

**Louisiana Wildlife and Fisheries Commission Meeting Minutes**

October 06, 2016

*Bartmyer*  
11/3/16

The following constitute verbatim transcript  
of the proceedings and the minutes of the  
Louisiana Wildlife and Fisheries Commission Meeting.

Audio files 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) 765-0927

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

## CALL TO ORDER

Chairman Yakupzack: Good morning. Welcome to the Louisiana Wildlife and Fisheries Commission meeting for October 6, 2016. I'd like to call this meeting to order. I'd like to ask Commissioner Manuel to lead us in the Pledge of Allegiance.

Commissioner Manuel: Please join with me. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Chairman Yakupzack: Ms. Thomas, will you please call the roll?

Angela Thomas: Bart Yakupzack.

Chairman Yakupzack: Here.

Angela Thomas: Chad Courville.

Commissioner Courville: Here.

Angela Thomas: Bill Hogan.

Commissioner Hogan: Here.

Angela Thomas: Pat Manuel.

Commissioner Manuel: Here.

Angela Thomas: Bobby Samanie.

Commissioner Samanie: Here.

Angela Thomas: Jerri Smitko.

Commissioner Smitko: Here.

Angela Thomas: Al Sunseri.

Commissioner Sunseri: Here.

Angela Thomas: Mr. Chairman, there are 7 Commissioners in attendance. We have a quorum. Secretary Melancon is also present today.

Chairman Yakupzack: Thank you, Mrs. Thomas. Agenda Item No. 4: Adoption of July 7th, 2016; August 4th, 2016; and September 1st, 2016 Commission Meeting Minutes<sup>1</sup>.

Commissioner Courville: Move to approve.

Commissioner Hogan: Second.

Chairman Yakupzack: Motion by Commissioner Courville to adopt said minutes and a second by Commissioner Hogan. Any question or discussion? Any public comment? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion carries. Agenda Item No. 5: Commission's Special Announcements, Personal Privilege. Agenda Item No. 6: Enforcement Reports for September 2016.<sup>2</sup> Captain Skena.

Captain Skena: Good morning, Mr. Chairman and members of the Commission. For the month of September, we had 12 boating incidents, 0 injuries and 5 fatalities. 492 written citations, 248 written warnings and 36 public assists. Inside your folder there are some news releases from some noteworthy cases that were made last month. Here are synopsis of those cases. Agents were responding to complaints of taking oysters from polluted areas near Bayou Terrebonne. They observed two subjects harvesting oysters in an area designated as closed to oyster harvesting by the Department of Health and Hospitals. Eleven sacks of oysters were returned to the water and the vessel used

---

<sup>1</sup> See Exhibit 1 attached hereto and made a part hereof

<sup>2</sup> See Exhibit 2 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

was seized under Department seizure order. In addition to the criminal findings, subject faces 40 hours of community service, oyster harvester license revocation for up to 1 year and only allowed to harvest oysters from a vessel equipped with a vessel monitoring system. A month-long investigation by the Enforcement Division resulted in the arrest of a Denham Springs man for conducting an illegal hunting guide service on Joyce Wildlife Management Area in Tangipahoa Parish. Agents also determined that the subject was placing alligator lines and capturing alligators on private lands in Tangipahoa Parish without the landowner's permission. The subject was cited for not abiding by alligator hunting rules and regulations, not abiding by wildlife management area regulations, taking alligators from unapproved areas, possession of illegally taken alligators, improperly tagging alligators, criminal trespass and obstruction of justice. The maximum penalty for these charges is \$15,150.00 and approximately 6 ½ years in prison. Enforcement agents arrested a South Carolina man for guiding a chartered fishing trip without a non-resident charter guide license in St. Bernard Parish. Agents received several complaints about an illegal guide service and observed postings on social media advertising charter trips in the Delacroix area. Agents were able to determine that the subject conducted a guided fishing trip for profit and seized four red drum which were later donated to a local charity. This concludes the enforcement report, unless there are any questions.

Chairman Yakupzack: Thank you, Captain Skena.

Commissioner Samanie: I have one question.

Chairman Yakupzack: Oh, excuse me.

Commissioner Samanie: Captain Skena, at what point would, like in the seafood business when we process shrimp and everything and we go through all this stuff with the FDA for bio-terrorism, if someone's knowingly catching

polluted oysters and putting them on the market, wouldn't that fall under that federal guideline?

Captain Skena: Actually, you're going to have to get that conviction first.

Commissioner Samanie: Okay. Thank you.

Chairman Yakupzack: Yes, sir.

Chairman Yakupzack: Agent Item No. 7: Receive Report on Delinquent and/or Non-Filed Notices of Intent and Declarations of Emergency and Discussion of Commission Actions to be Considered. Ms. Angela Thomas of the Wildlife and Fisheries Commission and Catherine Brindley of the Office of State Register.

Angela Thomas: Good morning. I'm Angela Thomas. I've met most of you. I'm your new commission secretary. I am happy to be of service and I look forward to serving you and to earning your trust. This presentation is to update the Commission on rule-making decisions of the Commission that we have recently learned require your attention. I have been diligently working to investigate the status of your business with the help of Ms. Brindley. She is the Editor of the State Register, who is also here to answer any questions that you may have with regard to the list of items that I have to report today. Just going through the records, I have found several Declarations of Emergency and Notices of Intent that were not published in the State Register. I'm just going to go through them. These are mostly fisheries related. I'm just going to go through them by the different categories. First, finfish. Commercial LCS. I think that's – I'm looking for Harry. I think that's –

Jason Adriance: Coastal shark.

Angela Thomas: Thank you. Coastal shark closure, May 2015. It modified the season by Secretarial action. It was not published in the

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

State Register. The Shark Harvest Regulations Notice of Intent that was approved by Commission in December 2015. The Declaration of Emergency was published in February 2016 but the Notice of Intent was never published. The GHA – Jason, what does that mean? I don't know. The Recreational Season Closure that was modified by Secretarial action was not published and also the Triggerfish Recreational Season Closure was also not published. Those were signed in July 2016 but they were not published properly. Shrimp, the Fall In-Shore Shrimp Season Opening Dates that was passed by Commission action August 4, 2016, that was not filed. So that is something that I will need for the Commission to take action on again today, to ratify and approve again today, so that is an action item that I will need for you guys to take today. And then for oysters, there were several Declarations of Emergency that were never published. Declarations of Emergency that were not published at all from the 2015 season. And then also going back and looking into Declarations of Emergency that were filed. They were filed but they were filed so delinquent that the seasons had already completely run. The seasons had taken place, they had run their course. They had already closed. I have a list of them but I don't really know that you want me to go through that list. And then there were summary reports that were not filed that resulted in rule promulgation not taking place on time and resulted in issues with Enforcement. One was the Notice of Intent to Modify the Black Bass Regulations on the Sabine River between Toledo Bend Dam and Interstate 10. It was filed with the register in May 2016. The timeline, the Rule should have been promulgated and set up so that the Rule was in force for September 1, 2016 but it was not and when I took over the secretary duties, I realized that the summary report required by the APA had not been filed. I filed the summary report on September 12th but we had to make adjustments administratively so that there were no issues with enforcement since the Rule was not in place timely. There was also another

summary report that had been prepared and submitted to, um, submitted in-house for filing but it was not filed and the final rule was to be published in September. But because the summary report had not been filed that rule was not published. So I submitted that on September 12th and I think that rule will be published October. Do you think we can get it done in October? So, to date, everything that I have been able to do, everything that has been done, I've been able to do administratively in-house. In your packets today, you have the gag season and gag and black grouper size limit's Modified or Amended Notice of Intent. And you also have a Declaration of Emergency that needs Commission action to approve that Notice of Intent and for signature by the Chairman. That will be filed. It will run for 30 to 45 days. It will have another public comment period and then it will be filed in the potpourri section?

Catherine Brindley: Correct.

Angela Thomas: And a summary report will be filed with the Legislative Oversight Committee. And then that rule will be promulgated as normal. The Declaration of Emergency is having to be extended to provide for this extra time needed, so we have a new Declaration of Emergency to be acted on as well. And then the Fall In-Shore Shrimp Season Opening Date that should've been acted, I'm sorry, that was acted on in August but not filed properly, we need to have Commission action on that again, as well, to ratify, re-amend, or confirm, rather, that Declaration and have that signed again by the Chairman so that can be filed to open the Shrimp Season for Fall In-Shore Opening. And I just want to tell you I'm still working through the files. I'm still researching, still investigating filings and, as I find things, I may have additional items that I need you to work with me on, work with the Department on to –

Commissioner Manuel: Mr. Chairman.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: What's the process, the protocol, whatever it is? Do you just send it by email to the office?

