

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

January 4, 2007

**TERRY D. DENMON
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive
Baton Rouge, Louisiana 70808
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**AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
JANUARY 4, 2007**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 4, 2007

Chairman Terry Denmon presiding.

Earl King
Frederic Miller
Patrick Morrow
Henry Mouton
Wayne Sagrera
Robert Samanie, III

Secretary Bryant Hammett was also present.

Chairman Denmon called for a motion for approval of the **December 7, 2006 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Samanie. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner King presented a plaque to Chairman Denmon for his dedication and commitment as Chairman for 2006. Chairman Denmon thanked his fellow Commissioners.

To receive and review present Timber Management Plan with any suggested modifications began with Commissioner Miller stating the Department's timber management program was about 10 years old and felt it wise that the Commission receive an updated report. He also requested information on annual revenues from the timber stands. Mr. Kenny Ribbeck stated a General Forest Management Plan revision was included in each Commissioner's packets. The original plan was approved in September 1995 and he requested that the revised plan be adopted by the Commission. The primary revision was the method used to inventory the properties. Staff wanted to utilize a system that focused more on wildlife habitat characteristics rather than forest products. On the request for timber revenue, Mr. Ribbeck stated a table was provided that showed each fiscal year's sales from the WMAs. As a point of note, Mr. Ribbeck noted these sales were from WMAs that the Department has ownership of and not from leased WMAs. Average timber sale has been about \$400,000 per year for the last 11 years. Commissioner Miller asked for a breakdown between pine stand and hardwood stand the Department manages. Mr. Ribbeck stated the Department's ownership was about 462,000 acres, about 7 percent was pine and the bulk was bottomland hardwoods. Then Commissioner Miller stated the

new plan was to approach management on a WMA by WMA basis, and asked what was the process now. Mr. Ribbeck stated that on 17 WMAs each year, a single compartment or 2 compartments were inventoried each year. Then a management plan or "prescription" was developed for that area and put out for public review and comment. The proposal was to go onto a WMA and do a complete inventory at a lesser percentage sample, which would amount to looking at 50,000 to 60,000 acres per year. A new entry schedule would be established based on the habitat conditions the inventory showed and then prescriptions would be developed each year. Commissioner Miller asked Mr. Ribbeck if he was a graduate forester and if there were foresters on his staff. Mr. Ribbeck stated he was a forester and he had 8 graduate foresters on his staff. Commissioner Miller asked if the staff looked at the tracts according to the best forest management practices. Mr. Ribbeck stated the best forest management practices were geared toward how treatments were carried out. The Department currently uses private forestry consultants to do the inventory work and staff carries out the actual treatments. Under the new process, Mr. Ribbeck noted training would be initiated to private consultants that wanted to continue doing inventory work since they would be looking at different attributes of the forest. Commissioner Miller asked if a tract was "thinned" was it put out for competitive bid and Mr. Ribbeck answered yes. Commissioner Miller asked if the Commission should take action or would they be given a chance to review the new plan and address it at the next meeting. Mr. Ribbeck hoped the Commission would take the opportunity to review the plan and address it later. Chairman Denmon noted that the revenue table would cover the agenda item, **To receive and review Revenues produced in last 10 years with Expenses of Reforestation.** Commissioner Miller thanked Mr. Ribbeck for the information.

To receive and hear Enforcement & Aviation Reports/December began with Lt. Col. Keith LaCaze stating December was a very active hunting month. A total of 1,165 citations and 169 written warnings were issued and agents helped with 45 instances of public assists. Written warnings issued for the deer harvest card went from as many as 6 citations written in Region 9 to as low as 1 case in other regions. Agents have been engaged in night hunting and waterfowl activities. The Aviation Report showed that 2 of the 3 Department airplanes flew a total of 53 hours for the month. For the monthly boating accidents, there was a reduction in the total number of fatalities for the year to 24 as compared to 30 from 2005. However, for December there were 5 fatalities with 3 being hunters that were thrown from their boats without a PFD. Also, Lt. Col. LaCaze noted there were 7 accidents reported for a total of 111 for the year and 1 injury making a total of 74 throughout the year. News Releases centered on citing 2 men for illegal dumping of deer carcasses, night hunting arrests made in Tensas, Franklin and Catahoula Parishes, closed season migratory case in LaSalle Parish, and a sentencing in a deer hunting case from Avoyelles Parish.

To receive and consider Rule Ratification on Spring Squirrel Season and further providing with respect thereto was handled by Mr. Dave Moreland. At the September 2006 Commission Meeting, a proposal for a spring squirrel season was presented. Dates for 2007 would be May 5 - May 27 and for 2008, May 3 - May 25. Closed areas were noted by Mr. Moreland. Season dates on the WMAs would be May 5 - May 13, 2007 and May 3 -

May 11, 2008 on Bodcau, Boeuf, Clear Creek, Little River, Maurepas Swamp, Russell Sage and Sherburne WMAs. Daily bag limit would be 3 and possession limit would be 6. Comments received were mostly in support of the proposal, but there were concerns that outlaws would overharvest squirrels. The Wild Turkey Federation also expressed concerns, but staff felt there would not be any problems with the turkey population. Mr. Moreland then noted there would be no recommended changes and asked that the proposal be adopted. Commissioner Morrow asked if the biologists have studied the impact on squirrels from the hurricanes. Mr. Moreland stated the worst areas were southeast Louisiana and there was a loss of hardwood components from the hurricanes. On Pearl River WMA, the biggest problem seen has been hunter participation which has reduced the squirrel harvest. The cypress tupelo components on Pearl River did not suffer damage, so the squirrel still has those trees. Mr. Moreland felt the squirrel population would recover with there being 2 breeding seasons. He added that private landowners that may have suffered damage could choose not to participate in this season. The WMAs in the proposal were not impacted. Commissioner Morrow asked about the 2 breeding seasons. Mr. Moreland stated the peak of the first breeding activity occurred in December with squirrels born in February and the second breeding period began in June with those squirrels coming out of the nest in September. Lots of comments received felt this would provide a good opportunity for youth to get out and would allow for dog hunting. Commissioner King asked where could the squirrels be found at that time of the year. Mr. Moreland stated some trees produce soft mass fruit and also buds would be the primary feed for squirrels. Hearing no further comments, Commissioner Miller made a motion to adopt the proposal. Commissioner King seconded the motion and it passed with no opposition.

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby create and establish rules for a spring squirrel season on private lands and on selected wildlife management areas.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§103. Resident Game Birds and Animals 2006-2007, 2007-2008

* * *

H. Spring Squirrel Hunting

1. Season Dates: May 5 - May 27, 2007 and May 3 – May 25, 2008
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: Open May 5 – May 13, 2007 and May 3 – 11, 2008 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: (January 2007).

