oct.	<u>OPENS:</u> 2 nd Sat. of Nov.	<u>OPENS:</u> Sat. before	<u>OPENS:</u> 2 nd Sat. of Dec. EXCEPT

	<u>CLOSES:</u> Last day of Jan.	<u>CLOSES:</u> Fri. after 2 nd Sat. of Nov. <u>OPENS:</u> Mon. after the next to last Sun. of Jan. <u>CLOSES:</u> Last Sun. of Jan.	Thanksgiving Day <u>EXCEPT</u> when <u>there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov.</u> <u>CLOSES:</u> Fri. before 2 nd Sat. of Dec. <u>EXCEPT</u> when <u>there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.</u> <u>OPENS:</u> Mon. after 1 st Sat. of Jan. <u>CLOSES:</u> next to last Sun. of Jan.	<u>when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec.</u> <u>CLOSES:</u> Sun. after 1 st Sat. of Jan.
2	<u>OPENS:</u> 1 st day of Oct. <u>CLOSES:</u> Last day of Jan.	<u>OPENS:</u> Next to last Sat. of Oct. <u>CLOSES:</u> Fri. before last Sat. of Oct. <u>OPENS:</u> Mon. after 2 nd Sat. of Jan. <u>CLOSES:</u> Sun. after 3 rd Sat. of Jan.	<u>OPENS:</u> Last Sat. of Oct. <u>CLOSES:</u> Fri. before 2 nd Sat. of Dec.	<u>OPENS:</u> 2 nd Sat. of Dec. <u>CLOSES:</u> Sun. after 2 nd Sat. of Jan.
3	<u>OPENS:</u> 3 rd Sat. of Sept. <u>CLOSES:</u> Jan. 15	<u>OPENS:</u> 2 nd Sat. of Oct. <u>CLOSES:</u> Fri. before 3 rd Sat. of Oct. <u>OPENS:</u> Mon. after Thanksgiving Day <u>CLOSES:</u> Fri. before 1 st Sat. of Dec.	<u>OPENS:</u> 3 rd Sat. of Oct. <u>CLOSES:</u> Sun. after Thanksgiving Day <u>OPENS:</u> 1 st Sat. of Dec. <u>CLOSES:</u> <u>After 37 days Sun. after 1st Sat. of Jan.</u>	
4	<u>OPENS:</u> 1 st day of Oct.	<u>OPENS:</u> 1 st Sat. of Nov.	<u>OPENS:</u> 2 nd Sat. of Nov.	

	<u>CLOSES:</u> Last day of Jan.	<u>CLOSES:</u> Fri. before 2 nd Sat. of Nov. <u>OPENS:</u> Mon. after 1 st Sat. of Jan. <u>CLOSES:</u> Mon. after 2 nd Sat. of Jan.	<u>CLOSES:</u> Sun. after 1 st Sat. of Jan.	
5	<u>OPENS:</u> 1 st day of Oct. <u>CLOSES:</u> Last day of Jan.	<u>OPENS:</u> 2 nd Sat. of Nov. <u>CLOSES:</u> Fri. before 3 rd Sat. of Nov. (BUCKS ONLY) <u>OPENS:</u> Day after Christmas Day <u>CLOSES:</u> Jan. 1 st (BUCKS ONLY)	<u>OPENS:</u> Day after Thanksgiving Day <u>CLOSES:</u> Sun. after 2 nd Sat. of Dec.	
6	<u>OPENS:</u> 1 st day of Oct. <u>CLOSES:</u> Feb. 15 (1 st 15 days are BUCKS ONLY)	<u>OPENS:</u> 2 nd Sat. of Nov. <u>CLOSES:</u> Fri. before 3 rd Sat. of Nov. <u>OPENS:</u> Mon. after the next to last Sun. of Jan. <u>CLOSES:</u> Last Sun. of Jan.	<u>OPENS:</u> Sat. before Thanksgiving Day <u>EXCEPT</u> when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. <u>CLOSES:</u> Fri. before 2 nd Sat. of Dec. <u>EXCEPT</u> when there are 5 Sats. in Nov. And then it will close on the Fri. before the 1 st Sat. of Dec.	<u>OPENS:</u> 2 nd Sat. of Dec. <u>EXCEPT</u> when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. <u>CLOSES:</u> Next to last Sun. of Jan.
7	<u>OPENS:</u> 1 st day of Oct. <u>CLOSES:</u> Last day of Jan.	<u>OPENS:</u> 2 nd Sat. of Oct. <u>CLOSES:</u> Fri. before 3 rd Sat. of Oct. <u>OPENS:</u> 1 st Sat. of Nov. <u>CLOSES:</u> Fri. before 2 nd Sat. of Nov.	<u>OPENS:</u> 3 rd Sat. of Oct. <u>CLOSES:</u> Fri. before 1 st Sat. of Nov. <u>OPENS:</u> 2 nd Sat. of Nov. <u>CLOSES:</u> Sun.	<u>OPENS:</u> Mon. after Thanksgiving Day <u>CLOSES:</u> After 35 days. 1st Sun. after Christmas Day

			after Thanksgiving Day	
8	<u>OPENS:</u> 3 rd Sat. of Sept. <u>CLOSES:</u> Jan. 15	<u>OPENS:</u> 2 nd Sat. of Oct. <u>CLOSES:</u> Fri. before 3 rd Sat. of Oct. <u>OPENS:</u> Mon. after Thanksgiving Day <u>CLOSES:</u> Fri. before 1 st Sat. of Dec.	<u>OPENS:</u> 3 rd Sat. of Oct. <u>CLOSES:</u> Sun. after Thanksgiving Day	<u>OPENS:</u> 1 st Sat. of Dec. <u>CLOSES:</u> After 37 days. Sun. after 1 st Sat. of Jan.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-sex Days
East Carroll	Area 4 portion 2007-2008	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 1 New for 2008-2009	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 4 portion	Nov. 10-11, 23-25, 2007 and Nov. 8-9, 28-30, 2008, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.
West Carroll	Area 5	Nov. 23-25, 2007 and Nov. 28-30, 2008

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days: the 1st three days after Thanksgiving Day.

H. Spring Squirrel Hunting

1. Season Dates: Opens 1st Saturday of May for 23 days.
2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below.
3. Wildlife Management Area Schedule: Opens 1st Saturday of May for 9 days on Bodcau, Boeuf, Clear Creek, Little River, Maurepas Swamp (East Tract), Russell Sage, and Sherburne WMAs only. Dogs are allowed during this season for squirrel hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.
4. Limits: Daily bag limit is 3 and possession limit is 6.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33: .