Angela Thomas: I send by email the Word version of the Declaration of Emergency with an Insertion Order with a cover letter to the State Register the

Commissioner Manuel: So maybe it's the State Register didn't do it then? Is that possible?

Angela Thomas: No, not all.

Commissioner Manuel: Oh that's —

Angela Thomas: Not at all.

Commissioner Manuel: You don't make any errors, huh?

Catherine Brindley: You know, we're not here to talk about my errors.

Commissioner Manuel: Well —

Catherine Brindley: But what I am here to —

Commissioner Manuel: What's happening though is she's accusing the Department of some errors, and I don't know that I'm ready to accept, you know, automatically that it's not something wrong with the process.

Secretary Melancon: Mr. Chairman, if I could.

Chairman Yakupzack: Commissioner. I mean, I'm sorry, Secretary Melancon.

Secretary Melancon: Mr. Manuel, maybe let them finish and Ms. Brindley explain what our problem was. I think after that you'll get a better understanding.

Commissioner Manuel: All right.

Angela Thomas: I'll let Ms. Brindley explain. I don't want to, uh, go into the things that I found in-house that were — I'll let Ms. Brindley take the — You can handle that, Ms. Brindley.

Catherine Brindley: Well, it looks like it was bad news. But there's good news, because we're going to work with you guys. Unfortunately, we can't help you with things that we don't see and things that we don't receive or we don't get. Not only does our entity receive your Emergency Rules and Notices of Intent, the House and Senate do, as well, along with a Notice of Intent. The Fiscal Office will receive it. Your Emergency Rules, the Attorney General will receive it and the Office of the Governor will receive it. We all work in conjunction with each other. When one entity receives something, somebody else doesn't. We're all well aware. And they look at the Register every month to make sure it coincides with every delivery that we have. But we're going to work with you guys. We're going to get these things done. Don't worry. From here on out, we're going to be here to help you. We didn't help because we didn't know that the problem, you know, these problems existed. But we can. And the Notices of Intent that you have out there, we've already worked with Angela. She submitted the summary reports. The House and Senate are well aware of what's going on. We're going to backtrack 2 days and give you guys an extra 2 days to turn those in as Rule, just because it's in the best interests of the State to do so. But we're here to help you, not worry about what was done or what wasn't done. But we're going to help you guys get it back on the right track. And you guys, we're — you know, we're here to help. But I don't think there's any accusations or anything. It's just if a paper wasn't filed, it just wasn't filed. We're going to make sure it's filed now. And we're going to make sure it gets to all the entities it does need to get to, and we're going to make sure that you're in accordance with the APA. We're following everything.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Manuel: Thank you. Mr. Chairman,

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: Do we have to revote on these things? Does that mean that the shrimpers who shrimped without the Notice of Intent broke the rules or the whatever, all of the Notices of Intents were?

Catherine Brindley: We print without regard to validity.

Commissioner Manuel: I'm sorry.

Catherine Brindley: I said, we print without regard to validity, so I'm not here to say whether anything's valid or not. As a matter of fact, I refuse to say whether anything is valid or not.

Commissioner Manuel: Colonel, what happened? What happens?

Catherine Brindley: It's a procedural thing and, you know —

Secretary Melancon: Mr. Manuel, there is that exact potential.

Commissioner Manuel: I can't — I can't hear you.

Secretary Melancon: There is that exact potential.

Commissioner Sunseri: Mr. Chairman.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. A question to counsel. Can we take all these up right as one and move it forward so we can move on to the next agenda item? Or do we have to take them up individually? Can we take it all up as one and move whatever actions are necessary to take?

Yolanda Martin: I think you need to take them in groups, the DEs and the NOIs. I think you can do those in globo by each category and move on quickly through the agenda.

Chairman Yakupzack: If there is housekeeping to be done by this Commission to make sure the Department's back in good standing, then let's take it on an item-by-item basis and just, if you will, explain what's wrong and why we need action. Because as I understand, two of the DEs, the ones with regard to triggerfish and to amberjack —

Angela Thomas: Right. There's only one DE and the Amended NOI that need Commission action. Everything else has been handled within the department.

Chairman Yakupzack: Okay, so, uh, what's the first NOI that needs action?

Angela Thomas: The first NOI that needs action — well, the Declaration of Emergency and an amended Notice of Intent to modify the gag season and increase the gag and black grouper size limit. It's Agenda Item No. 8. But there's also the Declaration of Emergency for Fall In-Shore Shrimp Season opening dates. That's not an agenda item. I just got it last night. So, that's one that will need to be added. Oh, you got it? Okay.

Patrick Banks: No, I don't have it but I'm going to give a little clarity here. The only item that you can legally take action on today is the gag and black grouper item. It has been properly noticed to the public, you can take action to help us file that one properly. The rest we needed to advise you of the problems so that you wouldn't be surprised maybe when we bring them back to you for action. When Ms. Thomas spoke about needing some action from the commission, it wasn't necessarily that you had to do it today, it was just that, at some point we may need you to take action, so we wanted you to know about it. The one we know for sure you need to take action on is the gag and black grouper today,

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

because it's been properly noticed. That's the only one required.

Chairman Yakupzack: Thank you, Assistant Secretary Banks. Um, Angela

Angela Thomas: Yes?

Chairman Yakupzack: Or, excuse me, Ms. Thomas and/or Ms. Brindley. So, can – just, so the Commission's clear. As I understand, the NOI on the black – on the grouper and the size limit change was filed, but do I understand properly that it was filed incorrectly in some form and if so, can you explain to the Commission what was wrong with it?

Angela Thomas: Harry? Or Jason?

Jason Adriance: Mr. Chairman, thank you. Jason Adriance. That NOI did publish, and what happened is the size limit change published incorrectly. It published, the 24-inch change published but the line that used to say 22 inches published as well. So they both published in there. So, that's what needs to be corrected. It's just strike it and put 24 back in alone.

Chairman Yakupzack: So it's just a typographical error in the NOI. Everything else was filed properly and it's in effect.

Jason Adriance: Well, I would defer to the Register to say how it's in effect, because both sizes published in there so it contradicted itself.

Catherine Brindley: In that case, what it looks like we have is a manifest error that really doesn't need anything else, but we can strike that through at roll time. If you have both in there at the same time, and your Rule's conflicting, one of them is absolutely correct and the old one wouldn't be or you wouldn't be doing a Notice of Intent on it and you wouldn't have a fiscal economic impact on it. So it's obvious, even to

the public, that one is incorrect and we could strike that through at rule time and you wouldn't have to go through amending it or going through the Potpourri action at all. We would take that as a manifest error on our part, and we can change that at rule time for you if both published at the same time and it is conflicting. And it's obvious that the old one is being amended because you have a fiscal and economic impact on the old one. I wasn't really aware of what the amendment was, exactly what it entailed. But we can help you guys with that. That's something, that small, to where it is like maybe a strike through, underline error, that maybe the strikethrough wasn't taken out at publication time. We can help you. There's certain things that we can do by law to fix things, and they're called manifest errors, typographical errors or things that obviously make sense. The public knows there's not two different measurements. So we can help you guys out with that. We can just do that at rule time, if that's agreeable to you guys. And that way we don't have to go through amending it because you've obviously already have gone through that.

Commissioner Manuel: Mr. Chairman.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: We've had some difficulty with that in the past where we missed the falconry season, or we put the wrong date, or we did the wrong area numbers, or we did the limit on fish was incorrect or something. All that was handled administratively. Why wouldn't it be handled administratively now?

Catherine Brindley: I think that's what we just discussed. That this is something –

Commissioner Manuel: So y'all hadn't discussed that before? No. The answer's no. All right.

Catherine Brindley: No. I had no idea of what the amendment was, and –

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Manuel: Okay.

Catherine Brindley: But we can help you guys with that. That's the good news. But there are things –

Commissioner Manuel: Could I make a motion that the Department handle all those things administratively? If not, I want to hear every single one over again, and I want everything redone. I mean, I think we're going a little bit too deep into here. We either handle it administratively. We've handled it as a Commission. The Department didn't handle their business.