Terry D. Denmon
Chairman

To receive and hear for Information Only the proposal for the 2007/2008 Hunting Seasons began with Mr. Dave Moreland stating he and Mr. Jimmy Anthony would tag team this item. Mr. Moreland stated there would be no changes for the regular resident game seasons; no changes for the deer hunting seasons; there may be changes by opening more parishes for the either-sex hunts; and a major change would occur with the new point of sale system issuing deer tags. All hunters in 2007 regardless of age or license status would be required to get deer tags and would be required to get turkey tags in the spring of 2008. While showing an example of the license with tags printed on it, Mr. Moreland stated they would continue with the 3 antlered bucks and 3 antlerless deer. When a deer was harvested the appropriate tag would be placed on the carcass. The license reporting card

would be similar to that used this year and then within 72 hours, hunters would have to report their kill and get a confirmation number and put it on the license. On managed deer hunts conducted on the WMAs, staff would validate their kill using tags they would put on the deer. Antlerless deer harvested on DMAP and LADT clubs do not have to validate their kills, those are listed on harvest data sheets. Buck tags would be used when antlered bucks are killed on DMAP and LADT lands. Commissioner Sagrera asked why not follow the Texas tagging system which was so much simpler. Mr. Moreland stated Texas does not require validation. Commissioner Mouton asked if other states were using the same system. Mr. Moreland answered yes, the example was an actual Tennessee tag; Texas uses a different system. Chairman Denmon asked if there would be a problem with the tagging issue as the protocol process was followed. Mr. Moreland did not think there would be a problem. He added that if the Commission did not want to require validation that could be eliminated, but Mr. Moreland felt it was a critical component for a tagging program. Chairman Denmon asked if the deer limits was changed while going through the process could the system be changed. Mr. Moreland stated yes, modifications could be made in the program. Commissioner Mouton asked if an 800 number would be used to validate the deer. Mr. Moreland stated that program would be handled by the vendor. Commissioner Mouton asked how would the system handle lifetime license holders. Mr. Moreland stated those hunters would already be in the system and a vendor would print the tags for that person. Commissioner King felt validation was essential for proper enforcement. Commissioner Morrow asked if the point of sale system was put out for bid or was it handled through private negotiations. Mr. Moreland stated it was put out for bids and the current vendor was closing out their system. Mrs. Janice Lansing added that the current contract would expire at the end of January 2007 and hopefully the new system would be in place by March 1. The Department went through the RFP process at this time last year for the contract. Chairman Denmon asked if the license procedure required Commission approval. Mr. Don Puckett could not answer, but would advise at the next meeting. Continuing on, Mr. Moreland again stated they would continue with the 3 antlered bucks and 3 antlerless deer limit. On youth hunts, state law requires youth to be under 16 years of age. The Department would like to allow 16 and 17 year old hunters the privilege to participate in youth hunts. There would be no change in description areas; and the promotional hunting days would continue for another year.

Moving on to changes on the wildlife management areas, Mr. Anthony expounded on the state law for youth hunts. In statute, youth hunting on private lands must be less than 16 years old. The Commission allows youth hunters on WMAs and this regulation was the same as statute. This means a change would have to occur through the Legislature. Commissioner Morrow thought this year would be a fiscal only session, but understood that each Legislator could introduce 5 non-fiscal bills. He suggested maybe finding a Legislator that would be willing to introduce a bill for this change. Mr. Moreland stated they would look into that possibility, but added they would not move forward with that change. Mr. Anthony stated the whole idea was to make the statute and hunting regulation the same. There would be one change on an area description for the 2008-09 season in East Carroll Parish. The change would move that portion of East Carroll Parish that lies east of the mainline Mississippi River levee into Area 1 which has a later season structure. Mr. Moreland stated

the 3 year season structure would end with the 2007 season. He asked the Commission if they wanted to include the season dates for 2008-09 using the generic language in this hunting setting process. Chairman Denmon hoped the Commission would continue with the original process and set a season on a specific date until they were convinced it needed to be another date. Commissioner Miller understood that the dates would remain the same except for calendar adjustments and the pamphlet would show 2 years of season dates. Chairman Denmon wanted to reduce the process to a rule that these were the seasons and if there was a need to change a portion, then that would be discussed. He added they fought every battle every year with all of the different opposing groups and came out with a different answer each year. Commissioner Miller stated he had no problem with reducing those dates to a rule. Mr. Moreland stated they would proceed in that direction and notify the public of the 2008-09 dates. Chairman Denmon felt the generic document was super.

Mr. Anthony continued on stating that there would be a few changes in the WMA regulations as well as adding a few hunts. Campers would be allowed 3 days to check out when they use the self-clearing system on a WMA instead of having to go to a check station each day; revising the regulation on retrieving deer and hogs using ATVs to extend the privilege to more people; and adding a regulation that allows hunters to enter a WMA no earlier than 4 AM in order to prevent hunters from reserving space. A muzzleloader season would be added to Elm Hall WMA; move either-sex season on Dewey Wills WMA to a later season; change and add an either-sex day to Grassy Lake, Pomme de Terre and Spring Bayou WMAs; allow recreational crawfishing on Ouachita WMA for an additional month; allow hog dog hunting on Three Rivers WMA; add on Buckhorn WMA youth and physically challenged hunts, extend modern firearm either-sex seasons by 4 days and extend muzzleloader season by 7 days to help control the deer population; moving the deer season around the quail hunts on Sandy Hollow and Bens Creek WMAs; and create physically challenged hunts on several WMAs. Commissioner Miller asked if a hunter on private lands could utilize any other weapon during the muzzleloader season. Mr. Anthony stated he could use archery equipment during that time. Commissioner Miller asked the reason for regulating a hunter's choice of weapon used when on private lands during the entire deer season. Mr. Moreland stated the advantage of modern firearms was the ease of harvest was much greater. If all hunters were enrolled in DMAP or LADT, then you could use any weapon since a specific number of deer would be harvested. But with so many small land owners and those not enrolled in a program, then you stand the risk of overharvesting deer. Commissioner Miller then asked with the validation program did that not soften the argument somewhat. Mr. Moreland stated it may. He added that on the WMAs, they manage the number of days and if the deer harvest was not being met then those days were expanded. That option was not available on private lands except for DMAP. Commissioner Miller asked if DMAP hunters could use whatever weapon they wanted and Mr. Moreland stated they were to hunt within the season framework. Mr. Anthony stated that if they went with Commissioner Miller's suggestion, then the Department would be hard pressed to sell the 40,000 muzzleloader licenses that are sold. Commissioner Mouton stated he was not a muzzleloader hunter, but with all of the fancy scopes, some of those guns were becoming as powerful or more powerful than rifles. Mr. Moreland stated muzzleloader licenses have leveled off and it was anticipated that with

more hunters turning 60, there would be an increase in senior license sales. Commissioner Mouton asked how many muzzleloader licenses are sold now and Mr. Moreland stated there were about 34,000 sold and noted archery licenses has dropped to 24,000.

To receive and hear for Information Only proposed rules to Prohibit Possession of Big Exotic Cats began with Mr. Phil Bowman stating that the Legislature authorized the Commission to adopt regulations for non-traditional wildlife species. Act 715 was passed during the last regular session which authorized the Commission to adopt regulations relative to big cats, tigers, lions, jaguars, leopards, cougars and cheetahs. An Executive Summary was included in the packets and would be discussed before a formal Notice of Intent was developed. Mr. Bowman then introduced Mrs. Maria Davidson and asked that she briefly go over the Summary. Mrs. Davidson stated individuals with cats were divided into 2 groups: those that would be exempted completely and those that would be permitted.