Public hearings will be held at the following dates and locations: March 12 beginning at 6:00 pm at the Civic Center, 620 Benton Road, Bossier City; March 5 beginning at 6:00 pm at the Ruston Civic Center, Ruston; March 14 beginning at 6:00 pm at the Alexandria City Hall, intersection of Third and Murray Streets; March 14 beginning at 7:00 pm at the Concordia Parish Community Center, Highway 15 south of Ferriday; March 6 beginning at 6:30 pm at the LSU Extension Service Office, 7101 Gulf Highway, Lake Charles; March 5 beginning at 6:00 pm at the Houma Municipal Auditorium, 880 Verret Street, Houma; March 14 beginning at 6:00 pm at the Yambilee Building, Highway 190, Opelousas; March 6, 2007 beginning at 6:30 pm at the LDWF Headquarters Building, Louisiana Room, Baton Rouge; and March 13, 2007 beginning at 6:30 pm at the Jefferson Parish Council Chambers, 1221 Elmwood Park Boulevard, Jefferson. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments relative to the proposed rule until Thursday, May 3, 2007 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

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.

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. Anthony stated that after the 2008-09 season, there may be a need for changes in language but they would be taken year by year. He added that there are 14 separate calendar periods that rotate and it was difficult to look at all of the ramifications. Commissioner Denmon stated he understood there may be changes each year, but they would be only those with a justifiable need. Mr. Anthony knew that the “whole” document would not be presented, it would just be the specific changes.

Chairman King stated that Mr. Anthony made his presentation for the next item, **To receive and consider Notice of Intent on General Hunting and Wildlife Management Areas and further providing with respect thereto** and asked the Commission’s pleasure. Commissioner Denmon asked if only one raccoon could be taken during the daylight hours.

Mr. Anthony stated that was only during the squirrel season. Commissioner Denmon then asked why not allow raccoon hunting year round. Mr. Anthony felt it would be an enforcement problem. Commissioner Denmon stated he was approached by some people from out-of-state that hunt raccoons during daylight hours and were reasonably successful and again asked why not allow it as a hunting opportunity. Mr. Moreland suggested the Fur & Refuge Division staff discuss it and then come back next month with a proposal. Commissioner Denmon asked about fox and coyote hunting and the different scenarios that were allowed. Mr. Moreland felt the coyote restriction was so the hunters could not hunt deer and were only chasing coyote. Mr. Bowman asked that his staff review the regulation and possibly come with an adjustment at the next meeting. Hearing no further discussion, Commissioner Samanie made a motion to adopt. Commissioner Miller seconded the motion and it passed with no opposition.

(The full text of the Resolution and Notice of Intent are made a part of the record as Attachment A.)

To receive and consider Notice of Intent to Prohibit the Possession of Big Cats and further providing with respect thereto began with Ms. Maria Davidson stating she wanted to add big cats to the potentially dangerous list. The contents of the Notice of Intent were presented as an Executive Summary at the last meeting. The only change from the last presentation was that the Department must be notified in the event insurance was cancelled that was required to possess the animals. Commissioner Miller made a motion to adopt the Notice of Intent and it was seconded by Commissioner Morrow.

Dr. Gary Balsamo, State Public Health Veterinarian with the Department of Health and Hospitals, stated the Notice of Intent addresses public safety and health issues. He noted he met with animal control people from the City of New York and the City of Chicago and they relayed a lot of the animal complaints they received. Following up on one complaint, they came across a 400 pound tiger. From an animal welfare point of view, they are wild animals that have not gone through several thousand years of genetic development to be tame like a dog or cat. These animals have special husbandry needs, dietary needs and housing needs and if those needs were not met, the animal could become aggressive. Dr. Balsamo stated he works in surveillance for rabies and as the proposal noted there are no known vaccines for these animals. He added that he attended a meeting at the Center for Disease Control and there was a huge problem in the country with unregulated and unrestricted importation of exotic pets. There are no federal agents that have taken regulating the animals and there is a gaping flaw in the import laws. The Office of Public Health was hoping that regulations for these types of animals would be promulgated in each individual state. He then urged passage of the Resolution.

Mr. Hilton Cole, Director of Animal Control, East Baton Rouge Parish and also representing Louisiana Animal Control Association, stated they were extremely pleased the Department was moving on this issue. He noted there have been several cases in this parish involving cougars, Bengal tigers and several smaller cats. The local officials see the end result of irresponsible owners that wants the cats for whatever reason. Mr. Cole stated they are not pets and they do not make good pets. He again mentioned they were very pleased the Department was taking these steps and support the initiative. Commissioner Miller asked about the smaller cats and asked if they were being regulated somewhere else or would they be addressed in the future. Mr. Cole stated that there are people that want to bring the smaller cats into the parish and want to keep them as pets. In 1993, the City and Parish Councils banned the private ownership of wild exotic animals as pets in East Baton Rouge Parish. Mr. Cole added that there are problems with those animals, but they are not as dangerous as a tiger or mountain lion. Ms. Davidson stated the Act was specific to big cats and that was the reason for the animals listed in the proposal. Commissioner Miller asked if the smaller cats had rabies problems and Ms. Davidson said it was the same.

Hearing no further discussion on the Notice of Intent, the motion passed with no opposition.

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

RESOLUTION

Addition of Big Exotic Cats to the list of Potentially Dangerous Quadrupeds and Non-Human Primates

February 1, 2007

WHEREAS, pursuant to Act 715 of the Regular Legislative Session of 2006, the Louisiana Legislature enacted La. R.S. 56:6(31), relative to big exotic cats provides that the Department of Wildlife and Fisheries shall promulgate rules and regulations regarding the purchase and possession of big exotic cats; to provide issuance of certain permits; and to provide for related matters, and

WHEREAS, the commission finds that possession of certain potentially dangerous big exotic cats poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impact on conservation and recovery of some threatened and endangered species, and

WHEREAS, the size and strength of such animals in concert with their natural and unpredictable and/or predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly, and

WHEREAS, responsible possession of these potentially dangerous big exotic cats necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society, now

THEREFORE BE IT RESOLVED, that the attached rules and regulations affecting big exotic cats are hereby adopted by the Wildlife and Fisheries Commission as a Notice of Intent.

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 the regulations to control importation and private possession of big exotic cats in Louisiana.

