

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**May 3, 2007**

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

**BATON ROUGE, LOUISIANA**

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

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information, call (225) 765-2806

**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**MAY 3, 2007**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 3, 2007

Chairman Earl King, Jr. presiding.

Frederic Miller  
Henry Mouton  
Stephen Oats  
Wayne Sagrera  
Robert Samanie, III

Secretary Bryant Hammett was also present.

Commissioner Patrick Morrow was absent from the meeting.

Chairman King called for a motion for approval of the **April 5, 2007 Commission Minutes**. A motion for approval was made by Commissioner Miller and seconded by Commissioner Samanie. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Chairman King introduced new Commissioner Stephen Oats and welcomed him.

**Delta Waterfowl Presentation of Predator Management Plan** began with Mr. Rob Olson thanking the Commission for the opportunity to speak. Delta Waterfowl has been in a 5 year partnership with the State doing conservation work with ducks on the breeding grounds. Mr. Olson noted that Louisiana was the top state to support Delta Waterfowl. There are about 4,000 members and 26 chapters in this state. Hunters are Delta Waterfowl's most important clients and so they ask "what do they want and need?". Answers Delta has been getting were better duck hunting and more

ducks. Mr. Olson then commented that hunters want accountability, they want to know where is Delta working, their goals, is it working or not working. Mr. Olson felt they needed to give hunters hope in order for them to keep on duck hunting. A map was shown of the mallard breeding populations on the prairies and it showed the stair step loss of mallards. Mr. Olson pointed out this was true for most ducks in the Canadian prairie. Main reason for the loss was long term loss of wetlands along with increased predation. The 3 big factors that drive how many ducks fly south included nest success, hen survival on the breeding grounds and duckling survival. Wintering ground habitat is not a problem, there is food and water for the ducks, but there is a problem on the breeding grounds. Next the focus was on what can Delta do now. The first discussed was predator management tool where a paid professional trapper traps within a 36 square mile area and this has resulted in the doubling of nest success (about 6,000 extra ducks per site). This year there will be 13 sites of which Louisiana has accounted for 4 sites. Mr. Olson noted that the partnerships have really grown with Louisiana being the lead state in getting it started. Next shown was a chart on the predator management program versus the entire sweep of conservation work going on for ducks in the Canadian prairies. This showed that trapping was a good new tool and has a lot of room to grow. Mr. Olson explained an important topic, Agricultural Policy, which was getting the Federal Government involved in big landscape changes. Based on the next graph, the United States was producing more ducks than Canada for the first time in history. This was due to the Conservation Reserve Program which put 5 million acres of new grass from the Dakota's and Montana into the program which help the ducks respond. So, Delta Waterfowl developed their own CRP program called the Alternative Land Use Services (ALUS) for Canada. It would pay incentives to farmers to stop draining habitat and create new wetlands for ducks. Mr. Olson felt the big duck jurisdictions in Canada were in favor of the ALUS program. One barrier was that Delta was small and their agriculture partners were small too. The last program to be introduced was Adopt-a-Pothole in which they would buy one pond at a time in Manitoba. In their opinion, this was the leading wetland easement program in prairie Canada. An example of why ALUS and the Adopt-a-Pothole program was so important was shown with a before picture from 1995 of a section of land from southwest Manitoba and then one taken around 2005. Mr. Olson thanked the Commission for their time and the State's support. Chairman King thanked Mr. Olson for his presentation.

**To receive and hear Enforcement & Aviation Reports/April** began with Lt. Col. Keith LaCaze stating main activities were centered around finishing the turkey season and beginning the spring activities of boating and recreational fishing. A total of 1,666 citations were issued along with 382 written warnings and agents helped with 44 instances of public assists. There were 12 boating accidents reported for the month for a total of 31 for the year; 1 fatality occurred which brought that year's total to 7 as well as 6 injuries. Some of the accidents were due to no drain plugs and ejecting an operator and passenger whom were hit by the propeller. The fatality occurred on a sailboat on Lake Pontchartrain which was still under investigation. The Aviation Report showed two planes flew a total of 37.3 hours while the third was down for scheduled maintenance. News Releases discussed were on a turkey case sentencing in Caldwell Parish; a citizen tip led to apprehension of hunting turkey over bait; and 3 individuals cited in Terrebonne Parish for oyster violations. Lt. Col. LaCaze noted the Division was in the process of interviewing candidates for the next academy class which would begin mid-June.