The exempted group would be AZA Accredited Zoos, anyone that travels through the state and was in the state less than 24 hours, scientific and research facilities, and a bonafide circus. Zoos that were not AZA certified would be permitted to keep their animals and proceed with their business. Animal sanctuaries would also be permitted but requirements have been developed. Colleges and Universities would be exempted from the regulation by submitting a letter stating they have kept an animal as a mascot. Staff created a list of requirements for those in the personal ownership group. These requirements were felt to be reasonable and well within the normal precautions taken by professionals that keep such animals. Also, the requirements were considered completely reasonable to provide safety of the general public and for the health and welfare of the animal being kept. Other regulations included: a permit can be applied for on an animal that owners had prior to the Act, but no more can be obtained; a written plan was needed for the safe and quick recapture or destruction of the animal; the plan must be on file with the Department and the local emergency personnel; the permittee must have the authority to possess a weapon that could destroy the animal; must possess a weapon that can provide for long range chemical immobilization; indemnify and hold harmless the State, the Department and other agencies that may deal with the recapture of the animal; the permittee would be responsible for all costs; liability insurance from an A rated or higher company in the amount of \$100,000 for each exotic cat up to a maximum of \$1,000,000; the permitted animals must be prevented from breeding by separate housing or sterilization; the permittee or a designee must live on the premises, and if it is a designee, that person must be able to carry out all of the requirements; and the Department will have access to inspect the animals, facilities, equipment and records. Mrs. Davidson noted staff was still trying to determine if the drugs used would be readily available from the veterinarian on record or be kept on site. Continuing on with the regulations, signs, approved by the Department, must be posted and displayed at each entrance; each animal must be micro chipped; the permitted animal must remain in the inspected enclosure at all times; the permittee must notify the Department, the local sheriff or police department of an escape; and the permittee must also notify the Department prior to disposition of an animal. Regulations on sanitary needs for the animal as well as minimum requirements for the enclosure were also included in the Summary. Commissioner Mouton stated he felt the drugs should be kept on site. Mrs. Davidson agreed and added that the Legal Section was contacting the Louisiana

State Board of Veterinary Medicine to see if a veterinarian could legally prescribe those drugs to be kept on site. Mr. Bowman stated that the Department's primary concern was for the safety of the people that lives around the animal and the secondary concern was the health of the animal. Other states as well as other professionals were consulted on these regulations. A formal Notice of Intent would possibly be presented at the next Commission Meeting. Chairman Denmon felt the proposal was well put together.

Mr. Gary Tilyou handled the next agenda item, **To receive and consider Notice of Intent to allow for the incidental harvest of Paddlefish by Recreational Fishermen and further providing with respect thereto.** He stated that from the 1950's until 1986, there was a 15 pound minimum for the commercial and recreational take of paddlefish. In 1986, carcasses were being disposed of in dumpsters with only the roe being taken for caviar. At that time, the Department did not have much information on the population, so they closed the season temporarily. In 1992, a permanent closure was established for both recreational and commercial fishing. Since then staff has learned to spawn paddlefish and stocked some in the waterbodies of the state. Also, they have considered a limited recreational harvest for several years. During last year's Legislative Session, a Resolution was presented requesting the season be opened for recreational harvest by incidental take. The Notice of Intent included a size limit of 30 inch lower jaw fork length. The earliest paddlefish found that had any eggs in their studies was a 6 year old, so staff felt safe in knowing there would not be any fish taken with eggs. About 18 percent of the body weight of a female paddlefish could be eggs, so a fish that averaged 25 pounds would have an egg mass of 5 pounds and with roe going for \$100 per pound, that fish would be a \$500 fish. Regulations from other states included Texas not having a commercial or recreational take; Mississippi has a closed season from November 1 to April 30 and recreational fishermen were limited to 2 fish per day; and Arkansas allows for a roe fishery under very intense harvest restrictions during the season of November 15 to April 15. The harvest in Louisiana would be for recreational fishermen and would not allow commercial take; there would be a year round season; a 30 inch maximum size limit and would be restricted to freshwater areas only. Commissioner Samanie asked if the paddlefish was still being raised in the hatcheries. Mr. Tilyou stated a very limited number were being produced for an aquatic education program, but not for stocking purposes. Hearing no further questions, Commissioner Samanie made a motion to adopt the Notice of Intent. Commissioner Sagrera 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.)

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
January 4, 2007

WHEREAS, R.S. 56:325.C, R.S. 56:6(25)(a) and R.S. 56:326.3 give the Louisiana Wildlife and Fisheries Commission the authority to amend by rule, size limits, daily take limits, possession limits, seasons, and times set by law for freshwater finfish, and

WHEREAS, the Wildlife and Fisheries Commission completely prohibited the take and possession of paddlefish, commonly called spoonbill catfish, or paddlefish body parts, including eggs, November 1, 1992, and

WHEREAS, SCR 16 of the 2006 regular session was passed to urge and request the Department of Wildlife and Fisheries to allow an incidental catch of spoonbill catfish, and

WHEREAS, studies indicate that Louisiana populations of paddlefish are now stable or slightly increasing, and

WHEREAS, paddlefish populations are still susceptible to overharvest if allowed to be taken for their roe, and

WHEREAS, allowing for a limited take of paddlefish by recreational fishermen should not lead to overharvest.

THEREFORE BE IT RESOLVED that the Wildlife and Fisheries Commission hereby promulgates a Notice of Intent, attached to and made a part hereof, to adopt a rule to allow for the recreational take and possession of paddlefish.

BE IT FURTHER RESOLVED, 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.

Terry D. Denmon, Chairman
Wildlife & Fisheries Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on paddlefish (*Polyodon spathula*) in portions of Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§137. Paddlefish

~~The prohibition on the taking and possession of paddlefish, Polyodon spathula, commonly called spoonbill catfish, or paddlefish body parts, including eggs (roe) is to continue indefinitely. This rule will take effect on November 1, 1992.~~

The incidental take and possession of paddlefish (Polyodon spathula), commonly called spoonbill catfish, shall be regulated by the following provisions. Paddlefish as referred herein shall include roe and any parts thereof.

1. Properly licensed recreational fishermen using legal recreational gear may take paddlefish as per the following provisions. No person shall take or possess paddlefish in violation of any of the provisions herein:

a. Area - The taking or possession of paddlefish is closed in all saltwater areas of the state and in border waters shared with Texas.

b. All possessed paddlefish must be dead. The possession or transportation of live paddlefish is prohibited.

c. All paddlefish possessed on the waters of the state shall be maintained intact.

d. No person shall possess paddlefish eggs on the waters of the state which are not fully attached to the fish.

e. Daily take and possession limit – The daily take and possession limit of paddlefish is two per person.

f. Maximum size limit – All paddlefish greater than 30 inches (lower jaw fork length) must be returned to the water immediately. Lower jaw fork length is the distance from the tip of the lower jaw to the mid-line of the caudal fin.