Title 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 1. Wild Quadrupeds

§115. Possession of Potentially Dangerous Wild Quadrupeds, Big Exotic Cats, and Non-Human Primates

A. This Commission finds that possession of certain potentially dangerous quadrupeds, big exotic cats, and non-human primates poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impacts on conservation and recovery of some threatened and endangered species.

1. The size and strength of such animals in concert with their natural and unpredictable and/or predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly.

2. Responsible possession of these potentially dangerous wild quadrupeds, big exotic cats, and non-human primates necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society.

3. Certain of these animals are listed as endangered species and others are so similar in appearance to endangered subspecies as to make practical distinction difficult. This similarity of appearance may provide a means to market illegally obtained endangered animals and can limit the effective enforcement of endangered species laws.

B. This Commission regulation prohibits importation and private possession, of and otherwise regulates certain wild quadrupeds, big exotic cats, and non-human primates as provided herein follows.

C. 1. Except as provided herein, it shall be unlawful to import into, possess, purchase or sell within the State of Louisiana, by any means whatsoever including but not

limited to transactions conducted via the internet, any of the following species or its subspecies of live wild quadrupeds, big exotic cats, or non-human primates, domesticated or otherwise (hereinafter "listed animals"):

~~a.~~ ~~Cougar or mountain lion (Felis concolor)~~

~~a.b.~~ Black bear (Ursus americanus);

~~b.c.~~ Grizzly bear (Ursus arctos);

~~c.d.~~ Polar bear (Ursus maritimus);

~~d.e.~~ Red wolf (Canis rufus);

~~e.f.~~ Gray wolf (Canis lupus);

~~f.g.~~ Wolf dog hybrid (Canis lupus or Canis rufus x Canis familiaris);

~~g.h.~~ All non-human primates;

h. The following big exotic cats:

i. Tigers;

ii. Lions;

iii. Leopards (including, but not limited to Snow Leopard and Clouded Leopard);

iv. Jaguars;

v. Cheetahs;

vi. Cougars or mountain lions (Felis concolor);

vii. All subspecies of the above listed exotic cats;

viii. Hybrids resulting from cross breeding of the above listed exotic cats

2. ~~Valid game breeder license holders for these species listed Subparagraph a-f above legally possessed prior to October 1, 1988, Holders of a Potentially Dangerous Wild Quadruped Permit allowing possession of any listed animal, where the permit is valid on the effective date of this regulation, will be "grandfathered" and the permit will be renewed annually until existing permitted captive animals expire, or are~~

legally transferred out of state, or are transferred to a suitable facility. No additional listed animals may be acquired by any means whatsoever, including breeding.

D. 13. Wolf-Dog Hybrids. The prohibition against wolf-dog hybrids expired January 1, 1997. Persons are cautioned that local ordinances or other state regulations may prohibit possession of these animals. Any animal which appears indistinguishable from a wolf, or is in any way represented to be a wolf shall be considered to be a wolf in the absence of bona fide documentation to the contrary.

E. 4. Exempted Entities. The following organizations and entities shall be exempt from this regulation, including permitting:

1.a. Zoos accredited or certified by the American Zoo and Aquarium Association (AZA);

2.b. Research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, §2132(e), including but not limited to the University of Louisiana at Lafayette Primate Center, the Tulane National Primate Research Center, and Chimp Haven, Inc., located in Shreveport, LA; and

3.e. Any person transporting any listed animal through the State if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent escape and contact with the public. Exhibiting the listed animal, in any manner, is prohibited.

4. Circuses, limited to those temporarily in this state, offering varied performances by live animals, clowns, and acrobats for public entertainment, and which are incorporated Class C licensees under Chapter I of title 9 of the Code of Federal Regulations. Notwithstanding the above, circuses do not include entertainment that includes any listed animal in any type of wrestling, photography opportunity with a patron, or an activity in which any listed animal and a patron are in close contact with each other.

5. Louisiana colleges or universities, for possession of a big exotic cat of the species traditionally kept by that college or university as a school mascot, after proper documentation to the Department that the college or university has consistently over the years possessed a big exotic cat as its mascot.

F.5. Permitted Entities. The following organizations and entities may be exempted from this regulation after applying for and receiving a permit from the Department to possess any listed animal under the following conditions:

1.a. Other zoos and educational institutions not covered under Paragraph (E)(1)-(2) 4.e. above. The Secretary shall determine whether to issue a permit and any conditions for the permit on a case by case basis.

2.b. Animal Sanctuaries accredited or certified by the American Zoo and Aquarium Association (AZA). Permitted Sanctuaries are prohibited from exhibiting, breeding, or selling any listed animal. Listed animals must be surgically sterilized or separately housed to prevent breeding. ~~The Listed~~ animals must be housed in such a manner as to prevent public contact and in compliance with the enclosure rules provided herein in Subsection I. Permitted animal sanctuaries are prohibited from transporting these animals to any public building or place where they may come into contact with the public including, but not limited to schools, hospitals, ~~or malls,~~ private residences, or other commercial or retail establishments is prohibited.

G.6. Non-Human Primates.

1. As provided below, the following individuals may be exempted from this regulation after applying for and receiving a permit from the Department to possess a non-human primate. The permit will be for one year and must be renewed annually under the following conditions:

a. A physically challenged individual who has exclusive possession of no more than one monkey that is working to aid and assist said individual with his/her disability and where the monkey has been obtained through and trained by a licensed and accredited non-profit organization dedicated to improving the quality of lives for physically challenged.

b. An individual who legally possesses one or more non-human primates immediately prior to the effective date of this regulation and who can prove legal ownership is authorized to keep those non-human primates but is prohibited from acquiring any additional non-human primates by any means whatsoever, including breeding.

c. The individuals listed in this subsection must annually apply for and receive a permit from the Department. The permit application shall include:

i. The name, address, telephone number, and date of birth of applicant.

ii. A description of each non-human primate applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks.

iii. A photograph of each non-human primate and its permanent enclosure.

iv. The physical location where the non-human primate is to be kept.

v. Proof of legal ownership. (Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the Department demonstrating ownership.)

vi. The microchip or tattoo number of each non-human primate.

vii. A health certificate signed by a licensed veterinarian within one year prior to the date of the application stating that the animal is free of all symptoms of contagious and/or infectious diseases at the time of the examination and that all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

2.d. Permit holders must house their non-human primates in such a manner as to prevent public contact and are prohibited from transporting their non-human primate to any public building or place where the public may come into contact with the non-human primate, including, but not limited to schools, hospitals or malls.