**To receive and consider Safe Boating Week in Louisiana Proclamation and further providing with respect thereto** began with Sgt. Rachel Zechenelly giving background information on boating safety. Louisiana has seen a trend in reduction of accidents, fatalities and injuries. In 2002, there were over 200 accidents, 40 deaths and about 124 injuries compared with last year when there were 111 accidents, 24 fatalities and about 74 injuries. This year's numbers may be the same as last year. Sgt. Zechenelly felt there were several factors that contributed to that reduction. The first was mandatory education for those born after January 1, 1988 that operates a vessel over 10 hp. Another factor was agents educating the public on safety equipment required on a vessel when they meet them on the water. Last year, 70 percent of the fatalities were from people drowning or from falls overboard. The majority were not wearing life jackets. Another key element was that nationally 70 percent of those that died were in a boat that was operated by someone that had not been boating safety educated. Sgt. Zechenelly then asked the Commission to declare the week of May 19-25 as Safe Boating Week in Louisiana. The agents in the field try to provide extra information during that week and with the media's help, advertise the week. Commissioner Mouton explained of an accident



that occurred several years back in Galveston Bay and noted the wording from an advertisement that said “wear it or it won’t work”. Sgt. Zechenelly stated that of those that died last year only 2 or 3 were wearing life jackets. But the key was to “wear it”. Hearing no further discussion, Commissioner Sagrera made a motion to adopt the Proclamation and it was seconded by Commissioner Samanie. The motion passed with no opposition.

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

#### PROCLAMATION

WHEREAS, the United States has over 13 million boats, and 325,000 of those boats are on Louisiana waters; and

WHEREAS, the vast majority of boating incidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, 70% of states fatalities on the water are due to drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, while boats are a marvelous source of recreation, unknowledgeable boat operators are a risk to other boaters when they do not know or obey the Navigation Rules of the Road, drink alcohol, or take drugs while operating a boat or choose not to wear a life jacket; and

WHEREAS, one precaution, wearing a life jacket, could save 80% of the lives of those who fall into the water unexpectedly; and

WHEREAS, boating knowledge and skills are important in reducing human error and improving judgment, if people are aware of the risk they are more likely to take the precautionary measures to protect themselves, their friends, family, and others; which is

why we must spread the message of boating safety education in our state, now

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission does hereby proclaim May 19-25, 2007, as Safe Boating Week in the State of Louisiana.

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

**To receive and consider Declaration of Emergency on Setting the Opening Dates of the 2007 Spring Inshore Shrimp Season and Re-Opening Portions of State Outside Waters to Shrimping and further providing with respect thereto** was handled by Mr. Marty Bourgeois. The Marine Fisheries Division presentation reviewed the latest biological and hydrological conditions on brown shrimp. The slide presentation included annual Louisiana shrimp landings by year from 1976 to 2006 (2006 was the third highest landing years on record); annual Louisiana shrimp landings for brown and white shrimp versus the long term mean; monthly shrimp landings comparing 2005, 2006 and long term mean; annual gear license sales (last year sales totaled about 17,700 shrimping gear licenses); brown shrimp landings by count size comparing 2001 with 2005 and 2006; and the shrimp life cycle diagram. The next series of slides covered hydrological conditions and Mr. Bourgeois stated they were critical components in determining growth, development and recruitment for brown shrimp. These included monthly southeast Louisiana rainfall comparing 2006 and 2007 with the long term mean; monthly Mississippi River discharge comparing 2006 and 2007 with the long term mean; south Barataria Bay monthly water temperatures and deviations from 68°F comparing 2007 with long term mean; south Barataria Bay daily water temperatures for February 1 through April 30, 2007 compared with long term mean; north Barataria Bay monthly salinities and their deviations from 10 ppt comparing 2007 with long term mean; April 2007 tidal range at Barataria Pass (actual tide was significantly higher than predicted tide); April acreage greater than 10 ppt plotted against brown shrimp landings (this year's acreage was estimated at 1.9 million acres); 2006 Louisiana brown shrimp landings by basin with heads-off weight (52 percent were landed in Barataria Basin and this was the