Chairman Yakupzack: Commissioner Manuel, I think that that's clear today that, whether or not if there were errors in the past that the Department's here and the Office of State Register is here to say they're going forward, that all that stuff will be handled administratively in accordance with the statute, which clearly, my understanding is, it puts administration squarely on the Secretary and his Administration. So, if items after this Commission makes policy and takes action, then we all here today understand that it's out of this Commission's hands and it's up to the Administration to see through that that policy and that action is carried out. Is that a fair summary of this agenda item?

Angela Thomas: But what about the declarations of emergency that weren't filed and they're now past date that we have to bring –

Catherine Brindley: Well, you're going to have to have new effective dates and –

Secretary Melancon: If I could, Mr. Chairman?

Chairman Yakupzack: Secretary Melancon.

Secretary Melancon: Ms. Brindley? Charlie Melancon. Is it my understanding that there were documents that we asked that be re-filed

and the Department, because of the timeframes, because of what had transpired, were told that we needed to come back to the Commission to have action taken.

Catherine Brindley: That was, I believe, by Tommy Couvillion and what happened is that you had Emergency Rules and they were being filed too late. When an Emergency Rule is filed late, what we normally do is we alert the public. And we alert the public that you're not filing in accordance with the APA Guidelines. And it was suggested that you may want to amend those Emergency Rules and the effective date and file it accordingly without such notice being placed on your Emergency Rule. It's a red flag and you really wouldn't want that and it could be called into question. Any Emergency Rule that's adopted by the Board must be presented to 5 entities within 5 days. The 5 entities are the House and the Senate, the Governor, the Attorney General and our office and it's my belief that those 2, I believe there were 2, were not.

Angela Thomas: Three.

Catherine Brindley: Three. Sorry, 3, and you have a choice at that point. The Senate will tell you to re-file. The Senate will tell you to go back through and to re-ratify, to re-adopt, do it with a new date and re-file.

Commissioner Smitko: Mr. Chairman.

Chairman Yakupzack: Commissioner Smitko.

Commissioner Smitko: I want to get to the point. Do we need to vote on something right now? Which Notices or Emergency Declarations do we need to vote on? If so tell us what they are specifically right now, 1, 2, 3. Somebody.

Patrick Banks: I'll do my best as a marine biologist.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Smitko: Take them one at the time.

Patrick Banks: Right. There is nothing that you can vote on legally at this point based on the public notice of the agenda other than the gag and black grouper, unless you took unanimous vote to modify or amend the agenda to add items.

Commissioner Smitko: So if we're voting on black grouper, or the gag, what is the vote, what is it exactly?

Patrick Banks: Well, we were under the impression that to make the necessary change you would have to vote on the Notice of Intent for gag and black grouper to make the change of the size limit, as Jason explained. However, based on the explanation from Ms. Brindley it sounds like that they will accept that as an administrative change and I think Mr. Manuel provided it, perfectly, when he said he basically recommended with his motion that we do that in-house.

Commissioner Smitko: Okay so we've done, there's a motion on the floor.

Patrick Banks: Absolutely.

Commissioner Smitko: Thank you.

Chairman Yakupzack: You got a motion on the floor to, in effect, a recitation of the statute which requires that the filing and processing of policy made by this Commission is handled administratively, and a second, if I fairly captured that motion, I have a second by Commissioner Smitko. The motion is made by Commissioner Manuel. Is there any discussion or question amongst the Commission? Any public comment? All those in favor.

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition the motion passes.

Audience Member: Point here.

Chairman Yakupzack: Sir, can you come up to the microphone and state your name and address?

Joe Macaluso: Joe Macaluso, representing The Advocate in Baton Rouge. Once again we're in a position here where you guys took action, did not suspend the rules of the Commission and to take action on an item that was listed on the agenda when it was not an action item. If you read the item it says report and discussion. It doesn't say you were going to take any action. I know it's procedural but you have to suspend the rules and make it a motion for an action item and then take the vote you just took.

Patrick Banks: I'll respond and clarify this. I think Mr. Macaluso is referring to Item No. 7. What I think Mr. Manuel's motion was had to do with Item No. 8 which was allowed to take action on and you instructed us to handle it administratively. Thank you.

Chairman Yakupzack: I note that we had that discussion under the Agenda Item No. 7. I'd not called Agenda Item No. 8 recognizing that those 2 items could have been called together. In an abundance of caution, we will now move to Agenda Item 8: Receive and Consider Declaration of Emergency and Amended Notice of Intent to Modify the Gag Season and Increase the Gag, Black Grouper Size Limit. It's my understanding there that no motion is being made with regard to that item, that it will be handled administratively and passed. Ms. Martin, with legal hearing Mr. Macaluso's concern, do you recommend that this Commission amend the agenda to add to an item to consider a motion by Commissioner Manuel with regard to administrative matters?

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Yolanda Martin: Yes. Any deviation from the agenda I think you need to go ahead and amend it.

Chairman Yakupzack: Okay. Do I hear a motion?

Commissioner Sunseri: So moved, Mr. Chairman.

Chairman Yakupzack: Got a motion by Commissioner Sunseri. I fairly capture it that he's moving to amend the agenda to include an item to consider –

Commissioner Sunseri: An action item.

Chairman Yakupzack: To add and consider whether this Department handles effectuation of policy made by this Commission administratively. Do I have a second?

Commissioner Courville: Second.

Chairman Yakupzack: Second by Commissioner Courville. Ms. Thomas, will you call a roll call vote, please? Excuse me. Any public comment? Ms. Thomas, roll call vote, please. Please vote after Mr. Thomas calls your name.

Angela Thomas: Bart Yakupzack.

Chairman Yakupzack: Yes.

Angela Thomas: Chad Courville.

Commissioner Courville: Yes.

Angela Thomas: Bill Hogan.

Commissioner Hogan: Yes.

Angela Thomas: Pat Manuel.

Commissioner Manuel: Yes.

Angela Thomas: Bobby Samanie.

Commissioner Samanie: Yes.

Angela Thomas: Jerri Smitko.

Commissioner Smitko: Yes.

Angela Thomas: Al Sunseri.

Commissioner Sunseri: Yes.

Chairman Yakupzack: The vote is unanimous. The agenda is amended to have an Item 8A to Consider a Motion with Regard to Administrative Matters.

Commissioner Manuel: Do I have to restate my motion?

Chairman Yakupzack: Please do Commissioner Manuel.

Commissioner Manuel: I so move. I'm not going to go through the whole thing. We'll handle it administratively.

Commissioner Smitko: Second.

Chairman Yakupzack: Got a motion by Commissioner Manuel as stated earlier. Second by Commissioner Smitko. Any public comment? Any further question or discussion? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition the motion carries. Agenda Item No. 9: Receive and Consider Red Snapper Season Update and Receive and Consider a Declaration of Emergency for Reopening of State Waters to Red Snapper Recreational Harvest<sup>3</sup>. Mr. Adriance, Biologist for Fisheries.

---

<sup>3</sup> See Exhibit 3 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Jason Adriance: Thank you Mr. Chairman, Commissioners. I have a quick update on this year's 2016 snapper season. So let's start with this table and I'll go through those with you. This shows the federal season up top and the state water season down below. You can see there were 11 private days, 46 charter days for the EEZ and the poundage associated with those are to the right. The state water season for private anglers was 242 days, as well as the charter season, and that poundage is over there, about 644,000 landed by private anglers and 69,392 by charter anglers. So the extra days that that amounted to above the EEZ season was 231 for private, 196 for charter and that total percentage is the percentage of pounds of the total landed outside of the EEZ season. So that was 77 percent private, 33 percent charter. This is where we ended up after the closure, after Labor Day. It left about 75,411 pounds remaining of the 1.1 million that was our historical allocation, so about 1 million that was harvested. Where does that put us? If we run those projections, if you chose a 7 day sea; with the DE, if you chose to open the season and chose to run that 7 days a week, it'd be about November 6th that we finish those 75,000 pounds. If it were a weekend-only season, that would be about December 2nd. Just a few caveats and I'll back up to that graph, but a few caveats. Those projections are based on the harvest we've seen, so there is a little bit uncertainty in that moving forward. Those rates can change by some of the factors listed up there. Weather, availability of other species, socio-economic factors or assumption of effort, average fish weight, things like that. We do, with LA Creel, have the ability to continuously monitor that harvest and so we can close the season when need be and we track those numbers fairly closely and fairly well. The DE associated with this agenda item would open that season tomorrow, October 7th and it would be a daily season. With that, I will take any questions.