3.e. Permit holders must have their non-human primates examined annually by a licensed veterinarian to insure that the animal is free of all symptoms of contagious and/or infectious diseases at the time of examination and all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

4.f. Permit holders are required to report any escapes to the Department within 24 hours of discovery of the escape.

5.g. Permit holders are required to submit any changes to the permit information provided in the permit application within 30 days of the date those changes take effect or the permit will be considered invalid.

H. Big Exotic Cats. An individual who legally possesses one or more exotic cats listed in Subparagraph C.1.h. above on August 15, 2006 (the effective date of Act 715 of the Regular Session of 2006) and who can prove legal ownership is authorized to keep those exotic cats under the following conditions:

1. Only those exotic cats legally possessed on August 15, 2006 will be permitted. Additional exotic cats cannot be acquired by any means whatsoever, including breeding.

2. The individuals listed in this subsection must annually apply for and receive a permit from the Department. The permit application shall be on a form provided by the Department and require:

- a. The name, address, telephone number, driver's license number, and date of birth of applicant.
- b. A description of each exotic cat applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks.
- c. One or more photographs of each exotic cat and its permanent enclosure.
- d. The physical location where each exotic cat is to be kept.
- e. Proof of legal ownership of the exotic cat on August 15, 2006. Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the Department, demonstrating ownership.
- f. The microchip number of each exotic cat.
- g. A health certificate signed by a licensed veterinarian within one year prior to the date of the application. The certificate shall include the name, address, and license number of the examining veterinarian.
- h. A written plan for the quick and safe recapture or destruction of an escaped exotic cat listed in the permit. This plan must also be filed with the local sheriff's department, and police department if applicable.
- i. Statement that permittee has legal authority to possess weapons and/or other equipment necessary to carry out the plan provided in Subparagraph H.2.h.
- j. Signed agreement, on a form provided by the Department, indemnifying and holding harmless the State, Department, and other applicable public agencies and employees, including agents, contractors, and the general public from any claims for damages resulting from the permitted exotic cat(s).
- k. Signed agreement that the permittee will be responsible for any and all costs associated with the escape, capture, and disposition of a permitted exotic cat.
- l. Proof of liability insurance from an A rated or higher insurance company in the amount of One Hundred Thousand Dollars (\$100,000.00) for each exotic cat, up to a maximum of One Million Dollars (\$1,000,000.00), valid and effective continuously for the entire permit term. The policy shall specifically include a provision requiring notice from the carrier to the Secretary of the Department a minimum of thirty days prior to cancellation of the policy.

3. Permitted exotic cats must be prevented from breeding by separate housing or sterilization. Sterilization records must be kept on the premises and available for inspection by the Department.

4. Permittee or designee must live on the premises. Designee must have the ability to carry out all requirements of the permittee.

5. Department personnel shall be allowed access to inspect the permitted exotic cat(s), facilities, equipment, and records for the purpose of ensuring compliance with these regulations.

6. A weapon capable of destroying the animal(s), and a long range delivery method for chemical immobilization shall be kept on the premises at all times. Additionally, the applicant shall provide a signed statement from a licensed veterinarian identifying a designated veterinarian who will be on-call and available at all times to deliver chemical immobilization in the event of an escape.

7. Clearly legible signs, approved by the Department, shall be posted and displayed at each possible entrance onto the premises where the permitted exotic cat is located. The signs shall clearly state "Danger, Wild Animal On Premises" with letters of a size and font easily readable from thirty (30) feet away.

8. Each permitted exotic cat must be implanted with a microchip by or under the supervision of a licensed veterinarian.

9. Each permitted exotic cat must remain in its enclosure on the property listed in the permit at all times and cannot be removed from the enclosure for any reason. However, the exotic cat may be removed for proper medical care for medical emergencies or medical procedures, but only under the direction of a licensed veterinarian.

10. Permittee must notify the Department, the local sheriff's department, and police department if applicable, immediately upon discovery that the permitted exotic cat is no longer in its enclosure.

11. Permittee must notify the Department prior to any disposition of a permitted exotic cat, including transportation out-of-state. The Department reserves the right to supervise and accompany any such disposition.

12. Permitted exotic cats must be kept in a sanitary and safe condition and may not be kept in a manner that results in the maltreatment or neglect of the exotic cat. This includes, but is not limited to:

a. Drinking water must be provided in clean containers, pools must be cleaned as needed to ensure good water quality, enclosures must have adequate

surface water drainage, and hard floor surfaces must be regularly scrubbed and disinfected.

b. Food must be unspoiled and not contaminated, and be of a type and quantity sufficient to meet the nutritional requirements of the permitted exotic cat.

c. Fecal and food waste must be removed from enclosures daily and disposed of in a manner that prevents noxious odors and insect and other pests.

d. Sufficient shaded areas must be available for each exotic cat that is maintained in an enclosure, regardless of group rank or status.

13. In addition to complying with this regulation, Permittee must comply with any and all applicable federal, other state, or local law, rule, regulation, ordinance, permit, or other permission. Failure to comply with any such law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this regulation.

I.D. Enclosure Requirements. Minimum pen/enclosure requirements for exempted educational institutions, zoos and scientific organizations are as follows:

1. Bears
 - a. single animal: 25 feet long x 12 feet wide x 10 feet high, covered roof;
 - b. pair: 30 feet long x 15 feet wide x 10 feet high, covered roof;
 - c. materials: chain link 9 gauge minimum;
 - d. safety perimeter rail;
 - e. pool: 6 feet x 4 feet x 18 inches deep with facilities for spraying or wetting bear(s);
2. Wolf
 - a. 15 feet long x 8 feet wide x 6 feet high per animal, covered roof;
 - b. secluded den area: 4 feet x 4 feet for each animal;
 - c. materials: chain link wire or equivalent;
 - d. safety perimeter rail;
3. Cougar, Mountain lion

- roof;
- a. single animal: 10 feet long x 8 feet wide x 8 feet high, covered
 - b. pair: 15 feet long x 8 feet wide x 8 feet high, covered roof;
 - c. materials: chain link 9 gauge minimum;
 - d. safety perimeter rail;
 - e. claw log;
 - f. shelf: 24 inch wide x 8 feet long, 40 inches off floor.