largest contributor to the State); brown shrimp catch per effort in Barataria Bay with 6' trawl samples for work weeks 14 through 18 comparing the three highest landing years, the three lowest landing years, 2006 and 2007; brown shrimp mean size in 6' trawl samples for the same work weeks and the same data series; brown shrimp catch per effort in 6' trawl samples by major bay systems along the coast; brown shrimp mean size by basin in 6' trawl samples; brown shrimp size frequency distribution for Zone II when the season opened extremely late plotted against last year's opening which was the earliest on record and then compared to this week. Next shown were a map of the three shrimp management zones; Shrimp Management Zone I projections when 50 percent of the brown shrimp population reaches sizes of 100 count per pound or larger; Shrimp Management Zone II projections; Shrimp Management Zone III projections; Statewide projections; and predicted May 2007 tidal range for Barataria Pass.

Commissioner Samanie asked if May 14 would have the flattest part of the tide. Mr. Bourgeois stated the range would be 1.2 feet and then it would build to 2.5 feet. Commissioner Samanie stated he was concerned if they wait for the tidal range to increase, larger shrimp might be lost. Mr. Bourgeois felt extremely likely that may happen. Then he stated that the cross over date when 50 percent of the shrimp population were at sizes of 100 count per pound was Friday, May 25; but the Department recommended that Zone I open on Monday, May 28. For Zone II, Mr. Bourgeois reminded the Commission there was a provision in statute that required the Commission to open the spring season on or before the third Monday in May. The projected cross over date for Zone II was May 17 and with the projected tidal range, the Department recommended opening that zone on Monday, May 14. For Zone III, the projected cross over date was May 25 and they recommended opening that area on Monday, May 28. Commissioner Samanie asked to hear public comments before making any motions.

Mr. George Barisich began stating there were not as many shrimpers at the meeting as there were in the past since the shrimp industry was in trouble. He then thanked and recognized the Department for their work in attempting to get aid for Louisiana's commercial fishermen devastated by the hurricanes. Most of the members of the United Commercial Fisherman's Association were wiped out from Hurricane Katrina. He then asked that one zone not open 4 days after another like last year since there was only one

fuel dock and no ice houses. Mr. Barisich asked to keep the 12 noon opening. He then asked Commissioner Samanie what would be the price disparity between 80-100 count and over 100 count. Commissioner Samanie stated he could not answer that question.

Hearing no further discussion, Commissioner Samanie made a motion to open Zone I on May 28 at 12 noon, Zone II on May 14 at 12 noon and Zone III on May 28 at 12 noon. Commissioner Mouton seconded the motion and it passed with no opposition.

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

RESOLUTION  
2007 Spring Shrimp Season Opening  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
May 3, 2007

WHEREAS, the traditional management criteria used by the Louisiana Department of Wildlife and Fisheries in recommending the opening dates for the spring shrimp season in inside waters are based on the population of brown shrimp in each shrimp management zone reaching such a size that 50% or more of the brown shrimp are 100 count per pound or larger, and

WHEREAS, current biological data project that 50% of the 2007 brown shrimp population in inside waters will meet the minimum 100 count per pound management criteria in Shrimp Management Zone 1 by May 25, 2007, and in Management Zone 2 by May 17, 2007, and in Shrimp Management Zone 3 by May 25, 2007, and

WHEREAS, on January 8, 2007 the Wildlife and Fisheries Commission had closed to shrimping that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the eastern shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the

Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel Buoy Line.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby opens the spring shrimp season in inside waters in Shrimp Management Zone 1 at noon, May 28, 2007, and in Shrimp Management Zone 2 and that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495 from the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel Buoy Line to the eastern shore of Freshwater Bayou at noon, May 14, 2007, and in Shrimp Management Zone 3 at noon, May 28, 2007.