2. The commercial take and possession of paddlefish is prohibited. No person shall purchase, sell, barter, exchange or trade or attempt to purchase, sell, barter or trade paddlefish, their eggs or parts thereof.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:368 (June 1986), LR 15:868 (October 1989); amended by the Department of Wildlife and Fisheries, Office of Fisheries, LR 18:978 (September 1992), amended 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 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 on the amended rule to Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., March 6, 2007.

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

Terry D. Denmon
Chairman

The next agenda item, **To receive and consider a Resolution and Declaration of Emergency on King Mackerel Commercial Season and further providing with respect thereto** was the first of several for Mr. Harry Blanchet. This action was for an annual season the Commission has considered in previous years. The Secretary would be allowed to close the king mackerel season when it was closed in federal waters and to reopen and close if an additional season was set. The action also allows for the management of the fishery to occur sooner than waiting for the Commission to meet and take action when the quota was met. Chairman Denmon asked if this was the same action taken every year and Mr. Blanchet answered yes. Commissioner Sagrera made a motion to adopt and it was seconded by Commissioner Miller. The motion passed with no opposition.

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

RESOLUTION
2007 COMMERCIAL KING MACKEREL SEASON
January 4, 2007

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

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

WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2007 commercial king mackerel season in EEZ waters is scheduled to open on July 1, 2007, and

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

WHEREAS, R.S. 56:6(25)(a) and R.S. 56:326.3 provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2007 season for commercial harvest of king mackerel in Louisiana state waters, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2008, which is the date expected to be set for the re-opening of the 2008 commercial king mackerel season in Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the commercial king mackerel harvest including trip and size limits established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the 2007 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2007 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2007 and remain open until the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2008, which is the date expected to be set for the re-opening of the 2008 commercial king mackerel season in Federal waters.

The Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell king mackerel, whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess king mackerel in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Terry D. Denmon
Chairman

Next for Mr. Harry Blanchet was **To receive and consider a Resolution and Declaration of Emergency on Reef Fish Commercial Seasons and Trip Limits and further providing with respect thereto.** The difference in this action on the commercial season as compared to previous years was extending the Secretary's authority to the end of January 2008. Chairman Denmon asked if the authority expired at the end of December in previous years and Mr. Blanchet stated that was correct. Also the Declaration of Emergency would establish a commercial trip limit for shallow water and deep water grouper of 6,000 pounds. It also allows the Secretary to modify those limits if notified by National Marine Fisheries Service of a change. Commissioner King asked if the Commission was giving blanket authority for the timeframe. Mr. Blanchet stated it paralleled the action taken on king mackerel except it added a 6,000 pound grouper trip limit. Hearing no further questions, Commissioner Mouton made a motion to accept the Resolution and Declaration of Emergency. Commissioner King seconded the motion and it passed unanimously.

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

RESOLUTION
2007-08 REEF FISH COMMERCIAL SEASONS AND TRIP LIMITS
January 4, 2007

WHEREAS, the reef fish complex is composed of several groups of species that inhabit marine waters off the coast of Louisiana, including red snapper, other species of snappers, groupers, amberjacks, triggerfishes, grunts, wrasses,

sea basses, tilefishes and porgies, with the species listed in LAC 76:VII.335, and

WHEREAS, the reef fish fisheries are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, some species such as the red snapper are managed with species-specific seasons, while others are managed as species groups, such as the shallow-water and deep-water groupers and tilefishes, and

WHEREAS, some of these species groups have trip limit regulations for commercial harvesters, which may change over the course of the season, and

WHEREAS, NMFS recently promulgated a rule establishing a 6,000 pound commercial trip and possession limit for shallow-water and deep-water groupers combined, and

WHEREAS, commercial quotas have been established for some of these species groups, which have the potential to be filled during the course of the fishing year, and

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

WHEREAS, the NMFS and the Gulf Council regularly request the Department of Wildlife and Fisheries to implement consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner, it is necessary that emergency rules be enacted, and

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

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2007-08 seasons for commercial harvest of reef fish in Louisiana state waters as described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the

Secretary of the Department of Wildlife and Fisheries to close the season for the commercial harvest of any species or group of species of fishes listed in LAC 76:VII.335, and to re-open and re-close these seasons in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the same season has been modified in the federal waters of the Gulf of Mexico, and that the Regional Administrator of NMFS requests that the season be modified in Louisiana state waters, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to modify commercial trip or possession limits for the commercial harvest of any species or group of species of fishes listed in LAC 76:VII.335 in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the same commercial trip or possession limit has been established or modified in the federal waters of the Gulf of Mexico, and that the Regional Administrator of NMFS requests that the trip or possession limit be modified in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding reef fish harvest, including possession limits, permit requirements and size limits established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting 2007-08 commercial reef fish seasons in Louisiana state waters is attached to and made part of this resolution.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2007-08 Reef Fish Commercial Seasons and Trip Limits

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons,

and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Commercial Trip and Possession Limits for Reef Fish: The commercial trip and possession limit for deep-water and shallow-water grouper combined (black, misty, Warsaw, red, snowy, yellowedge, yellowfin and yellowmouth groupers, red hind, rock hind, speckled hind, gag and scamp), shall be 6,000 pounds per vessel. The Secretary of the Department of Wildlife and Fisheries is hereby authorized to establish and modify trip and possession limits for the commercial harvest of any species or group of species of the fishes listed in LAC 76:VII.335, Reef Fish – Harvest Regulations, in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable trip or possession limit has been established for the Federal waters of the Gulf of Mexico, and if he is requested by the Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

Effective with any commercial trip or possession limit under this emergency rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade or sell the affected species or group of species, whether taken from within or without Louisiana territorial waters in excess of such established commercial trip or possession limit.

Commercial Seasons for Reef Fish: The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the commercial harvest of any species or group of species of the fishes listed in LAC 76:VII.335, Reef Fish – Harvest Regulations, in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable commercial quota has been harvested in the Gulf of Mexico, and if he is requested by the Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to re-open and close the commercial seasons described here in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of these fish species in the Federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters. Such authority shall extend through January 31, 2008.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell the affected species of fish, whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess the affected species of fish in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish

taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Terry D. Denmon
Chairman

To receive and consider a Resolution and Declaration of Emergency on Reef Fish Harvest Regulations and further providing with respect thereto was a third item for Mr. Harry Blanchet. This action set a closed season for the recreational harvest of three species of grouper from February 15 through March 14, sets a creel limit to zero for the captain and crew of charter vessels, and allows the cooperation with the federal system of individual fishing quotas for the harvest of red snapper. Chairman Denmon asked why do a Declaration of Emergency and then follow it with a Notice of Intent on this item. Mr. Blanchet stated that the Declaration of Emergency would allow the regulations to be enforced immediately. The recreational closed season would occur prior to the ratification of the Notice of Intent. The red snapper individual fishing quota system was already enforced in federal waters off of Louisiana, so this would allow for compatible regulations. Commissioner Morrow asked if this action was conforming to federal regulations in state waters. Mr. Blanchet answered yes. He added it was much easier to have consistent regulations between the two waterbodies. Hearing no further comments, Commissioner Sagrera made a motion to adopt the Resolution and Declaration of Emergency. The motion was seconded by Commissioner Morrow and approved without opposition.