4. Big Exotic Cats.

a. Enclosures shall be constructed and covered at the top with nine (9) gauge steel chain link or equivalent, with tension bars and metal clamps.

b. Enclosures must be well braced and securely fastened to the floor or ground and shall utilize metal clamps or braces of equivalent strength as that proscribed for cage construction.

c. Enclosures shall be secured by at least two sets of doors, so that the first door must be closed before the second door is opened. The inside door to the animal enclosure must open in. These doors must remain locked at all times when unattended. The doors must be designed so that the frame, hasps and locks are of sufficient strength to restrain the exotic cat.

d. A perimeter fence of at least eight (8) feet in height (secondary barrier) and located a minimum of five (5) feet from the enclosure sufficient to prevent unauthorized entry or direct physical contact with the exotic cat.

e. The mesh size and/or distance between bars for all enclosures and fences shall be sufficiently small to prevent escape and/or direct physical contact with the exotic cat.

f. Enclosures shall include a den area or other connected housing unit in which the exotic cat may be secured for the safe servicing and cleaning of the remaining enclosure. This area shall be constructed with steel, reinforced cinder block, or concrete sufficient to withstand damage from high winds, hard rains, hail, and other natural phenomenon.

J. PENALTY FOR VIOLATION. Unless another penalty is provided by law, violation of these regulations will be a Class Two violation as defined in Title 56 of the Louisiana Revised Statutes. In addition, upon conviction for violation of these regulations,

any license/permit may be revoked and the quadrupeds or other animals seized in connection with the violation will be forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(31), R.S. 56:115, R.S. 56:171, and R.S. 56:1904F.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:1356 (December 1995), LR 32:647 (April 2006), 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 final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule to Philip Bowman, Fur & Refuge Division, Box 98000, Baton Rouge, LA 70898, prior to Thursday, April 5, 2007.

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

Earl P. King, Jr.
Chairman

The next agenda item, **To receive and consider Rule Ratification on Little Lake Public Oyster Seed Grounds and further providing with respect thereto** was the first for Mr. Patrick Banks. The issue was to promulgate a final rule to designate certain state owned water bottoms in the Little Lake area as the Little Lake Public Oyster Seed Grounds. The Commission passed the Notice of Intent in September 2006, went through the public comment phase and before the Legislative Oversight Committees. Comments were received and additional information was provided as they related to those comments. R.S. 56:434A gives the Commission authority to designate certain state owned water bottoms as public oyster grounds.

Commissioner Miller stated the Commission received correspondence from C. H. Fenstermaker and Associates and from ConocoPhillips. The Fenstermaker letter raised a serious question about the viability of supporting oysters due to the low salinity. But Commissioner Miller stated he was troubled by the ConocoPhillips letter which states that one of its subsidiaries, Louisiana Land & Exploration Company (LL&E) "owns and holds a record title to all of that marsh land including the interior waters located within it and does not consent to its property being used as a public oyster seed area". He then asked Mr. Banks to show on a map the area that was claimed by LL&E. Mr. Banks stated he could

not show that, but he noted the Commission's authority only extended to state owned water bottoms and the Notice of Intent specifically referenced the state owned water bottoms within the designated areas. Then Commissioner Miller asked if the state owned water bottoms could be shown and Mr. Banks felt the State Land Office should designate that area. Commissioner Miller again stated his concern was whether the Department would be able to safely implement the rule without incurring trespass liability from private landowners and was it proper. He added that from the Fenstermaker letter, the water was so sweet it would not support oysters. Commissioner Miller's concern was so important to him that he did not want to proceed with the final rule until he had further information and a clearer picture of the area being discussed. He added he did not feel the State Land Office could mark what they would consider state owned water bottoms with any degree of clarity that may not possibly lead to conflict and/or a lawsuit. Commissioner Mouton echoed Commissioner Miller's comments and added he had an issue with spending state money on private lands. Before going forward, he thought state lands would need to be determined. Mr. Banks noted they could ask the State Land Office to make a determination on the issue. Commissioner Mouton then requested tabling the action until the problem was resolved. Chairman King then opened the meeting for public comments.

Mr. Baird McElroy, ConocoPhillips, stated they were blind sided by the quick action being taken and that was the reason for their letter. He reiterated their position that they were opposed to the proposal. Mr. McElroy showed on the map the area LL&E owned and stated that all of the lands within the boundaries of the seed grounds were owned by LL&E. They are working with the State Land Office to produce a map that would show the public and private water bottoms. Mr. McElroy noted they would go public with the map in July. Commissioner Morrow asked Mr. McElroy if ConocoPhillips had taken the position that some of the land within the Notice of Intent was owned by ConocoPhillips. Mr. McElroy answered yes. Then Commissioner Morrow asked if they were in conversation with the State Lands Office in an attempt to establish boundaries. Again Mr. McElroy answered yes.

Mr. Mike Voisin, Chairman of the Louisiana Oyster Task Force, stated the oyster industry produces about 250 million in-shell pounds of oysters annually. In 2005, Hurricanes Katrina and Rita impacted the productive ability for the industry to continue and was a devastating year. In response to the devastation, the oyster community met to plan a recovery from the damages. The proposal on the Little Lake area was very similar to action taken several years back that made it a temporary oyster seed ground. Mr. Voisin stated the area does have a resource in it and the proposal excluded any private lands. He then noted the oyster community was successful in going to Washington and getting federal funds to rehabilitate oyster reefs on private farms as well as in the public arena. Those funds should be made available in late February or March of this year. Mr. Voisin suggested passing the proposal and let State Lands work out the private lands issue. The Oyster Task Force has encouraged this action. The flooding from the Atchafalaya River, snow from the mid-west and the use of the Davis Pond Freshwater Diversion would destroy the oyster resource that could be used to rehabilitate the oyster community in south

Louisiana. Mr. Voisin encouraged the passage of this proposal as well as the next item which would set a season on those grounds.