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to close any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 2007 Spring Shrimp Season in Louisiana state waters is attached to and made part of this resolution.

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

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of 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 fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters,

the Wildlife and Fisheries Commission does hereby set the 2007 Spring Shrimp Season in Louisiana state waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana's inside waters from the Mississippi/Louisiana State line to the eastern shore of South Pass of the Mississippi River, to open at noon, May 28, 2007, and

Shrimp Management Zone 2, that portion of Louisiana's inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island and that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495 from the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel Buoy Line to the eastern shore of Freshwater Bayou at 92 degrees 18 minutes 33 seconds west longitude to open at noon, May 14, 2007.

Shrimp Management Zone 3, that portion of Louisiana's inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Louisiana/Texas State Line, to open at noon, May 28, 2007.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to close any portion of the State's inside waters to protect small white shrimp if biological and technical data indicates the need to do so, or enforcement problems develop.

Earl P. King, Jr.  
Chairman

**To receive and consider Rule Ratification on the Special Bait Dealer's Program and further providing with respect thereto** was next presented by Mr. Marty Bourgeois. He began stating that in most instances, the Commission provides the Secretary with authority to ratify rules, but since this was developed at the request of Commissioner Mouton, the Department felt it more appropriate for the Commission to take the final action. The rule would allow Special Bait Dealer operators to harvest live croaker and shrimp; require that all posted bonds be cash bonds; prohibit the transfer of any shrimp or croakers from one vessel to another; allow for the

use of certain sized skimmer nets; strengthen the record keeping and reporting requirements; and make violations of any provision a Class IV violation. Hearing no discussion on this item, Commissioner Mouton made a motion to adopt the rule. Commissioner Miller seconded the motion and it passed unanimously.

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

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby amend a rule, LAC 76:VII.329, which provides for special bait dealer's permit program. Authority to establish these regulations is vested in the Commission by R.S. 56:497(C).

## 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 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.

5. Beginning in 2008, applicant must post a \$1,000 cash bond before the permit is issued. 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.

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. 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 before the new vessel or persons operate under the permit. The permit is not transferable to any other person or vessel. 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.

### C. Operations

1. Only the vessel and captains listed in the permit shall 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  feet measured horizontally or 12 feet measured vertically or 17 feet 4 inches measured diagonally. These are 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. 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 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 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 submit to the Department, not later than September 1 following the live bait season, this record of permit activities on forms provided by the Department. 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: (May 2007).

Earl P. King, Jr.  
Chairman

Mr. Phil Bowman began the **Introduction of Mr. Allan Ensminger, Chairman, Fur and Alligator Advisory Council** by stating the Louisiana Legislature created the Louisiana Fur and Alligator Advisory Council in the early 1990's. The Council's responsibility was to review expenditures from the Louisiana Fur and Alligator Public Education and Marketing Fund and the Louisiana Alligator Resource Fund. There are 13 members currently on the Council who are landowners, alligator farmers, alligator trappers and hunters, and fur trappers and dealers. Mr. Darryl "Fats" Dupont served as the Chairman of the Council almost since its inception but has recently passed away. At the last Council Meeting, Mr. Allan Ensminger was elected

the new Chairman. Mr. Ensminger retired from the Department as Chief of the Fur & Refuge Division and since then has been involved in land management and consultant work as well as worked with coastal restoration. Mr. Ensminger thanked Mr. Bowman for the introduction. He added that he worked for the Department for 30 years at a time when the Department was involved in management of the Fur & Refuge property. At that time, the Department received a tremendous amount of income from oil and gas activities. Some of those funds were used to create the Rockefeller Trust Fund and the Marsh Island Trust Fund. With regard to the Council, Mr. Dupont was a very active conservationist and the major nutria meat handler in Louisiana. As the new Chairman of the Council, Mr. Ensminger wanted to see if there was an avenue that could stimulate the fur industry. When looking at the fur industry, in 1955 the Department collected severance tax on about 2.5 million fur pelts. Fur was a big industry in Louisiana; for the last several years, the Coastwide Nutria Control Program was implemented and landowners are receiving the benefits from this program which has reduced impacts to the marsh. Mr. Ensminger felt it was sad that the nutria were killed through a bounty program and their fur could not stimulate a viable industry. Alligator farming is another huge industry in Louisiana while being under the microscope of the U.S. Fish and Wildlife Service and worldwide resource agencies. Commissioner Sagrera commended Mr. Ensminger for his tremendous role he played over the last 60 years. He also congratulated him on taking on the role as Council Chairman. Then Commissioner Sagrera stated that at the last Council Meeting, they asked that an item be placed on the Commission's July Meeting concerning bobcats. Chairman King stated that would be okay for the July Meeting.