Commissioner Manuel: We don't have to have the 5 day notice?

Jason Adriance: I'm not sure about that. I would defer that to legal.

Yolanda Martin: What was the question?

Commissioner Manuel: Ms. Martin, do we have to have a 5 day notice like everything else?

Yolanda Martin: What do you mean by notice? The APA 5 day notice? What's that?

Commissioner Manuel: I can't understand.

Yolanda Martin: I'm sorry, I cannot hear. Can you restate it, Mr. Chairman?

Chairman Yakupzack: Commissioner Manuel asked of you whether or not we require a 5 day notice before opening a season.

Yolanda Martin: No sir. The effective date is the effective date. The 5 days is with respect to the Administrative Procedures Act.

Commissioner Manuel: So we effectively could open it today at noon?

Yolanda Martin: Whatever the Commission votes on.

Commissioner Manuel: Okay, all right.

Chairman Yakupzack: Mr. Blanchet?

Harry Blanchet: The effective date can, yes, the opening date – I'm sorry, the reason I was running up here was I was thinking the closure date which really depends upon the fishery that you're talking about. Certain fisheries have very specific, you know, you have to give 72 hours. Others you have to give 24 hour notices and so that's –

Commissioner Manuel: That's where I'm getting confused then, I guess. I'm confused a lot.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: Anybody have any further questions for Mr. Adriance?

Commissioner Courville: Mr. Chairman?

Chairman  
Yakupzack: Commissioner Courville?

Commissioner Courville: In your analysis, by weekends, are you being specific to Saturday, Sunday or did you look at Friday, Saturday, Sunday?

Jason Adriance: It's the Friday, Saturday, Sunday. What we define as a weekend.

Commissioner Courville: Okay. Thank you.

Chairman Yakupzack: Is there any motion practice by the Commission?

Commissioner Sunseri: Mr. Chairman.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Do we have any cards to talk about this that we might be able to hear any public comment? If none, I think that we can go ahead and take an action.

Chairman Yakupzack: No cards.

Commissioner Smitko: Mr. Chairman?

Chairman Yakupzack: Commissioner Smitko.

Commissioner Smitko: I move we open the season on weekends until we meet the limit.

Commissioner Manuel: Second.

Chairman Yakupzack: A motion by Commissioner Smitko to pass the DE with the revision being to have Friday, Saturday, Sunday openings until we meet the threshold. A second by Commissioner Manuel. Any further question or discussion amongst the Commission?

Commissioner Courville: Mr. Chairman?

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Is that we did last year? Did we open 7 days a week or did we open weekends last year?

Jason Adriance: Last year when we reopened it was daily.

Commissioner Courville: It was?

Jason Adriance: Daily.

Commissioner Courville: Okay. Thank you.

Chairman Yakupzack: Any public comment? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion carries.

Jason Adriance: Thank you Mr. Chairman.

Chairman Yakupzack: Thank you Mr. Adriance. Agenda Item 10: To Receive and Consider a Notice of Intent to Amend LAC 76:VII.5.537 to Update List of Established Recreational Reef Sites<sup>4</sup>. Mr. Craig Gothreaux, Biologist from Fisheries.

Craig Gothreaux: Thank you Mr. Chairman, fellow members of the Commission. I'm Craig Gothreaux. I'm the Artificial Reef Program Manager. I'll be discussing today an update of the artificial reef recreational list. I'll just start to give you a brief summary on the inshore reef program. We currently have 33 reefs. Those are contained within 28 reef sites and so some of the reef sites encompass multiple reef areas. That totals over 3,000 acres of approved inshore reefing area and those reefs have been

---

<sup>4</sup> See Exhibit 4 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

constructed with a number of materials including shell, limestone, concrete and manufactured structures like reef balls. The projects that we conducted last year included enhancements to the Redfish Pointe and Independence Island Artificial Reefs as well as creating the new West End Reef on the south shore of Lake Pontchartrain. The upcoming projects slated for this fiscal year are enhancement of the Point Mast Artificial Reef, the existing one, and then creation of two new reef sites, one in Lake Pontchartrain and one in Calcasieu Lake. So the notice of intent is, I guess start with a little back of background. The original notice of intent that established these recreational reef sites officially was submitted in March of 2015 and there were two specific actions. One it hereby establishes the coordinates of those reef sites and then it also makes those reef sites off limits to oyster harvest. It was presented to the Commission in April of 2015, it was published in the Louisiana Register on April 20th. There was no public comments or correspondence that were received, and then the rule was promulgated in July of 2015. So our current notice of intent is going to take three major actions. One is removing the oyster reef planting area. The second is adding the new reefs. And then the third is just general consistency corrections. The Oysters Reefs 1, 2 and 3, they're also known as Chenier Reefs. They were constructed in 2006, because Chenier was running the Creel Trail Pipeline and that was a mitigation that created these three individual reef sites that total just under 10 acres. They also created the Fin Fish Reef at the northern part of the lake. It's in 6 feet of depth of water and it's constructed out of limestone. The previous notice of intent created a planning area that consisted of 87 acres that encompassed those three reef sites. The new reefs include the East Calcasieu Reef Site which is just north of the oyster reefs, and we intend to make that one an 87 acre planting area so that there's no net loss of approved reef sites in the Calcasieu Lake. And then the third reef thing was the St. John Reef Site which is in the southwest portion. It's in conjunction with an

existing shell pad and it's located 1.3 miles from the Fernier Landing. So if the Commission sees fit to pass this Notice of Intent and we publish in the October 20th Register, there'll be a public comment period until November 28th and then the Rule effective date would be no earlier than January 20th of 2017. With that I'll take any questions you might have. Yes sir?

Chairman Yakupzack: Commissioner Manuel?

Commissioner Manuel: Mr. Gothreaux, is this basically the same information you gave at that Lake Charles reef meeting?

Craig Gothreaux: That one was specific to it. It had more details about the proposed new reef, the East Calcasieu one, but yes sir. It is the same basic information.

Commissioner Manuel: Why don't you explain that a little bit more in detail, the one in Calcasieu Lake?

Craig Gothreaux: The process of creating new in-shore reefs is that we receive proposals. We've got those internally. The site that was initially suggested was the former site of an old tank platform. That has been since removed. However, that particular spot lies on the path of an approved access channel for weir repairs and so we looked at other areas that had a sufficient water depth, looked at different bottom types and we identified an area, the current proposed East Calcasieu Reef Site which has a relatively thinner layer of soft mud with a firmer crust underneath and so we intend to put out reef material some point later in this fiscal year.

Commissioner Manuel: And a follow up on that. A reef site is not necessarily one small reef. It could be a number of reefs?

Craig Gothreaux: Correct.

Commissioner Manuel: Up to three?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Craig Gothreaux: No, no. Not at all. Well, the terminology is the tricky part. So the three in Oyster Reef are three distinct piles of limestone. In the instance of some of the planting areas in Lake Pontchartrain we have hundreds of reef ball structures and so a planting area can encompass hundreds of structures that are located around multiple shell pads. And the instance of the South Shore Reef in Pontchartrain, those are three distinct areas that have hundreds of reef balls in each. But there's enough difference, distance between those reef sites where we can classify as different reef sites. But the approved area for future development is the planning area.

Commissioner Manuel: Great, thank you.

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: Mr. Gothreaux, I have just a couple of questions. The money that is used to fund these new reefs that are, as I appreciate this, not available for oyster fishing; what's the source of those reefs, those funds?

Craig Gothreaux: So the artificial reef program has its own source of funding. The artificial reef fund comes from oil and gas structures that are reefed. Half of the savings goes towards the artificial reef fund. I think the last Legislative session passed, or I think the public passed the rule that protected and created up to 10 percent of that artificial reef fund each year that can be used for in-shore reef development. And so we receive or welcome all proposals, we evaluate those and the proposals for this year include a cost share. So the partnerships for both last year's and this year's reef projects are with the Coastal Conversation Association and they actually meet more. It's over a 1-to-1 match.

Commissioner Courville: Okay. And then my follow-up question, if you can bear with me, the one that you're proposing to remove, the source of funding, was that exclusively from the -

Craig Gothreaux: Chenier?

Commissioner Courville: Mitigation payment?

Craig Gothreaux: Yes absolutely.

Commissioner Courville: With no other sources of funds?