Commissioner Miller stated he understood and was sensitive to the plight of the oyster industry. He then asked if the oyster harvesters that would be working the area had a "protection lease" from LL&E that would allow the harvest of a resource from lands owned by LL&E. Mr. Voisin stated, as a community, no they did not have a lease from LL&E. But he could not answer the question as far as individual oyster farmers. Again Mr. Voisin reminded the Commission they were authorizing only state owned water bottoms. Commissioner Miller stated he did not know where those state owned water bottoms were and the Department has been in lawsuits with the oyster industry over this type of area where a freshwater diversion has injured the fishermen or even compromised the area. If the proposal was approved, Commissioner Miller felt there may be a possible lawsuit with private landowners on what may be public property. He then stated he was prepared to err on the side of caution and wait to hear from the State Land Office. Mr. Voisin stated the delay would result in the loss of hundreds of thousands of dollars worth of rehabilitative potential for the community. He added that the Commission has the authority to act on this, but if they did not act, then there may be a lawsuit from the other side. Mr. Voisin suggested ConocoPhillips should post their land and he also suggested amending the proposal encouraging ConocoPhillips to post the lands. Again, he requested the Commission move quickly since the resource may not be available in one month, two or three months time. Commissioner Morrow asked if this area that was designated a temporary seed ground several years back had been in use since then. Mr. Voisin stated it was opened on an emergency and the oysters were harvested but the resource died within 6 weeks from the time it was opened. Commissioner Morrow then asked if during the temporary opening, were there any lawsuits filed by ConocoPhillips or anyone else. Mr. Voisin answered he was not aware of any. Commissioner Morrow asked if the federal funds were tied in with Little Lake area and Mr. Voisin answered they were to be used statewide. Commissioner Morrow referred to a statement in the Fenstermaker letter about deep water vessels using the waterways and asked if those vessels were using the areas over the last several years. Mr. Voisin stated the southern portion of the area was oyster leasing, but it was purchased by the Department of Natural Resources as a result of the Davis Pond Freshwater Diversion structure. Commissioner Morrow asked if the use of the waterway as a deep water pathway adversely impacted the resource. Mr. Voisin stated, that to his knowledge, yes. Commissioner Morrow commented he takes issue with a statement by Mr. Clay Bryant with Fenstermaker where it stated that Louisiana was increasingly anti-oil and gas. He felt Louisiana was pro-environmental. Commissioner Morrow then asked if he was correct in that this has been going on for several years with no objection from ConocoPhillips and no adverse environmental impact on the seed. Mr. Voisin stated there has not been a season for the last 2 years. Mr. John Roussel stated the duration of the temporary season was 240 days. He then explained that the upper portion of the system was influenced by the Davis Pond Freshwater Diversion project. It was thought that portion of the basin would no longer be productive for oysters and so the state bought the lease holdings in that area. Since Davis Pond has become operational, but due

to engineering and design difficulties, it has not freshened the area as much as they originally thought. This has left the area with a resource where they did not think there would be any. The Department's response to the temporary issue was to capitalize on the resource before it was destroyed but experience has shown that the area was still productive. When the area was opened temporarily, it was a much larger area than what was being proposed. Mr. Roussel commented that the Department had not had an opportunity to look at the ConocoPhillips letter and that it was not submitted during the public comment period. He added that the issue was raised in a letter from Louisiana Landowners Association sent during the public comment period and a summary of the Department comments were given to the Commission. Commissioner Samanie stated the Commission talks about creating opportunities and now was such an opportunity on state owned water bottoms for a resource that may die. He then made a motion to adopt the final rule. Commissioner Morrow seconded the motion. Commissioner Mouton stated they could not be sure where state water bottoms were compared to private water bottoms and that was his concern. Mr. Voisin stated he understood the situation but felt the Commission was protected in the resolution in opening only state water bottoms. The next agenda item was to ask for a February 21 season opening date on the area and Mr. Voisin suggested the Department get with the State Lands Office and better identify what is and what was not state owned. He requested ConocoPhillips mark what they believe to be their own private lands so the oyster fishermen would not trespass on their land. His fear was that the resource may die by late March or early April depending on the Davis Pond Freshwater Diversion structure. Commissioner Mouton stated his point was to spend state money on private lands was illegal.

Chairman King asked, if the Department developed Little Lake oyster seed grounds, was there a plan to allow the oil and gas industry to retain historical routes to their businesses. Mr. Roussel stated the permits for that activity are issued by the Department of Natural Resources with this Department being an official commenting agency. When an application for a permit was filed for a public oyster ground, they are looked at specifically by the Department's staff to minimize any impacts of that activity on the resource on a permit by permit basis. Chairman King stated they wanted to make sure they were friendly to the oil and gas industry with regards to their historical routes and felt Mr. Roussel's comments assured them of that. Mr. Roussel stated they were fully committed to doing that, but he also explained there was a down side to that. Working on it on a project by project basis by accomplishing their goal and minimizing impacts was a win-win situation for all involved. Chairman King urged that the proper permits have been issued and bonds posted so the Department can recruit damages from the companies. Commissioner Miller called for the question.

Mr. Wilson Voisin, Jr., member of the Oyster Task Force and President of the Terrebonne Parish Oyster Association, stated he appreciated all of the questions and concerns. But from the oyster industry perspective, the real issue was the loss of the coast lands and the changing salinities. The proof that the area was not sweet was the live oysters there now. The viability was there and proven with the huge number of oyster leases that were purchased for the construction of the Davis Pond Freshwater Diversion structure and its

impacts. Mr. Voisin stated there are clam shell reefs in the area and they are the best bottoms that any oyster fisherman would desire to have. He noted that across the state there are public areas that the industry depends on for seed oysters and marketing oysters that have not been productive not only because of the hurricanes but also because of high salinities. Mr. Voisin felt this resource could benefit the oyster industry "big time" this year since there was a shortage of resource on public grounds east of the Mississippi River. He did not feel there were any major issues as far as fishermen trespassing on their lands. In reference to deep water vessels transporting back and forth through the areas, Mr. Voisin stated they support the Department in establishing designated, dedicated routes that were used on a regular basis. He pleaded with the Commission that they need the product now.

Hearing no further discussion, the motion passed with opposition from Commissioner Miller and Commissioner Mouton.

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

RESOLUTION

PROMULGATION OF FINAL RULE FOR THE DESIGNATION OF THE LITTLE LAKE PUBLIC OYSTER SEED GROUNDS

February 1, 2007

WHEREAS, R.S. 56:6(12) provides that the Commission shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, and

WHEREAS, R.S. 56:434(A) provides that the Commission shall designate and set aside area from the water bottoms of the state as it judges best adapted to the planting, propagation, growth, and policing of seed oysters, and

WHEREAS, the oyster resource in this area would be placed under active state management for the long-term benefit of the resource and protection of the natural reefs, and this would allow harvest of this resource providing economic benefit to the oyster industry, and

WHEREAS, the Louisiana Oyster Task Force has requested and recommended that these water bottoms be designated as public oyster seed grounds, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission passed a Resolution and Notice of Intent on September 7, 2006 that described the proposed Little Lake Public Oyster Seed Grounds, and

WHEREAS, that Notice of Intent has completed the public notice and legislative oversight review process.