**To receive and consider Resolution for Free Fishing Days in Louisiana and further providing with respect thereto** was handled by Mr. John Sturgis. The Resolution would declare Fishing Week and no recreational fishing license required days in the State. The goal was to promote fishing in Louisiana. Mr. Sturgis then read the Therefore Be It Resolved portion of the Resolution. Commissioner Samanie made a motion to adopt the Resolution, seconded by Commissioner Sagrera and passed with no opposition.

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

## **RESOLUTION**

### **LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**WHEREAS** sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

**WHEREAS** sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and

**WHEREAS** the estimated 970,000 plus sportfishermen in Louisiana spend in excess of \$703 million annually, and

**WHEREAS** Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two no license required recreational Fishing Days each year, and

**WHEREAS** no license required recreational Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

**NOW THEREFORE BE IT RESOLVED**, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 02 - 10, 2007 as

### **FISHING WEEK**

in the state of Louisiana, and

**BE IT FURTHER RESOLVED**, that June 9 & 10, 2007 are hereby declared

No License Required Recreational Fishing Days, during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Date: May 3, 2007

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Earl P. King, Jr.  
Chairman

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Patrick C. Morrow  
Vice-Chairman

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Stephen J. Oats

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Henry M. Mouton

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Robert J. Samanie, III

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Frederic L. Miller

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Wayne J. Sagrera

**To receive and consider amendment to Notice of Intent on Dove Hunting Zones and further providing with respect thereto** was the first of two items for Mr. Mike Olinde. He stated that at the last meeting, a Notice of Intent was presented on the boundaries for doves. He then proposed an amendment that would address all species of doves that the Commission set seasons for. Mr. Olinde explained that the word mourning was struck out and read the paragraph that listed all of the dove species. Commissioner Miller made a motion to accept the amendment and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Department of Wildlife and Fisheries and Wildlife and Fisheries Commission do hereby advertise their intent to establish dove hunting zones.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 3. Wild Birds**

**§323. ~~Mourning~~ Dove Hunting Zones**

A. For the purposes of this Section, the term “dove” refers to the following species, and only the following species: mourning doves, white-winged doves, Eurasian collared-doves, and ringed-turtle doves.

B. The state shall be divided into North and South ~~Mourning~~ Dove Hunting Zones by the following boundary: Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate 12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line.

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

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

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

preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed Rule to Mr. David Moreland, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than Wednesday, June 6, 2007.

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

Earl P. King, Jr.  
Chairman

Then Mr. Mike Olinde presented his second item, **To receive and consider Declaration of Emergency on the Dove Season and further providing with respect thereto.** This action to set the dove seasons and zone boundary was to be a Declaration of Emergency due to the notification time lines for the U.S. Fish and Wildlife Service. The dove season would be a 70 day split season in each zone of the state. The south zone dates would be September 1-September 9, October 13-November 25 and December 22-January 7. The north zone dates would be September 1-September 16, October 13-November 11 and December 15-January 7. The bag limit on mourning dove, white-winged dove and fully dressed Eurasian collared-dove and ringed turtle-doves would be 12 daily in aggregate and possession of 24 in aggregate. But Mr. Olinde noted that there was no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. The dove hunting zones shall be divided into North and South Dove Hunting Zones by the following boundary: Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate 12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line. Shooting and hawking hours for dove shall be one-half hour before sunrise to sunset except 12:00 noon to sunset on September 1, 2007. Following the April Commission Meeting, Mr. Olinde was asked to prepare a News Release listing



the proposed dove season dates. Based on that, there were 2 minor changes: instead of having half day hunts for the Saturday and Sunday of each opening segment, staff suggested having only half day for the first Saturday; and developed different seasons between the two zones. Hearing no questions, Commissioner Sagrera made a motion to adopt the dove season dates and it was seconded by Commissioner Samanie. Commissioner Miller commended the Wildlife Division and in particular Mr. Mike Olinde on this thorny issue and getting it crafted and “put to bed” in such a way that may be popular with dove hunters on both ends of the state. The motion passed with no opposition.