Craig Gothreaux: Not that I am aware of because that was -

Commissioner Courville: Maybe that was not a question for you. If anybody can answer it I'm up for any answers.

Chairman Yakupzack: Assistant Secretary Banks.

Patrick Banks: Yes, Commissioner Courville. Craig is exactly right. That reef is built by Chenier Energy prior to normal compensation for impacts to the public oyster grounds. When they came in and proposed that pipeline they recognized that there were going to be some impacts to the local oyster community and the oyster resource, as well as to the recreational finfish community. They offered, prior to any kind of legal required compensation, to come in and build a reef for the oyster community as well as one in the Northern Lake for the finfish community. We inadvertently last year somewhat annexed that oyster reef out to the artificial reef program without the realization of the, the purpose of it and we're trying to bring that back into the sphere for the oyster community at this time. But it was totally funded by Chenier Energy. There was no artificial reef monies towards that.

Commissioner Courville: Thanks to both of you for that clarification and so by this, assuming we take action, that will then make this zone, if you will, now potentially available, if the stars lined up, available for oyster fishing. Am I correct in that assumption?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Craig Gothreaux: Correct. But not until the rules are promulgated in January.

Commissioner Courville: Sure. Ok. But that's what will ultimately happen at some point. Okay thank you. I just wanted to make sure I had it correct. Thank you.

Craig Gothreaux: And I think another thing to note, the new reef area, the East Calcasieu Reef, we purposely selected an area that had no oyster resources. We didn't want to create a conflict.

Commissioner Courville: Thank you. Thanks for the clarification, both of you.

Chairman Yakupzack: I have a question. What's the construction schedule on the new reef, on both the new reefs, both Calcasieu and in Pontchartrain, what is the construction schedule and planned end date?

Craig Gothreaux: We're not to that point yet. Any new in-shore reef has to get approved by the Artificial Reef Council, which just happened earlier this month, or last month. Then from there we're submitting the permits. Once the permit, that could be a couple of month process, then we'll proceed. So, more than likely, probably after the New Year.

Chairman Yakupzack: Construction would start, you mean?

Craig Gothreaux: Yes. And there's steps that we need to put out notices 30 days in advance that we intend to start construction activities. And then a week in advance the particular route and all the details of it. So there will be notices that will come out in the future of our email distribution list.

Chairman Yakupzack: Thank you. Any other questions? Anybody have a motion on the floor or wish to make a motion?

Commissioner Manuel: I move.

Commissioner Sunseri: Al Sunseri. I'll second that motion.

Chairman Yakupzack: Motion by Commissioner Manuel to approve the Notice of Intent as listed, as proposed. A second by Commissioner Sunseri. Any further question or discussion? Any public comment? Please come to the podium and state your name and address.

Anthony Theriot: My name's Anthony Theriot. I'm on the Cameron Task Force. When they put the Chenier Reef, we went to the meeting and the reason why they put two reefs like that is they made one for us to build to fish on and they made one for the sports fishermen. Well, with this like this, that means, you know, if we get a chance to fish on the east side in Calcasieu Lake, that's going to take from us.

Chairman Yakupzack: Well, to clarify, that's what we're correcting today.

Anthony Theriot: Oh okay. That's what we were wondering.

Chairman Yakupzack: The previous rule of the Commission included that reef in the Reef Program which would have made it recreational only.

Anthony Theriot: Okay.

Chairman Yakupzack: Today we're putting it, making it back available for oysters. Mr. Dyson?

Adley Dyson: So what you are saying is this reef cannot be fished until January? It was already fished before when the lake was opened last time. So why would it have to wait until January when it was already given to the fishermen and we already fished it until the lake closed?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: Assistant Secretary Banks, do you want to address that question?

Patrick Bank: Well, that's a very good question, Leo. That reef was given to the oyster industry the last time the east side was open. You were able to fish that. That was what, 5, 6 years ago. The action that was taken to put this reef into the Artificial Reef Program happened just last year so it's only been off limits to commercial activity for a little over a year. So you hadn't had the opportunity to fish over there since it had been moved out of a commercial sphere, so to speak, into recreational sphere. We're trying to move it back into that commercial sphere with this action today.

Adley Dyson: Okay. Well, thank y'all.

Chairman Yakupzack: Thank you. There's a motion on the floor by Commissioner Manuel, second by Commissioner Sunseri. Any additional public comment? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition the motion carries. Agenda Item No. 11, Receive and Consider Updated Report on Calcasieu Lake Oysters and Consider a Declaration of Emergency for the Calcasieu Lake Oyster Season<sup>5</sup>. Mr. Steve Beck, Biologist Fisheries.

Steve Beck: Thank you Commissioners. So essentially we are here to discuss what happened as a result of the last Commission meeting where LDWF presented the 2016 stock assessment results and those results indicated the need to have a full lake closure in Calcasieu Lake. And the oyster industry came to that meeting and provided an independent sampling report of some work they had done and the Commission requested that we review this report

and conduct a joint sampling exercise with the oystermen and biologists together out on the lake. So this presentation is presenting those results. This map of Calcasieu basically is most of the information we have on the lake. It shows that area below the harvest line and those colored areas, the blue, green, red, pink, those are areas that we have side-scan sonar information informing us on what the bottom type is. That blue area is mostly mud, the green area is firm bottom/buried shell, the lighter pink is scattered shell resource and the dark pink is exposed reef, and then the dark red squares indicate cultch plants. Then you can see our station distribution throughout the area. The blue dots indicate our regular sampling stations. The stars indicate new stations that we added this year after supplemental sampling and those extra sampling areas are indicated as the green triangles. Then we also have the sites here where we went out with the oystermen. On the West Cove, those are the purple dots and on the east side those are the black Xs you see. With regards to the independent report that the oystermen had conducted, it was conducted by MREC Environmental, they sampled a small area around the Chenier reef on the east side. They went out on August 30th. He scanned 32 acres of water bottom and, just to show many acres we've scanned, we've scanned 34,000 acres. He collected 3 square meter samples where you dive down and remove all resource within a square meter and the side-scan sonar results he collected, he determined there was 22 acres of reef in his area. And then he calculated the maximum standing crop potential which was 51,000 sacks of oysters. And that's important because it's now how many sacks of oysters there are now. That includes fat and seed and it includes a mortality estimate. There's an equation and, basically, that's a determination of how many sacks of oysters could be produced from that area. So here's a close-up of where the sampling event was conducted. So that you can see the dotted line indicates the Artificial Reef Planning Area that we just discussed and that is currently off limits to harvest. But with this action it would

<sup>5</sup> See Exhibit 5 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

make this area eligible to be open for harvest. The red outlined square is where MREC conducted their sonar and that was that inlay to the right. To the left is the MREC sonar results showing bottom type and then also within this area Craig showed you the raw sonar data. This is how we calculate. Those red, solid red squares indicate the cultch plant areas and then bottom. The reason this is zoomed the way it is, is down on the bottom there, there's a star. That's a station we have to represent the other reef type in that area. Essentially we have higher densities of oysters on those cultch plant areas and we use a different station to account for those natural reef densities. So here's the differences between the MREC samples oyster densities and our densities in that area, oh and correct me. Sorry. That blue dot is where our sampling station is on the Chenier reef area and the white squares indicate where MREC went out and sampled. So while he conducted three samples across those reefs, we conduct five samples at that one dot. So that's indicate in this table here, the three samples that MREC took and the five samples we took and he found slightly higher densities in his samples. What I was saying about applying those densities, he basically expanded his high density cultch plant oyster densities to all of that reef area. All the dark pink in his MREC sonar square there so he basically expanded those high densities to a larger area whereas we used two different densities estimates to more accurately characterize the area. That's what's indicated in this table. Then the thing I did at the bottom there was calculate the sacks available using the MREC reef acreage and our densities. You can see the differences, and the other WF cultch plant acreage, which is only 10 acres. So you can see he still came out with, once we adjust his numbers to more match the way we calculate and vice versa, he still came out with slightly larger numbers. So, in conclusion, MREC estimated potential production of the area, LDWF estimates existing stock size so that's the core reason why the numbers will be different and his will be larger and his estimates are also inflated due to what I described about the

density issue. He applied a very high density of oysters to a larger area whereas we used two different estimates to account for two different bottom types. There's other reasons their estimates could be different. He did his sampling 2 months after we did our sampling so that gives time for oysters to grow, there could be more seed oysters that have grown to market size and also how he picked his sites. My conversation with him indicated that he went and picked the best-looking areas to choose his samples so that's another reason. Next was the joint sampling trip. We went out on September 15th and met several oystermen out on the water in West Cove. We went to three stations and we pulled dredges side-by-side. They had their dredge, we had our dredge and we went where they wanted to go and we hit three stations on the west side. Then we did our nearest sampling station, as well. Those are indicated by the purple dots were their stations and we went to the star site on that map. When we selected that station this year, the triangles indicate where we collected samples to determine the most representative site to place that station and the whole reason we created that station was observing the oystermen fishing in that area on the previous season. So prior to going out, we had heard that they didn't have anywhere on the east side to go so when we got out there they did have a site or two to go to, but we all decided, given the rough conditions, that it wasn't worth going over there and we could check it out later. First big difference was the dredge size. The oystermen obviously use a larger dredge than us and that's reflected in that picture. And the other main difference we saw was that oystermen appear to dredge a lot faster than we do. Those are some differences that can lead to differences in numbers and you can see the commercial dredge sample is a lot larger than the LDWF sample but that's –

Commissioner Manuel: How much larger?