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby promulgate the Final Rule to designate the state-owned water bottoms within the areas described as the Little Lake Public Oyster Seed Grounds, and

BE IT FURTHER RESOLVED, the Final Rule describing the Little Lake Public Oyster Seed Grounds is attached to and made part of this resolution.

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby designate certain state-owned water bottoms within Jefferson and Lafourche Parishes as the Little Lake Public Oyster Seed Grounds. Authority to establish the Little Lake Public Oyster Seed Grounds is vested in the Wildlife and Fisheries Commission by R.S. 56:6(12) and R.S. 56:434(A).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§521. Public Oyster Seed Grounds – Little Lake

A. The Little Lake Public Oyster Seed Grounds is described as that portion of the state-owned water bottoms within the boundary as shown on a map by the Department of Wildlife and Fisheries, dated August 29, 2006, and more particularly described:

1. Beginning at the intersection of the western shoreline of Barataria Waterway and the northern shoreline of Bayou St. Denis at latitude 29 degrees 29 minutes 41.385 seconds North, longitude 90 degrees 01 minutes 12.443 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 32.297 seconds North, longitude 90 degrees 01 minutes 08.030 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 23.314 seconds North, longitude 90 degrees 01 minutes 10.035 seconds West; thence southerly to a point at latitude 29 degrees 29 minutes 09.521

seconds North, longitude 90 degrees 01 minutes 15.178 seconds West; thence westerly to a point at latitude 29 degrees 29 minutes 10.637 seconds North, longitude 90 degrees 01 minutes 29.713 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 33.134 seconds North, longitude 90 degrees 01 minutes 30.449 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 40.110 seconds North, longitude 90 degrees 03 minutes 27.833 seconds West, thence southerly to a point at latitude 29 degrees 28 minutes 36.574 seconds North, longitude 90 degrees 03 minutes 29.741 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 22.052 seconds North, longitude 90 degrees 03 minutes 56.413 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 20.369 seconds North, longitude 90 degrees 04 minutes 01.526 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 19.527 seconds North, longitude 90 degrees 04 minutes 16.811 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 19.340 seconds North, longitude 90 degrees 04 minutes 23.149 seconds West; thence southwesterly to a point at latitude 29 degrees 28 minutes 12.363 seconds North, longitude 90 degrees 04 minutes 28.498 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 13.253 seconds North, longitude 90 degrees 04 minutes 33.578 seconds West; thence westerly to a point at latitude 29 degrees 28 minutes 13.533 seconds North, longitude 90 degrees 04 minutes 36.968 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 11.567 seconds North, longitude 90 degrees 04 minutes 38.407 seconds West; thence southerly to a point at latitude 29 degrees 28 minutes 05.627 seconds North, longitude 90 degrees 04 minutes 38.482 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 58.698 seconds North, longitude 90 degrees 04 minutes 38.568 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 55.110 seconds North, longitude 90 degrees 04 minutes 46.543 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 52.581 seconds North, longitude 90 degrees 05 minutes 06.066 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 48.538 seconds North, longitude 90 degrees 05 minutes 03.132 seconds West; thence easterly to a point at latitude 29 degrees 27 minutes 49.851 seconds North, longitude 90 degrees 04 minutes 45.184 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 37.031 seconds North, longitude 90 degrees 04 minutes 37.154 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 36.560 seconds North, longitude 90 degrees 04 minutes 36.658 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 24.833 seconds North, longitude 90 degrees 04 minutes 38.534 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 18.564 seconds North, longitude 90 degrees 04 minutes 37.351 seconds West; thence westerly to a point at latitude 29 degrees 27 minutes 23.151 seconds North, longitude 90 degrees 04 minutes 54.963 seconds West; thence southwesterly to a point at latitude 29 degrees 27 minutes 11.170 seconds North, longitude 90 degrees 05 minutes 08.473 seconds West; thence southerly to a point at latitude 29 degrees 27 minutes 06.634 seconds North, longitude 90 degrees 05 minutes 08.198 seconds West; thence southwesterly to a point on the southern shoreline of Little Lake at latitude 29 degrees 27 minutes 03.038 seconds North, longitude 90 degrees 05 minutes 14.223 seconds West; thence westerly along the shoreline of Little Lake to the intersection of the western shoreline of Little Lake and the southern shoreline of Bay L'ours at latitude

29 degrees 30 minutes 02.067 seconds North, longitude 90 degrees 12 minutes 02.839 seconds West; thence westerly along the shoreline of Bay L'ours to the intersection of the northern shoreline of Bay L'ours and the western shoreline of Little Lake at latitude 29 degrees 31 minutes 05.281 seconds North, longitude 90 degrees 11 minutes 51.880 seconds West; thence northerly along the western shoreline of Little Lake to the intersection of the northern shoreline of Little Lake and the western shoreline of Bayou Perot at latitude 29 degrees 34 minutes 11.659 seconds North, longitude 90 degrees 10 minutes 13.934 seconds West; thence northerly along the western shoreline of Bayou Perot to a point on the western shoreline of Bayou Perot at latitude 29 degrees 34 minutes 40.000 seconds North, longitude 90 degrees 10 minutes 08.000 seconds West; thence east to a point on the eastern shoreline of Bayou Perot at latitude 29 degrees 34 minutes 40.000 seconds North, longitude 90 degrees 09 minutes 20.000 seconds West; thence southerly along the eastern shoreline of Bayou Perot to the intersection of the eastern shoreline of Bayou Perot and the northern shoreline of Little Lake at latitude 29 degrees 33 minutes 55.686 seconds North, longitude 90 degrees 10 minutes 18.146 seconds West; thence southeasterly along the northern shoreline of Little Lake to the intersection of the northern shoreline of Little Lake and the western shoreline of Turtle Bay at latitude 29 degrees 31 minutes 57.674 seconds North, longitude 90 degrees 08 minutes 55.092 seconds West; thence northeasterly along the shoreline of Turtle Bay to the intersection of the eastern shoreline of Turtle Bay and the northern shoreline of Little Lake at latitude 29 degrees 31 minutes 55.937 seconds North, longitude 90 degrees 06 minutes 28.544 seconds West; thence southeasterly along the northern shoreline of Little Lake to a point on the northern shoreline of Little Lake at latitude 29 degrees 31 minutes 28.031 seconds North, longitude 90 degrees 05 minutes 14.708 seconds West; thence southeasterly to the intersection of the eastern shoreline of Little Lake and the northern shoreline of Bayou St. Denis at latitude 29 degrees 31 minutes 20.272 seconds North, longitude 90 degrees 04 minutes 50.608 seconds West; thence southeasterly along the northern shoreline of Bayou St. Denis to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(12) and R.S. 56:434(A).