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

## RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
May 3, 2007

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, LA, May 3, 2007.

WHEREAS, rules regulating the establishment of dove hunting zones have been promulgated by the U.S. Fish and Wildlife Service, and

WHEREAS, the process has been discussed with this Commission, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for dove hunting that include season dates, bag limits, and shooting hours, and hunting zones, and

WHEREAS, it is the statutory responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for these migratory species within constraints established by the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the presented tentative season dates for migratory birds which are made part of this resolution, subject to the following stipulations:

(1) The Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons; and

(2) If changes occur as a result of changes in the framework to be established by the U.S. Fish and Wildlife Service, the Secretary is hereby authorized and delegated the authority to alter the attached seasons based upon said changes and the recommendation of Department staff.

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

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

For the purposes of this Declaration of Emergency, the term “dove” refers to the following species, and only the following species: mourning doves, white-winged doves, Eurasian collared-doves, and ringed-turtle doves.

The hunting seasons for **Doves** during the 2007-2008 hunting season shall be as follows:

Split Season, Zoned, 70 days in each zone

**South Zone:**

September 1 – September 9

October 13 – November 25

December 22 – January 7

**North Zone:**

September 1 – September 16

October 13 – November 11

December 15 – January 7

**Bag Limit**

Mourning and white-winged doves and fully dressed Eurasian collared- and ringed turtle-doves: Daily bag limit 12 in aggregate, Possession 24 in aggregate, but note: there is no bag limit on Eurasian collared-doves or ringed turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian-collared doves and ringed-turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

**Dove Hunting Zones:**

The state shall be divided into North and South Dove Hunting Zones by the following boundary: Beginning at the Texas-Louisiana border on La. Highway 12; thence east along La. Highway 12 to its intersection with U.S. Highway 190; thence east along U.S. Highway 190 to its intersection with Interstate 12; thence east along Interstate 12 to its intersection with Interstate 10; thence east along Interstate 10 to the Mississippi state line.

**Shooting and Hawking Hours:**

**Dove:** One-half hour before sunrise to sunset except 12:00 noon to sunset September 1, 2007.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 40,000 sportsmen who hunt doves, selection of season dates, bag limits, shooting hours, and zone boundary must be established and presented to the U.S. Fish and Wildlife Service before the rulemaking process can be completed.

The aforementioned season dates, bag limits, and shooting hours will become effective on September 1, 2007 and extend through sunset on February 29, 2008.

Earl P. King, Jr.  
Chairman

**To consider 2007/08 Hunting Seasons and General and WMA Rules and Regulations: Consideration of Conditionally Adopted Amendments to Notices of Intent and Consideration of Notices of Intent and further providing with respect thereto** began with Chairman King asking his fellow members if they had read the amendments. The Chairman asked the pleasure of the Commission. Commissioner Miller asked Mr. Don Puckett if there was a problem in taking the amendments in globo as long as there was no opposition to any one of them. Mr. Puckett stated they could be adopted in globo. Chairman King asked Mr. Jimmy Anthony to review the amendments. Mr. Anthony stated the March and April amendments included adding a special youth deer shotgun season on private lands; making all season regulations permanent by deleting any mention of years; striking out a sentence relating to coyote hunting and then clarifying it to: coyote hunting would be restricted to chase only when using dogs; clarifying ATV regulations for the spring squirrel season; and hunting seasons for farm-raised white-tailed deer would be either-sex for bow, gun or muzzleloader from October 1 through January 31. Commissioner Miller made a motion to adopt all amendments in globo and it was seconded by Commissioner Sagrera. The motion passed unanimously.