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

Resolution and Declaration of Emergency on
Reef Fish Harvest Regulations
January 4, 2007

WHEREAS, the reef fish complex is composed of several groups of species that inhabit marine waters off the coast of Louisiana, including red snapper, other species of snappers, groupers, amberjacks, triggerfishes, grunts, wrasses, sea basses, tilefishes and porgies, with the species listed in LAC 76:VII.335, and

WHEREAS, the reef fish fisheries are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and NOAA Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, some species are managed with species-specific seasons, while others are managed as species groups, such as the shallow-water and deep-water groupers and tilefishes, and

WHEREAS, some of these species groups have trip limit regulations for recreational harvesters, and

WHEREAS, rules are established by NMFS to provide for harvest regulations for reef fish in the EEZ off of Louisiana, and

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

WHEREAS, NMFS recently promulgated a rule establishing a closed season for recreational harvest of gag, black and red groupers to run from February 15 to March 15 annually, and

WHEREAS, NMFS recently promulgated a rule establishing a creel limit of zero for grouper species for the captain and crew of a vessel operating as a charter vessel or headboat, and

WHEREAS, NMFS recently promulgated a rule establishing an Individual Fishing Quota system for the commercial harvest of red snapper in the waters of the EEZ off the coast of Louisiana, and

WHEREAS, the NMFS and the Gulf Council regularly request the Department of Wildlife and Fisheries to implement consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner, it is necessary that emergency rules be enacted, and

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

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2007 season for recreational harvest of gag, black and red grouper in Louisiana state waters as described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission hereby establishes recreational bag limits for harvest of grouper taken from vessels under charter, and

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission

hereby establishes emergency rules for the commercial harvest of red snapper including permit, allocation and landing requirements, and

BE IT FURTHER RESOLVED, that all applicable rules regarding reef fish harvest, including possession limits, permit requirements and size limits established by the Commission shall be in effect during the seasons hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting 2007 recreational seasons for grouper in Louisiana state waters, creel and possession limits for grouper for captain and crew of vessels under charter, and regulations for commercial harvest of red snapper is attached to and made part of this resolution.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Reef Fish Harvest Regulations

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Gag, black and red grouper recreational seasons: The 2007 seasons for the recreational harvest of gag, black and red grouper in Louisiana state waters are as follows: the recreational fishing season for gag, black and red grouper will close at 12:01 a.m. on February 15, 2007, and remain closed until 12:01 a.m. on March 15.

Recreational Trip and Possession Limits for groupers: The recreational trip and possession limit for groupers (combined) is as follows: Groupers, combined, excluding goliath grouper and Nassau grouper - 5 per person per day, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day or 1 red grouper per person per day.

However, no grouper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat — their bag limit is zero.

"Groupers, combined" contains the following species: Red hind, rock hind, speckled hind, black grouper, misty grouper, red grouper, snowy grouper, yellowedge grouper, yellowfin grouper, yellowmouth grouper, Warsaw grouper, gag grouper, and scamp. No person shall possess Goliath grouper (formerly known as jewfish) or Nassau grouper whether taken from within or without Louisiana territorial waters.

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

Commercial Red Snapper Regulations:

1. All persons aboard a vessel for which no commercial vessel permit for Gulf reef fish has been issued by the National Marine Fisheries Service (NMFS) under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit for red snapper which may not be bartered or sold. No person aboard any vessel shall commercially possess, sell, barter, trade, exchange or attempt to sell, barter, trade or exchange red snapper unless possessing a federal permit for the harvest of Gulf of Mexico Reef Fish and a federal red snapper Individual Fishing Quota (IFQ) vessel endorsement.

2. Requirement for IFQ vessel endorsement and allocation: In addition to the federal commercial vessel permit for Gulf reef fish, in order to fish for, possess, or land Gulf red snapper, regardless of where harvested or possessed, a federal Gulf red snapper IFQ vessel endorsement must have been issued to the vessel and be on board. No person shall commercially harvest or land red snapper without holding or being assigned IFQ allocation at least equal to the pounds of red snapper landed/docked at a shore side location or off loaded. On the last fishing trip of the year a vessel may exceed by 10 percent the remaining IFQ allocation.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any red snapper in excess of any possession limit for which a commercial license, permit and appropriate allocation was issued.

4. Requirement for federal IFQ dealer endorsement: In addition to the requirement for a federal dealer permit for Gulf reef fish, for a dealer to receive Gulf red snapper from a commercial fishing vessel, he must have a federal red snapper IFQ dealer endorsement. For a person aboard a vessel with a Gulf red snapper IFQ vessel endorsement to sell to anyone other than a permitted dealer, such persons must also have a federal Gulf red snapper IFQ dealer endorsement.

5. Requirement for transaction approval code: The owner or operator of a vessel landing red snapper is responsible for calling NMFS Office of Law Enforcement at least 3 hours, but no more than 12 hours, in advance of landing to report the time and location of landing and the name of the IFQ dealer where the red snapper are to be received. Failure to comply with this advance notice of landing requirement will preclude authorization to complete the required NMFS landing transaction report and, thus, will preclude issuance of the required NMFS-issued transaction approval code. Possession of commercial red snapper from the time of transfer from a vessel through possession by a dealer is prohibited unless the red snapper are accompanied by a transaction approval code verifying a legal transaction of the amount of red snapper in possession.

6. Offloading and transfer: No person shall offload from a vessel or receive from a vessel commercially harvested red snapper during the hours from 6:00 p.m. until 6:00 a.m., local time. No person who is in charge of a commercial red snapper fishing vessel shall offload red snapper from the vessel prior to three hours after proper notification is made to National Oceanographic and Atmospheric Administration (NOAA) Fisheries. At-sea or dockside transfer of commercial red snapper from one vessel to another vessel is prohibited.

7. VMS requirement: No person shall commercially harvest red snapper from a vessel unless that vessel is equipped with a fully operational and approved Vessel Monitoring System (VMS) device. Approved devices are those devices approved by NOAA Fisheries and operating under the requirements mandated by NOAA Fisheries.

The Commission authorizes the Secretary to set the effective date for the VMS requirements of this Emergency Rule when the effective date is set for the requirement of VMS on reef fish commercial vessels in Federal waters, and when a request is received from the Regional Administrator of NMFS to enact compatible regulations within and without Louisiana state waters.

Terry D. Denmon
Chairman

The last item for Mr. Harry Blanchet was **To receive and consider a Resolution and a Notice of Intent to amend Reef Fish Harvest Regulations and further providing with respect thereto**. He wanted to clarify the section on VMS requirement. The Vessel Monitoring System would be required of reef fish permitted vessels and this was not being implemented by the National Marine Fisheries Service until March. The Declaration of Emergency just acted upon would give the Secretary authority to implement this portion of the Rule. Commissioner Samanie made a motion to adopt the Resolution and Notice of Intent, seconded by Commissioner Miller and passed with no opposition.