Steve Beck: One foot wider along the tooth bar. Essentially, they're for different purposes. We don't want to catch as many

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

oysters as possible when the oystermen do. All we need is a representative sample. If we were to collect the maximum number of oysters we'd be working up samples all day long when a smaller sample gives us the information we need. And it's important to note that the dredge samples are not used to estimate stock size. That's purely the dive sampling that we do. The dredge samplings only used to give us a signal on what the conditions throughout the reef at any given time. Here's the results of the study. The gray bars indicate the oystermen dredge, the dredge count, basically oyster count within the dredges. The black bars indicate the LDWF samples. The top row is spat oysters, no row seed oysters and the bottom row are market oysters. You can see the oystermen are collecting a lot more oysters than us and each set of bars indicates a site. Our station is that last, the West Cove Central. Essentially the left column is raw count, so you can see the oystermen are getting a lot more oysters and our West Cove Central shows fewer oysters. Now go to the right column, this isn't raw count. This is frequency of each size class so you can see the bars are pretty much equal. That's what I was talking about with a representative sample is that the frequent, the distribution of the oysters that we are seeing are the same no matter how many you get. So now this graph, basically, we'll start with the black bar because that's our West Cove Central. That's our normal sampling station. Now all the bars to the left of that for each size class are the test samples we did to pick that West Cove sample. You can see that for each size class that black bar's about the average of the bars to the left. Now the hash bars are the sites we went to with the oystermen. This graph basically shows if you look at seed and market oysters that the sites we went to with the oystermen show a similar count as all the samples we had done before. This slide basically shows that the site we picked represents average conditions because we need to apply that acreage to a larger area. Whereas if we only used the sites the oystermen picked and expanded that to the whole reef area, we'd be inflating our estimates of stock size. The second

day out on the water was on the east side, was on September 29th and we didn't have two boats, we only had the LDWF boat where Leo Dyson met with our biologists out there and we did 1 minute dredge samples again. We sampled eight stations and up at Long Point over on the east side down in the Lambert's Bayou area and then in proximity to the Ship Channel so they had a good coverage out there that day. When we look at these numbers we basically have side-by-side. I put in our nearest sampling station and then the stations we went to with the oystermen so at the Lambert's, in the bottom, in the southeastern portion of the lake, you can see our numbers are a lot higher but that's because actually we use a 3 minute tow for our regular sampling. If you cut those numbers by 3, they're pretty close, maybe even a little higher than the stations the oystermen took us to and the oystermen took us to a couple of stations where we pulled mud. As again, the frequencies are on the right-hand column just to show frequency versus count. In the Long Point area the stations the oystermen shows us did have higher densities than our station and so there is no black bar here. And so basically there, we had done some sampling in the spring that showed that we might to adjust that station. But again we can tell from the bottom sonar survey that there's not an extensive area up there and that the resource is very sparse. We know there's oysters there but they're few and far between. Then over near the washouts is this kind of a similar story. Our samples were not that different. Then the fourth grouping we went to was all zeros on both our samples, oystermen and our sample. So essentially it just shows how scattered that resource is. In conclusion, overall, just to remind you, the dredge samples only reflect general conditions. The dive samples we do are required for spot-size estimates so the only thing that really would have changed our minds is a new sonar survey that showed extensive new hard-bottom areas which we are pretty certain don't exist out there. With that being said we'd like to update our sonar data and, as I mentioned, we will consider moving, adding Long Points, moving or adding a station in the

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Long Point area to more accurately characterize that area, but we know a lot of that area is mud. We used to get resource there a few years back so we don't want to drop stations that show zeros because they might become productive in the future again. We need those zeros so we're very hesitant to make changes in our sampling design for that reason. In conclusion, reviewing the supplemental data we have the same recommendation as we did at the last Commission meeting. We recommend a full closure and that is primarily resulting from the compounding effects of hydrologic shifts and harvest pressure. We feel that preventive action now will be the best option for that resource and give the best opportunity from our oysters available to harvest next year. With that, here's another map of the whole area and this graph shows the sacks available from our stock assessments for the past many years. The dotted line indicates the percent of that resource that was harvested. So you can see again that the last few years the stock has really declined and the percent of the available harvest of resource is really increasing which is a trend we don't like to see. With that, I'll take any questions.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: I see on your sampling you only did the east side. I went and watched one day and they did the sampling in West Cove.

Steve Beck: Right. The first part of the presentation was the West Cove results and then I moved onto the east side

Commissioner Manuel: But your results are only from the east side, right? Long Point and the washout.

Steve Beck: No. There's a set of graphs summarizing the east side or the west side, I'm sorry. Yes, so these graphs are all from the West Cove. So you've shown the dredge differences, the count differences by sample. So this is all West Cove results right here. And

then starting with this map with the picture of Leo, that's the east side and the results.

Chairman Yakupzack: Commissioner Sunseri?

Commissioner Sunseri: Thank you Mr. Chairman. Steve, do you happen to know how many licensed oyster harvesters there are in Cameron Parish?

Steve Beck: I do not have that estimate. I have estimates of the number of harvesters from the previous year. Basically we had an average of 35 boats on the water any given day the last harvest season. I don't have more detailed information on that with me currently.

Commissioner Sunseri: Thank you.

Commissioner Manuel: Your recommendation is close the whole thing?

Steve Beck: Correct.

Commissioner Manuel: Fifteen days before it's supposed to open. I can't live with that. I'd like to move - I'd like some guidance from someone on -

Chairman Yakupzack: Let me suggest that I have four comment cards on this matter.

Commissioner Manuel: Good.

Chairman Yakupzack: Suggest it's been customary in the past we take the comment before any motion practice. First in the stack is Mr. Adley Dyson, Sr.

Adley L. Dyson, Sr.: You know if I wanted to kill a fishery or kill a small fishing village, this is the way I'd do it. You guys could say by town and, all these numbers, you know, are, they don't really matter because they, you know, they could or could not be right. The fact is we found oysters. The fishermen that went out with them found more oysters than them. You know, I

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

think in the future we need a fisherman on these boats every time they go to make sure it's done right and, you know, and it's done by people who know what they're doing because this is our livelihood and, you know, a few years ago they used to take the whole lake and get the sack assessments, the whole area, even the closed area when Dudley Carter was in there. They used all of it, you know, and I wondered why they did it, they do that because the closed area will feed the other area if it gets overfished a little bit because one oyster produces a million small oysters and when you have 10 million oysters, you know, if you're talking about it producing a lot of oysters and I think this lake could take a season. We have a 7 sack limit is nothing. 35 boats at 7 sacks with, at one Chenier reef will run us 2 years if there's not another oyster ever to grow in the lake. And West Cove will probably, with what they have left will probably run us 10 years if another oyster never grows in the lake. So I don't see no problem with opening the season for us on both sides the whole season. Thank you.

Chairman Yakupzack: Mr. Anthony Theriot?