Then Commissioner Mouton stated he has received e-mails and several calls on the 2 PM closure on Atchafalaya Delta WMA. There was one particular comment on tides and fog issues which could create hazards to navigation. He felt there was a need to rescind the 2 PM closure and have it close at sunset. Commissioner Miller stated he had several comments on the 2 PM closure he wanted to make. He began stating the proposal was brought forth from the Department biologists and administrators after reviewing data collected from the area. This demonstrated their lack of fear on what they believed to be in the best interest of the resource. Commissioner Miller felt the recommendation was sound and added that he voted for it to be included in the Notice of Intent. The Commission has received a tremendous amount

of public input on the issue, both for and against; but the Board was responsible to weigh that input and modify or reject the staff's recommendation. Commissioner Miller requested the Department continue to bring recommendations that were best for the resource, evaluate the waterfowl situation on Atchafalaya Delta WMA and for the Enforcement Division to make sure there was full compliance on all WMA regulations. Chairman King reminded the Commission that the hunting protocol did not allow for amendments to be considered at the May meeting. But he noted there was a way to suspend the protocol by a vote of 2/3 to address the 2 PM closing. He then asked for a motion to suspend the rules to consider the Atchafalaya Delta WMA 2 PM closure only. Commissioner Miller made the motion, seconded by Commissioner Mouton and approved with no opposition. Commissioner Miller thanked the Commission for suspending the rules and made a motion that the provision to close waterfowl hunting at 2 PM on the Atchafalaya Delta WMA be removed from the Notice of Intent which would allow waterfowl hunting to go from one-half hour before sunrise to sunset. Commissioner Mouton seconded the motion. Public comments were then taken.

Mr. Troy Marino stated he started hunting about 7 years ago and hunts from Indian Bayou to the Atchafalaya Delta which included Sherburne WMA. He felt that Sherburne had a good program with their lottery hunts. The North Farm on Sherburne was more successful since it was a refuge. Mr. Marino felt there was a decline in the number of ducks that come to Louisiana due to weather and was not due to hunting pressure. He noted he was opposed to the 2 PM closure on the Delta. If there was a concern for safety with the fog, Mr. Marino suggested taking the 3  hours off the starting time. Another concern for Mr. Marino was the need to curtail outlaws.

Mr. Ryan Boudreaux thanked the Commission for the opportunity to speak on behalf of all duck hunters. He stated he spends about 40 days on Atchafalaya Delta and other WMAs. Since Hurricane Lily the area below Morgan City do not get the ducks since there has been a loss of vegetation in the marsh. The main concern was to get the birds back into that area in order to bring the duck hunting back.

Mr. Chad Brown stated he spoke to Commissioner Mouton on the phone and e-mailed him which expressed his concerns on the 2 PM closure. He agreed

with the Department's concern that the area was in a decline but disagreed on the reasons why. Mr. Brown felt they have seen the decline since Hurricanes Lily and Rita. The main waterfowl hunting areas were at the mouth of the Atchafalaya River (15,000 acres) and Wax Lake Outlet (12,000 acres). Mr. Brown stated that the main focus for the study by the Department was on Wax Lake and they should study the whole area if a change would be made on the whole area. If the area was given time to recover, the issue would go away, commented Mr. Brown. Another point Mr. Brown made was that he did not think the objective would be accomplished if the 2 PM closure was implemented since he would be out scouting for ducks or fishing and this would disturb the ducks even more.

Mr. Brian Maiocchi stated he strongly opposed the 2 PM closure for the same reasons already stated. The scouting point was a good one by Mr. Brown. He then explained how a large group he hunts with scouts on Attakapas WMA after their 2 PM closure. The issues on tide and fog were all true.

Mr. Kyle Rodrigue stated his main concern was the safety issue. With the fog, you never know when it would clear and given the all day hunting would give more time to reach their hunting areas and not risk getting hurt.

Mr. A. J. Holland also mentioned that all of the issues spoken on were true. Another issue to consider was that a hunter 16 years of age could not leave early in the morning with their driving restrictions. As a business owner, Mr. Holland stated that money talks and this early closure would cause an economic impact to the area.