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

RESOLUTION
NOTICE OF INTENT TO MODIFY REEF FISH HARVEST RULES
Adopted by the
Louisiana Wildlife and Fisheries Commission
January 4, 2007

WHEREAS, the reef fish resources in the Gulf of Mexico off the coast of Louisiana are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with the advice of the Gulf of Mexico Fisheries Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable for waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and for federally permitted reef fish harvesters, and

WHEREAS, regulations promulgated by the Louisiana Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, have provided rules for the harvesting of reef fish in Louisiana's state waters, and

WHEREAS, NMFS has modified management measures for the recreational take and possession limit for red grouper, establishing a closed season for recreational harvest of gag, black and red grouper, prohibiting captain and crew from for-hire vessels from retaining bag limits of any grouper species while under charter, modifying rules for commercial harvest of red snapper and establishing a permanent trip limit for commercial harvest of groupers harvested in the EEZ off of Louisiana, and

WHEREAS, adoption of compatible regulations for Louisiana state waters where feasible would enhance effectiveness and enforceability of the regulations already in place for reef fishes harvested in the EEZ off of Louisiana, and

WHEREAS, fisheries for reef fishes also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and

WHEREAS, R.S. 56:320.2(C) provides that all vessels fishing in the federal exclusive economic zone (EEZ) shall comply with all applicable federal laws and regulations, and

WHEREAS, R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3 provide authority for adoption of this rule through the Wildlife and Fisheries Commission,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Notice of Intent to modify management measures for the

recreational take and possession limit for red grouper, establish a closed season for recreational harvest of gag, black and red grouper, prohibit captain and crew of for-hire vessels from retaining bag limits of any grouper species while under charter, modifying rules for commercial harvest of red snapper and establishing a permanent trip limit for commercial harvest of groupers, and

BE IT FURTHER RESOLVED, the complete copy of the Notice of Intent and proposed rule are attached to and made part of this resolution, and

BE IT FURTHER RESOLVED, that this Rule shall become effective upon promulgation, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Terry D. Denmon, 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 intent to amend a Rule (LAC 76:VII.335) modifying the recreational take and possession limit for red grouper, establishing a closed season for recreational harvest of gag, black and red grouper, prohibiting captain and crew from for-hire vessels from retaining bag limits of any grouper species while under charter, modifying rules for commercial harvest of red snapper and establishing a permanent trip limit for commercial harvest of groupers, which are parts of the existing rule for daily take, possession, and size limits for reef fishes set by the Commission. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish - Harvest Regulations

A. Recreational bag limits regarding the harvest of reef fish: triggerfishes, amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies, within and without Louisiana's territorial waters:

<u>Species</u>	*	*	*	<u>Recreational Bag Limits</u>
4. Red hind, rock hind, speckled hind, black in aggregate) with not more red grouper, snowy grouper, than 1 speckled hind and 1 yellowedge grouper, yellowfin warsaw grouper per vessel <u>and</u> grouper, yellowmouth grouper, <u>with not more than 1 red grouper</u> warsaw grouper, gag grouper, per person included in the bag scamp limit				

* * *

C. Charter Vessels and Headboats:

* * *

3. Captain and crew members shall not harvest or possess grouper of any species while operating as charter vessels and headboats as defined in Federal Regulations 50 CFR Part 622.2— their bag limit is zero for all of these species.

D. Red Snapper:

1. ~~All persons who do not possess a Class 1 or Class 2 Red Snapper License aboard a vessel for which no commercial vessel permit for Gulf reef fish has been issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit for red snapper which may not be bartered or sold. No person aboard any vessel shall commercially possess, sell, barter, trade, exchange or attempt to sell, barter trade or exchange red snapper unless possessing a federal permit for the harvest of Gulf of Mexico Reef Fish and a federal red snapper Individual Fishing Quota (IFQ) vessel endorsement. Those persons possessing a Class 2 Red Snapper License issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a daily take and possession limit of 200 pounds of red snapper per vessel.~~

~~2. Those persons possessing a Class 1 Red Snapper License issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a daily take and possession limit of 2,000 pounds of red snapper per vessel.~~ Requirement for IFQ vessel endorsement and allocation: In addition to the federal commercial vessel permit for Gulf reef fish, in order to fish for, possess, or land Gulf red snapper, regardless of where harvested or possessed, a federal Gulf red snapper IFQ vessel endorsement must have been issued to the vessel and be on board. No person shall commercially harvest or land red snapper without holding or being assigned federal IFQ allocation at least equal to the pounds of red snapper landed/docked at a shore side location or off loaded. On the last fishing trip of the year a vessel may exceed by 10 percent the remaining IFQ allocation.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any red snapper in excess of any possession limit for which a federal commercial license and permit, permit and appropriate allocation was were issued.

4. Requirement for IFQ dealer endorsement: In addition to the requirement for a federal dealer permit for Gulf reef fish, for a dealer to receive Gulf red snapper from a commercial fishing vessel he must have a federal Gulf red snapper IFQ dealer endorsement. For a person aboard a vessel with a federal Gulf red snapper IFQ vessel endorsement to sell to anyone other than a permitted dealer, such person must also have a federal Gulf red snapper IFQ dealer endorsement.

5. Requirement for transaction approval code: The owner or operator of a vessel landing red snapper is responsible for calling National Marine Fisheries Service (NMFS) Office of Law Enforcement at least 3 hours, but no more than 12 hours, in advance of landing to report the time and location of landing and the name of the IFQ dealer where the red snapper are to be received. Failure to comply with this advance notice of landing requirement will preclude authorization to complete the required NMFS landing transaction report and, thus, will preclude issuance of the required NMFS-issued transaction approval code. Possession of commercial red snapper from the time of transfer from a vessel through possession by a dealer is prohibited unless the red snapper are accompanied by a transaction approval code verifying a legal transaction of the amount of red snapper in possession.

6. Offloading and transfer: No person shall offload from a vessel or receive from a vessel commercially harvested red snapper during the hours from 6:00 p.m. until 6:00 a.m., local time. No person who is in charge of a commercial red snapper fishing vessel shall offload red snapper from the vessel prior to three hours after proper notification is made to NOAA Fisheries. At-sea or dockside transfer of commercial red snapper from one vessel to another vessel is prohibited.

7. VMS requirement: No person shall commercially harvest red snapper from a vessel unless that vessel is equipped with a fully operational and federally approved Vessel Monitoring System (VMS) device. Approved devices are those devices approved by National Oceanographic and Atmospheric Administration (NOAA) Fisheries and operating under the requirements mandated by NOAA Fisheries.

* * *

F. Definitions: Federal regulations 50 CFR Part 622.2 defines charter vessels and headboats as follows:

1. Charter Vessel – a vessel less than 100 gross tons that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a commercial permit is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

2. Headboat – a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire. A headboat with a commercial vessel permit is considered to be operating as a headboat when it carries a passenger who pays a fee or, in the case of persons aboard fishing for or possessing coastal migratory fish or Gulf reef fish, when there are more than three persons aboard, including operator and crew.