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

Earl P. King, Jr.
Chairman

To receive and consider Resolution and Declaration of Emergency on Oyster Season for Little Lake Public Oyster Seed Grounds and further providing with respect thereto was also handled by Mr. Patrick Banks. Now that the rule has been approved, the next step was to open an oyster season in the area. The Louisiana Oyster Task Force requested the industry be allowed to harvest resources from the area. The final rule was to be published in the Louisiana State Register on February 20, so staff was recommending opening the oyster season on February 21. Biological evidence has shown the presence of the resource in the area especially seed oysters which are very much needed in the

Barataria Bay system. Mr. Banks reminded the Commission this area was opened in 2003 and it was documented over 12,000 sacks and over 4,000 barrels of seed oyster were harvested. He added that based on the number of telephone calls he has received from the oyster fishermen, they were very interested in harvesting the resource. Hearing no questions, Commissioner Morrow made a motion to adopt. Commissioner Miller seconded the motion and it passed with no opposition.

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

RESOLUTION

SETTING OF THE 2006/2007 OYSTER SEASON IN THE PROPOSED LITTLE LAKE PUBLIC OYSTER SEED GROUNDS

February 1, 2007

WHEREAS, the Louisiana Wildlife and Fisheries Commission passed a Resolution and Notice of Intent on September 7, 2006 that described the proposed Little Lake Public Oyster Seed Grounds, and

WHEREAS, the Commission has taken action to promulgate the Final Rule, and

WHEREAS, it is anticipated that the Final Rule designating the Little Lake Public Oyster Seed Grounds will be published in the February 20, 2007 edition of the Louisiana Register, and

WHEREAS, Louisiana Revised Statutes (R.S.) 56:433 provides that the Public Oyster Seed Grounds may be fished starting on the first Wednesday following Labor Day which in 2006 was September 6, and

WHEREAS, R.S. 56:433 further provides that the Commission may designate which areas of the natural reefs may be fished, and

WHEREAS, oyster resources within the proposed Little Lake Public Oyster Seed Ground have been located, biologically monitored and evaluated, and

WHEREAS, the Louisiana Oyster Task Force has requested and recommended that these water bottoms be designated as public oyster seed grounds and the Commission has considered the recommendations of the Louisiana Oyster Task Force as provided for in R.S. 56:433(B.1),

THEREFORE BE IT RESOLVED, that the 2006/2007 oyster season in the Little Lake Public Oyster Seed Grounds shall open at one-half hour before sunrise on

February 21, 2007 and is further described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring, or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended or may open areas if substantial oyster resources are located, and

BE IT FURTHER RESOLVED, that the notice of any opening, delaying, or closing of a season will be made by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns, and

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 2006/2007 oyster season in the Little Lake Public Oyster Seed Ground is attached to and made part of this Resolution.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953(B) and 967(D), and under the authority of R.S. 56:433, R.S. 56:435.1, and R.S. 56:435.1.1(D) notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

The oyster season in the Little Lake Public Oyster Seed Grounds as described in Louisiana Administrative Code (LAC) 76:VII.521 shall open at one-half hour before sunrise on February 21, 2007.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Department of Health and Hospitals for public health concerns.

Earl P. King, Jr.
Chairman

To receive and consider Presentation of Stock Assessments for Black Drum, Striped Mullet, Southern Flounder and Sheepshead and further providing with respect thereto was handled by Mr. Harry Blanchet. He stated this was the annual stock assessment reports received on the four species of fish required by state statute. There were no changes from last year's assessment procedures and no substantive changes in the assessment outcomes. Commissioner Miller stated he was provided with the Executive Summary for each fish and reviewed them as well as the full report on two of the four species. He found that the conservation standard for all stocks were above the minimum set the Legislature and made a motion that the Commission adopt the reports and forward them to the Legislature. Commissioner Sagrera seconded the motion and it passed with no opposition.

The Commissioners agreed to hold the **June 2007 Meeting** on Thursday, June 7, 2007, beginning at 9:30 a.m. at the Baton Rouge Headquarters. Commissioner Sagrera noted he would be out of the country and not able to attend the June Commission Meeting.

Next item was to receive **Public Comments**. Chairman King then stated Mr. Kevin Hull wanted to make a comment on allowing deer dog hunting on the WMAs. He explained to Mr. Hull that deer dog hunting on WMAs was prohibited by state law. Mr. Hull began stating he wrongly thought that the Department and Commission were the same. He noted a representative of the Department expressed a commitment to the dog hunting heritage, but the Commission did not express a commitment and could not as stated in law. Mr. Hull went through dialogue he had with Chairman King while they served on the Deer Dog Task Force. On December 7, 2006, Mr. Hull presented a petition to the Commission with 579 signatures and letters of endorsement from Legislators. As requested, Mr. Hull was once again asking for the Commission's consideration of the matter. A meeting with Secretary

Hammett and his staff was then reported on. At the meeting one of the gentlemen asked Mr. Moreland the reasons for not wanting to open Maurepas Swamp WMA. Mr. Moreland stated that the deer quota harvest was being met by the still hunters. Then Mr. Moreland was asked if the quota could be met by dog hunters and he felt it could be. Mr. Moreland's next issue was a trespass issue; Mr. Hull felt the size of the area and the fact it was surrounded by dog hunting clubs and Lake Maurepas should not make it an issue. Mr. Hull agreed to Mr. Moreland's next concern in the possibility of a large number of dog hunters showing up. He proposed using a lottery hunt similar to those used in South Carolina or Florida. License fees were then discussed which he noted added up to millions of dollars for public land and it was noted that this user group was totally excluded from using WMAs. Mr. Hull asked the Commission to develop a protocol for the public to have their petitions considered in a timely manner. Mr. Moreland's proposal to listen to public comments on this issue and then possibly making a recommendation for the 2008-09 season was an excessive time period. Chairman King thanked Mr. Hull and stated they would take it under advisement and discuss it with the Department.

Commissioner Denmon stated he had a letter from Mr. Tommy Bacon from Gray, Louisiana in his packet. He had enforcement issues on the Red River and Three Rivers WMAs and asked that the letter be forwarded to Secretary Hammett or the Enforcement Division.

Chairman King then asked that the ConocoPhillips and Fenstermaker letters be made a part of the record.

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

Attachments