Anthony Theriot: Well, I took them out. I'm the one that took them to West Cove that day. We made a slide show I'd like to show y'all. Andre, you might have come and show me how to put it back on. This is the first area we had stopped at. They had come met us in the lake that morning about 8:30. The wind was blowing about 20 outta the east so it was pretty choppy for both of us. Like I said we both made 1 minute pulls, that's what they wanted us to make which our dredge was bigger. It's a legal dredge, 3 foot but, that was the first pull. That was after we dumped them on the deck. They had count, actually went through and marked all the first one or whatever and that was just them spreaded out on a board. That's what they had in their dredge at the same spot, and that's what we had in ours. And I think that's the second place where we stopped at, the second pull we made. And that's what we had there. Well, it was both the baskets but, and then I believe that

was the third pull we made. Well, after the third pull we were all pretty soaking wet and everything from it being rough so they said that that was enough, they've seen enough. So we wanted to go and see their site so, let's see. I guess that's it, huh Andre? That was us at their site. I didn't really see what they had in their dredge but I know we counted the oysters we had in ours and it was like 15 and that's their site that they're going by where the other spot in one minute I was filling the dredge up. Two of the spots that we went to, where we started at, because they launched all the way on the refuge and we met back there so we were working our way up. Well, two of the spots that we stopped at were areas that hadn't been fished much but one of them was, but then we go to their spot and we had 15 oysters and I'm like and this is y'all's station? I mean, so I scrolled out to see how far we were from where we started at to where their station is and it's a mile-and-a-half apart. So I just don't feel that their stations are accurate to what's out there and what we can catch. We didn't go on the east side that day. We both agreed that it was just too rough because where we want to go is over there on the other side to Chenier reef. I haven't been up to Long Point but I know there's oyster on the other side of Chenier reef and they do, too, because George told me that's where they're finding oysters at is from the Chenier reef going that a way and it was just too rough for us to go that day.

Chairman Yakupzack: Thank you Mr. Theriot. Mr. Beck?

Steve Beck: And this is something that's difficult to explain. Basically when you see those reef polygons, they're not all productive oyster reef. They show up as hard bottom but the density of oysters is not consistent across the whole way so if we were to go, so they're reflecting what they do. They go out and find the site with the best oysters and that's where they harvest. We need to expand an estimate for that entire reef area. So, yes. Our station had less oysters but it's also the average number of

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

oysters in that area. So the areas that we went with them would get applied a lower level, which is what their comment was, but we're also finding a higher level for the oysters where there's actually only mud so that's how we expand these estimates. We need to find a site with an average situation and that includes the low production areas and the high production areas because when you have a side-scan sonar all you can see is hard versus soft bottom. You can't tell live oyster density so that's what that grid of samples was and we, a couple of our stations had very high numbers of oysters, a couple of our stations had very low numbers of oysters. We picked that station with the average number because we need to apply that number across a large area.

Commissioner Smitko: Mr. Chairman.

Chairman Yakupzack: Commissioner Smitko?

Commissioner Smitko: I understand when you're looking at the harvest and the capacity where lines are intersecting and it looks dire. Other than saying we just need to close the season what is the Department doing or what could we be doing in that area to, to build the stock and to increase the capacity going forward?

Steve Beck: Yes. And that's the challenging thing because all we can really do is regulate the seasons or plant cultch. And cultch planting is very expensive but we're looking to do some cultch planting, we're exploring our options for next year but we're looking at possibly doing a cultch plant in Calcasieu Lake because that's the best thing we can do. But the thing we're fighting here is natural conditions so there's increased salinities around the ship channel which is bad for oyster production. Now that being said this year we are seeing signs of some good production because it's been a wet year so those reefs that are usually too salty are producing some oysters this year so how long that lasts is unknown. If we get no rain for a while the lake salties up, then we might see

reduced numbers again. So in terms of those large scale hydrologic conditions, the only thing on the books is CPRA is looking to do a massive salinity control project but that's many years away. That's just entered the design stage but they're combating, because the salinity intrusion isn't just bad for oysters, it's bad for other communities as well, marsh as well.

Commissioner Smitko: When you say cultch plant is expensive, what would it cost a cultch plant that would make a significant difference in the area?

Steve Beck: Well, the cultch plants, whenever we do them they tend to be very productive. So that's typically the problem is there's just not enough hard substrate out there and that's what we're seeing in Calcasieu. That optimal salinity zone has moved into those muddy areas so all we're getting are those hot spots of oysters. You know there's the large scale reef areas around the ship channel are no longer productive so if we put cultch down it'll likely colonize and so, in other areas we do much larger cultch plants. The 2015 cultch plants we did in Calcasieu were on a small scale. We're considering doing a much larger scale cultch plant now and in terms of, maybe 100-plus acres but, in terms of cost, Patrick has a much better idea of those estimates from the past.

Chairman Yakupzack: Assistant Secretary Banks?

Patrick Banks: I'll step in because I did Steve's job for a number of years for the Department. In early 2015, we put in three separate cultch plants around the lake. It totaled about 65 acres and it cost right at a million dollars. So it isn't a cheap thing to do and that doesn't mean that cost per acre translates very well to other parts of the state. Calcasieu is somewhat unique. It's a very shallow lake. There's not a lot of these types of contractors who do this work situated in the Lake Charles area so typically you have to bring in contractors from outside the area. They have to use very small barges, small equipment and

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

they have to handle the material a lot so it just is a very expensive place to plant cultch. But Steve's right, it's very productive if you put them in the right spots. And I think we did a very good job last year in those 3 locations and we're seeing very good production off of that acreage. But I would agree with you, Commissioner Smitko, that we need to try to build something to such a size, a couple of hundred acres, to really make a major difference and we're just going to have to make that kind of financial commitment.

Commissioner Smitko: Thank you.

Chairman Yakupzack: Commissioner Sunseri?

Commissioner Sunseri: Thank you Mr. Chairman. Mr. Beck, I think I heard that the dredge size for commercial dredge being used in Calcasieu Lake was 36 inches –

Steve Beck: Correct.

Commissioner Sunseri: What is the average size of a boat? A skiff?

Steve Beck: Yeah. I think most of the boats are small skiffs. Yes.

Commissioner Sunseri: And in other parts of the state, what are the average sizes of the vessels that are harvesting and what size dredges are they using, or scrapers, excuse me, scrapers? They don't call them dredges anymore. We changed that law last year –

Steve Beck: I think that was your legislation.

Commissioner Sunseri: It was my legislation because that was actually what they were called originally over a hundred years ago for many years and they changed that to a dredge for some unbenounced reason, to me, but, I wanted to go back to what it used to be, what they were called historically.

Steve Beck: Yeah. The oyster fishery in other parts of the state, they use much larger boats, much larger dredges because the reef, historic reef areas are much larger. The characteristics of the fishery in other areas typically include relocating bedding material to private leases. So it's just an entirely different situation. Whereas Calcasieu's always been managed very conservatively. It was tonging only in 2004 or 2005 when dredges were allowed. So because dredges were allowed they made them a very conservative size. As the concern of impacting this resource that is subject, it's a very isolated contained population. There's several things to consider. It's heavily influenced by the river for stage so rain events have some big impacts on the system so that's why we tend to have a more conservative approach to managing this area.

Commissioner Sunseri: If I can, my understanding is we're dealing with a hypoxia issue out in the eastern part of the state right now –

Steve Beck: Correct.

Commissioner Sunseri: – where there was quite a big resource available, and my experience being in the business is that if a resource is available to utilize the resource because God might not let it be there. So having said that, we got to season over on the east side of river last year. The oysters survived. We had a wet year, but part of the problem was we had a wet year for way too long and when it got hot and, so we have a lot of mortality now so we have to wait again. So with the resource that is actually available in my years of doing an old day in a bay with that, we used to do with our statewide association annually, you know, you found oysters in places that you never thought they were going to be and then you didn't, where you expected to see them you didn't see them and that's just because we're talking about an enormous area. If I'm not mistaken, Calcasieu Lake is about 27,000 square acres -

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Steve Beck: The total seed ground is 58,000 acres –

Commissioner Sunseri: So I was off by quite a bit. Maybe that's the amount that you could actually, that's open to harvest is maybe 27,000 for health reasons.

Steve Beck: The area we surveyed, which is most of the open area, was about 34,000 acres.

Commissioner Sunseri: If I can, Mr. Chairman, I'd like to make a motion.

Chairman Yakupzack: Well, we still got a couple of comments.

Commissioner Sunseri: Oh, I'm sorry. Thank you very much.

Chairman Yakupzack: Before I get to the next public comment, I have a question, a follow up to either Mr. Beck or Assistant Secretary Banks. In reference to the 2015 cultch plants, the 65 acres that were built, were those tested this year?

Steve Beck: Yes. They have very good production but, again, they were so recently built a lot of those oysters aren't market size yet.