Mr. Brandon Burchfield, Mr. Britt Jones, Mr. Charles Thomas, Mr. Dustan Serd, Mr. Walter Adams, Mr. Chris Rushing, Mr. Toby Gaudet, and Mr. C. Michael Ramirez were all opposed to the proposed 2 PM closure on Atchafalaya Delta WMA but did not wish to speak.

Mr. Moreland mentioned, in regards to Commissioner Miller's motion, that the hunting hours on Atchafalaya Delta in the past were the same as outside, except they would be one-half hour before sunrise to 2 PM on opening weekends of teal and duck seasons and then one-half hour before sunrise to sunset the remainder of the season. Commissioner Miller stated his intent of the motion was to return to the historical regulations on that WMA. He

then amended his motion to comply with the regulations on Atchafalaya Delta WMA they have had historically. Commissioner Mouton seconded the motion.

Mr. Allan Ensminger stated he manages 44,000 acres on the east side of the Atchafalaya Delta and the tidal influence issue was true. He then complimented the previous public speakers on enjoying the Delta and noted he was the person with the Department at the time the documents were signed to transfer the management of Atchafalaya Delta from State Lands to the Department. He noted there was a bunch of ardent waterfowl hunters that uses the area now.

Hearing no further discussion on Commissioner Miller's motion, the motion passed with no opposition. Before moving on, Mr. Puckett stated that the Commission needed to make a motion on each Notice of Intent as amended. Commissioner Mouton made a motion to accept the amended Notice of Intent on season dates. Commissioner Samanie seconded the motion. Commissioner Miller asked if a regulation that would mandate non-toxic shot must be used for snipe, rail and gallinule hunting was for outside areas or WMAs only. Mr. Anthony stated that was for WMAs only. The motion passed unanimously. Then Commissioner Miller made a motion to adopt the general and WMA rules and regulations as amended. Commissioner Sagrera seconded the motion and it also passed with no opposition.

**To receive and consider Notice of Intent on setting the Fur Trapping Season and further providing with respect thereto** was handled by Mr. Edmond Mouton. This action would permanently enact the trapping season dates. In previous years, this was done annually by a Declaration of Emergency. The recommended dates were November 20 through March 31. Mr. Mouton added that the harvest data supported the dates and the Fur & Alligator Council supported the action. He then read the Notice of Intent. Commissioner Miller made a motion to adopt the Notice of Intent, it was seconded by Commissioner Sagrera and passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby advertise its intent to establish a fur trapping season for the State of Louisiana.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part V. Wild Quadrupeds and Wild Birds**

**Chapter 1. Wild Quadrupeds**

**§129. Fur Trapping Season**

The statewide open trapping season for nongame quadrupeds shall open on November 20<sup>th</sup> and close on March 31<sup>st</sup>. The Secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:259(A).

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

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

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



Interested persons may submit comments relative to the proposed Rule to Philip E. Bowman, Fur and Refuge Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to July 5, 2007.

Earl P. King, Jr.  
Chairman

The Commissioners agreed to hold the **September 2007 Meeting** on Thursday, September 6, 2007, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Ronald Coco, Avoyelles Wildlife Federation, stated at one time Avoyelles Parish was one of the most popular places to fish with all of the lakes such as Spring Bayou in the area. Through the years, hydrilla, grass and weeds have taken over the area. Department representatives presented a 5 year plan of draining or spraying to the people in the area. Mr. Coco knew that Spring Bayou could not be drained with all of the sediment; it needed to be dredged first, then drained. On the spraying program, there was a need for 3 months of no water movement for the chemicals to work. The public that have camps outside of Spring Bayou are unable to use their camps and were not able to fish. With the draining of the lake, there would be fish kills and it would be 6 years before the lake could be restocked. Mr. Coco noted a comment was made that if nothing was done before 2 years, the WMA would be closed. He added that the Department was to begin a program in June and the situation could be reported on then. Mr. Coco felt there was a need to come up with an idea to help the area. Chairman King thanked Mr. Coco for his interest in the area.

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

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Bryant O. Hammett, Jr.  
Secretary

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