G. Seasons:

1. Seasons for the commercial harvest of reef fish species or groups shall be closed within and without Louisiana's territorial waters during the periods listed below. Possession of reef fish in excess of the daily bag limit while on the water is prohibited during the specified closed season. Any reef fish harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. This prohibition on sale/purchase does not apply to reef fish that were harvested, landed ashore, sold and purchased prior to the closed season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing reef fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6. ~~The provisions of §335.G apply to fish taken within or without Louisiana's territorial waters.~~

<u>Species or Group</u>	<u>Closed Season</u>
a. greater amberjack	March 1 through May 31
b. gag, black and red grouper	February 15 through March 15 <u>14</u>

published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange reef fishes within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33: .

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 comments relative to the proposed Rule to: Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to March 5, 2007.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries and 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).

Terry D. Denmon
Chairman

To receive and consider a Resolution and Declaration of Emergency on a closure of portions of offshore Territorial Seas to shrimping and further providing with respect thereto was presented by Mr. Marty Bourgeois. He stated this action would close to shrimping the outside territorial waters south of the Inside/Outside shrimp line from the western shore of Freshwater Bayou Canal eastward to the U.S. Coast Guard Navigational Light off the west shore of Caillou Boca. If approved, the closure would occur at 6 AM on Monday, January 8 which would satisfy the 72 hour required notice to open or close a shrimp season. Recent samples conducted by the staff indicate water temperatures in the outside waters remain below 15°C and the growth rates are inhibited. Overwintering white shrimp from these waters do not average 100 count per pound which is the minimum legal possession size. Mr. Bourgeois anticipated additional white shrimp would recruit to those waters through the remaining winter and early spring. This action would protect those

overwintering white shrimp and provide them the opportunity to grow to a larger size as they reenter the inside waters in the early spring. The Declaration of Emergency would also authorize the Secretary to close any part of the remaining state waters if there was a need to do so or reopen a closure if it was no longer necessary. Additionally, the Declaration of Emergency would authorize the Secretary to open and close special shrimp seasons in portions of state inside waters. Mr. Bourgeois added that the timing for this closure was very similar to recent years action by the Commission. Traditionally, a portion of the waters were reopened east of the Atchafalaya River in late March to mid-April. Chairman Denmon asked if the industry was aware of this closure. Mr. Bourgeois stated yes, this was a management practice used over the last 7 or 8 years and the industry has come to expect it. Commissioner Samanie stated Mr. Bourgeois' comment was well said and agreed that the shrimp were small. He then made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner King. The motion passed with no opposition.

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

RESOLUTION
2007 Closure of State Outside Waters to Shrimping
adopted by the
Louisiana Wildlife and Fisheries Commission
January 4, 2007

WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, R.S. 56:497 provides the Commission shall also have the right to set special seasons for all or part of the state waters, and

WHEREAS, R.S. 56:497 provides the Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest, and

WHEREAS, R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, in state outside waters, water temperatures remain below 15 degrees Centigrade and the growth rate of white shrimp is therefore slow, and

WHEREAS, current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in a portion of state outside waters average smaller than 100 possession count and additional small white shrimp are expected to recruit to these waters during the remainder of winter and early spring, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby order a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude at 6 a.m. on Monday, January 8, 2007.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the State's inside waters where such a season would not detrimentally impact developing brown shrimp populations.

BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate, the Wildlife and Fisheries

Commission hereby orders a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude. This closure is effective at 6 a.m., Monday, January 8, 2007.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of state outside waters do not average 100 possession count and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and more valuable size.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact developing brown shrimp populations.

Terry D. Denmon
Chairman

Then Mr. Marty Bourgeois handled the agenda item, **To receive and consider a Resolution and a Notice of Intent on Special Bait Dealer's Permit regarding saltwater live bait harvest rules during the closed season between the spring and fall shrimp seasons and further providing with respect thereto.** He stated this item was per Commissioner Mouton's request from the December Commission Meeting. The action would amend certain provisions in the current rule that establishes the Special Bait Dealer's Permit Program. The rule was last amended in 1997 and it allowed commercial establishments operating under the program to harvest live shrimp in closed waters from the end of the spring shrimp season to the beginning of the fall shrimp season. The program's purpose was to allow the uninterrupted operation of those establishments that sells live bait to the fishing public. The permit qualifying criteria as well as the operations under the permit are highly regulated to ensure compliance and to prevent abuses. Bait dealers are currently restricted to the use of a single shrimp trawl that does not exceed 25 feet in length. The use of live shrimp has become increasingly popular especially during the summer months and as such availability has not met demand in certain areas. The Notice of Intent would allow for the harvest of live croaker in addition to shrimp; would

require all posted bonds to be cash bonds rather than optional surety bonds; prohibit the transfer of any shrimp or croaker taken under the permit from one vessel to another; allow the use of skimmer nets having a net frame size not to exceed 12 ½ feet horizontally, 12 feet measured vertically and 17 feet 4 inches measured diagonally; strengthen the record keeping and reporting requirements; and make violations a Class 4 violation. Commissioner Mouton stated this began with telephone calls he received from bait dealers. He felt these changes would be good for the recreational fishermen and would add income to those bait dealers that participates in this program. Chairman Denmon asked if the change to cash bonds would cause some bait dealers to leave. Mr. Bourgeois stated that up front the bond would cost \$70, then once the season was over and the records have been received the bond was returned. Commissioner Mouton asked if quite a few bait dealers already put up cash bonds and Mr. Bourgeois answered that about 80 percent submitted cash bonds last year. Commissioner King asked who would monitor the program and were the resources available to validate compliance. Mr. Bourgeois stated the monitoring was conducted by the Enforcement agents and the biological staff's responsibility was to inspect the vessel's and shoreside facilities prior to the permit being issued. With there being no further questions, Commissioner Mouton made a motion to adopt the Resolution and Notice of Intent. Commissioner Morrow 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.)

RESOLUTION
SPECIAL BAIT DEALER'S PERMIT PROGRAM
January 4, 2007

WHEREAS, R.S. 56:326.3 authorizes the Wildlife and Fisheries Commission to set possession limits, quotas, places, seasons, times, size limits, and daily take limits based upon biological and technical data, for all freshwater and saltwater finfish taken or possessed in Louisiana waters, and

WHEREAS, R.S. 56:497(C) authorizes the Wildlife and Fisheries Commission to adopt rules and regulations for a special bait dealer's permit and allows the taking of live bait shrimp by qualified permit holders during the closed season between the spring and fall shrimp seasons pursuant to such rules and regulations, and

WHEREAS, LAC 76:VII.329 allows for a special bait dealer's permit intended solely for the benefit of the recreational fishing public which desires to use live shrimp as bait during the closed season between the spring and fall shrimp seasons and allows for the uninterrupted operation of those commercial establishments which sell live bait shrimp to the fishing public during the spring and fall shrimp seasons, and

WHEREAS, the recreational fishing public demand for live bait has increased significantly over recent years and this demand has exceeded available supplies of live bait from many permitted special bait dealers operating in certain state waters, and

WHEREAS, LAC 76:VII.329 currently limits permitted special bait dealers to the use of one trawl not to exceed 25 feet along the cork line and 33 feet along the lead line while operating under the permit, and

WHEREAS, studies have indicated that skimmer nets have proven to be an efficient method of harvesting shrimp with an increased survival of catch, now

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby adopt a notice of intent to amend the special bait dealer's permit rule to allow for the use of certain skimmer nets which is attached to and made a part of this resolution and which will become effective upon promulgation.

BE IT FURTHER RESOLVED, 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 statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Terry D. Denmon, 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 a rule, LAC 76:VII.329, which provides for a special bait dealer's permit program. Authority to establish these regulations is vested in the Commission by R.S. 56:497(C). Said rule is attached and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§329. Special Bait Dealer's Permit

A. Policy. The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp and live croaker as bait during the closed season between the spring and fall shrimp seasons. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp and live croaker to the fishing public during the spring and fall shrimp season. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp or croaker, or for any other entity which may wish to catch shrimp or croaker for their own use during the closed season.

B. Application

1. Applications for the special bait dealer's permit will be accepted from January 1 through April 30 of each year. All applications should be mailed to the department via certified mail.

2. Applications will be accepted only from the owner of an existing business which sells or plans to sell live bait to recreational fishermen.

3. Applications must be notarized and made on forms provided by the Department; all information requested must be provided before the application will be processed.

4. Applicants must show proof of having acquired all necessary licenses and permits before the permit will be issued. This includes, if relevant, boat registration, vessel license, gear license, commercial fishing licenses, and name of fisherman; wholesale/retail seafood dealers license, state sales tax number, and a copy of the applicant's and the fisherman's valid drivers license. A background check for wildlife violations of the applicant and the fisherman will be made. Any person convicted ~~Conviction~~ of any Class Two or greater wildlife or fisheries violation within the previous 3 years prior to the date of application shall not qualify to obtain a special bait dealer's permit or be onboard any vessel engaged in permitted activities ~~may be grounds for denial of application.~~

5. Beginning in 2008, Aapplicant must post a \$1,000 cash bond ~~or surety bond~~ before the permit is issued. ~~If using a surety bond, these bonds must be issued through a bonding company or an insurance company.~~ This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit. ~~Property bonds are not acceptable.~~

6. Before the permit is issued an agent of the Department must inspect the facilities of the applicant and verify that the applicant is operating a commercial establishment which sells live shrimp or live croaker to the fishing public for use as bait, and that the applicant does have facilities to maintain live shrimp or croaker. Notice to the public must be posted that live bait shrimp or croaker are available for sale. The applicant must have onshore facilities, including tanks with a minimum capacity of 500 gallons, available to hold live shrimp or live croaker. These tanks must have provisions for aeration and/or circulation of the water in which live shrimp or croaker are held prior to sale. In determining total tank capacity of onshore facilities, the agent shall not count any tank with a capacity of less than 50 gallons.

7. Only the applicant, his designated employee, or his contractor may operate under the permit. ~~If the applicant has a contract with another party who will supply live bait shrimp or live croaker to him, he must provide the Department written evidence of the agreement.~~ At the time of application, the applicant will specify the vessel and who will be working under the permit. Should the vessel or these persons change, the applicant shall submit an amended application listing the vessel or those persons and be in receipt of an approved amended permit will notify the Department in the manner specified by the permit before the new vessel or persons operate under the permit. The permit is not transferrable transferable to any other person or vessel without previous notification to the Department in the manner specified by the permit. The entire original permit must be carried on the vessel while in operation.

8. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another. ~~Vessel operations under this permit shall be limited to areas specified by the permittee as stipulated in his application.~~

C. Operations

1. Only the vessel and captains listed in the permit ~~shall~~ can be used with the permit. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel; it must be used for both taking and transporting the live shrimp or croaker. The vessel must have a minimum of one compartment or tank with a minimum capacity of 50 gallons. No other vessel may be used under the permit. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

2. Permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 12 and ½ feet measured horizontally or 12 feet measured vertically or 17 feet 4 inches measured diagonally. ~~These are~~ This is the only gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear may be on the vessel when it is being used under permit.

3. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

4. Bait shrimp or croaker may be taken only from official sunrise to official sunset; no night fishing is allowed under this permit.

5. The entire original permit must be in the possession of the person operating the vessel while it is engaged in taking shrimp or croaker under the terms of the permit.

6. Each time the permit is used the permittee must notify the Department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received in the manner specified by the permit. Before the vessel departs the dock under the permit, the Department must be advised of the time of departure and the sub-basin code corresponding to the Department's trip ticket sub-basin map general location in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the Department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

7. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the Department for that purpose. These records forms shall be kept onboard the vessel and made available for inspection by agents of the Department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the Department shall be allowed to make an on site inspection of any facilities operating under the permit, at any time. Permittee shall will submit to the Department, not later than September 1 following the live bait season, this the record of permit activities on forms provided by the Department shrimp harvested under the permit. Nothing herein this section shall exempt the permittee from trip ticket reporting requirements as provided for in LA R.S. 56:306.4.

D. Penalties

1. No person shall violate any provision of this section. Violations of any provision of this section shall constitute a class 4 violation as defined in LA R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April, 1977), amended LR 15:867 (October, 1989), amended LR 19:215 (February, 1993), amended LR 23:86 (January, 1997), 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 Martin Bourgeois, Marine Fisheries Biologist, Marine Fisheries Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Monday, March 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).

Terry D. Denmon
Chairman

Election of Chairman and Vice-Chairman began with Commissioner Morrow nominating Commissioner King for Chairman. Hearing no further nominations, Chairman Denmon announced Commissioner King would be Chairman. Then Commissioner Miller nominated Commissioner Morrow for Vice-Chairman for this year. Hearing no other nominations, it was announced Commissioner Morrow was elected Vice-Chairman.

The Commissioners agreed to hold the **May 2007 Meeting** on Thursday, May 3, 2007, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Mark McKee, an attorney and property owner around Boeuf WMA, stated he and his neighbors have had problems with their property that borders a WMA. He was doing fence inspections with his dog and found about 25 traps along the line that could have killed his dog. Another instance was hunters setting up along the fence line right adjacent to private property. Mr. McKee then spoke about the concern for hunter safety and respecting your fellow hunter. He suggested putting in a safety area between the wildlife management area and the private land. He felt this was not a concern specific to Boeuf WMA but occurred all over the state. Mr. McKee then asked the Commission to look into this matter.

Commissioner Miller stated that he, Commissioner Mouton and Commissioner King received a letter from Mr. Rudy Sparks, Williams, Inc., concerning the Deer Dog Task Force. He then asked Mr. Moreland to make the letter a part of the proceedings of the Task Force.

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

Bryant O. Hammett, Jr.
Secretary

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