Chairman Yakupzack: So, if there is a season, those cultch areas remain closed, right?

Steve Beck: I believe so. We typically keep them closed for about 2 years after construction.

Patrick Banks: That's correct. We would typically recommend that they stay closed. We try to give them 2 oysters seasons of growth before we open those to the public. That hasn't always been followed. There's been some times in my career when the Commission felt the seed was needed for the industry. The smaller oysters were needed for the industry growing on those cultch plants. I don't see that as the issue here. Typically this industry doesn't rely on

small seed oysters so, while there may be a few market size oysters on those cultch plants, by and large it isn't a seed resource that would be utilized by this industry anyway.

Chairman Yakupzack: When you say seed that means that they'd actually be undersized for harvest? I'm sorry, sub-market size?

Patrick Banks: That's right. That's correct.

Chairman Yakupzack: Okay. Thank you. Next for public comment is Mark Valentino. State your name and address please.

Mark Valentino: Mark Valentino. I have a dock in Cameron, Texas. I mean in Cameron, Louisiana, I'm sorry. Where do I start? Most of what I would say has already been said. I was the one that basically hired the biologists under recommendations of someone on the Committee. I think that the samples that have been taken by the oyster fishermen prove to everyone that there was oysters in other places. I wish the map had actually stayed up there that Steve had put up there but if you could have noticed is that most of their sampling stations are along the ship channel on the west side and on the east side most of their stations are on the ship channel. I went to the first Cameron Task Force, Oyster Task Force Committee last year and asked one of the biologists that was giving the samples and giving the stock assessments for the east side and he was showing all these zeros and then he showed one reef that they had taken that was about a mile-and-a-half from the ship channel and that area showed a lot of oysters. And I asked him at that time, I said well, that reef has a lot of oysters on it and he said yes that reef has a lot of oysters on it but it's a small reef. And then my next question was is it possible to, is it probable to assume that the other reefs that are mile-and-a-half or 2 miles farther away from the ship channel have plenty of oysters on them, too. And his answer was probably but we don't sample those areas. They added another reef area this last year but that was a shell plant and

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

was there plenty of oysters on it? There was plenty of oysters on it. I think that if we opened the east side and opened the west side it would basically conserve the oysters on the west side because most boats will work on the east side. Historically I've bought oysters out of Lake Calcasieu for 30 years. I started buying oysters in Lake Calcasieu from a school boy back in '86 when I started my company so I have a lot of history in the oyster business especially associated with Lake Calcasieu so, we started out with a 15 sack limit years ago. Shortly it was a 20 sack limit for a short period of time. After the oil spill then it went back to 15 and then went to 10 and now it's 7. Well, 7 sacks, we can live with 7 sacks for this year but living with less than 7 sacks would be pretty hard. We've had two bad, bad oyster seasons. We've had oyster seasons that have not been good because of closures, okay? We've had a lot of closures the last year of two with fresh water, okay? But if, what is not pointing out is that we wouldn't be closed as much if the east side was open and you say well, why would you not be closed as much if the east side was open. The last time the east side was open, the threshold for closing was 13 feet, flood stage, okay? I mean under flood stage. So the river stage for West Cove it's 9 feet. So as soon as it goes above 9 feet, West Cove closes. The east side, had it been open, would still let the fishermen fish. We were closed approximately almost half the season last year. We were closed, you know, due to closures from fresh water. I know they really want to keep their old sampling sites that they've had for the last however many years but they've had 6 years of close to zeros along the ship channel and definitely I can see that it's brought to their attention that they need to add more sample sites farther away from the ship channel because things have changed. Will things come back? Yes, yes. If we can get several fresh years back to back and then the oysters along the ship channel will probably come back. But over-fishing, we pull very small rakes in Calcasieu Lake. They probably weigh one third or maybe even less than one third of your

average dredge in Louisiana. So I just believe that opening the full season on both sides will not hurt anything and it'll definitely help this town and this fishery that has been hurting. Because I had two bad shrimp seasons back to back and the oyster season being closed half the time last year didn't help things either. So, I appreciate, if there's any questions.

Chairman Yakupzack: No, sir. Thank you.

Mark Valentino: Okay, thank you.

Chairman Yakupzack: Mrs. Clair Hebert Marceaux. Last card I have.

Clair Hebert Marceaux: Good morning Commissioners. My name is Clair Hebert Marceaux. 178 Murphy Lane, Cameron, Louisiana 70631. I'm the Director of the West Cameron Port Harbor and Terminal District in Cameron Parish. I am not a scientist. I am not a biologist. I am a certified community and economic developer and the director of a port with a rich diversity of resources, one of which is our oyster industry. As I understand it, this Commission was created to protect, conserve and replenish the natural resources and wildlife of the state, including all aquatic life. You have the authority to establish definite management programs and policies at your discretion. I respect that awesome responsibility. I recognize that your decisions are based on scientific facts, but I beg you to consider what is at stake with the closing of the upcoming oyster season, as well as future seasons in Cameron Parish. I believe you've all seen the dollar figures associated with the revenue generated by the buying and selling of oysters in Cameron. What I want to remind you of is the ripple effects of that revenue generation to the Cameron Parish community, to a way of life and to a culture that your decisions directly impact. Growing up in Cameron I fished many, many times with my grandfather, uncle, cousins and husband. I know firsthand that it's tremendously challenging work. It is what puts food on our tables, pays our electricity bills, pays college tuition,

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

mortgages, makes gifts on Christmas morning a reality, pays child support and, for many Cameron Parish residents in the villages of Cameron and Hackberry, life would be an even harder struggle without the income oystering provides. The numbers of oyster fishermen have decreased in recent years. We know that there continue to be more than a hundred families directly benefitting from oyster sales in Cameron Parish to my count. This impact is not limited to them though. They must buy licenses in this building, fuel, supplies and other consumable items. There is no, if there is no oyster season it's not only the oyster man who suffers, it is the buyer, the gas station and supply store owners, never mind the restaurants whose patrons come in just to taste our fine Cameron Parish oysters. One buyer alone in Cameron bought more than \$330,000.00 worth of oysters last season. Another with a smaller operation bought nearly \$85,000.00. This revenue went into the pockets of hard working people, some of whom know nothing else. The recommendation of full closure of the 2016 oyster season in Cameron Parish is, quite frankly, a death nail to the industry in my estimation. I understand that in 2011 the east side, or Main Lake, was closed despite that according to the Louisiana Wildlife and Fisheries data found on this Calcasieu Lake oyster fact sheet from February 23rd of 2011 and then updated in March of that same year, "Calcasieu Lake holds the largest and most consistent level of oyster abundance of all the regularly harvested public oyster areas in Louisiana," and "Calcasieu Lake has the most restrictive commercial oyster harvest regulations of all public oyster areas in Louisiana." Further, "Calcasieu holds approximately 3,907 acres of reef within the LDHH oyster harvest areas" and yet the east side was closed in 2011, correct me if I'm wrong, and has never reopened. Why would your closure of West Cove in Calcasieu Lake be any different now? Do you see the risk that if you close this season would we have another season ever? Oystering is a huge part of what makes us who we are in Cameron Parish. Take that away and we lose another piece of our culture. Please consider this when

you make your decision and I understand your dilemma must weigh heavy on you. I do envy you for the decision that you have to make but I, as a Cameron Parish native and promoter of all Cameron Parish has to offer, hope you will consider carefully. I thank you for the opportunity to speak to you in support of the upcoming season and the future seasons. Thank you.

Chairman Yakupzack: Thank you Clair. One last additional public comment. Mr. Steven Voisin. You can up and state your name and address please.

Steven Voisin: Yes. I'm Steven Voisin. I appreciate y'all having me up here. I'm with Motivait Seafoods in Houma, Louisiana. I've been fishing oysters and processing oysters for 45 years now. Never in Calcasieu Lake but all across Louisiana otherwise. As I understand it, I wanted to follow up a little bit on y'all asked the question of how to improve the cultch material in the lake and the only answer I heard was that you have to put cultch limestone or something down and that helps. That does help but, the way we do it and have for years is to dredge an area. And what that does is it cultivates it and it spreads the cultch and it creates more reef area. It really works. It keeps the mud, the sedimentation off of the shells which creates a cleaner surface for spat to take on so the survivability of spat is much greater. So I wanted to let you know that. That's a very effective way. I know in Calcasieu area they only allowed tonging for years and years and now they allow dredging so if you have a very few oysters and you allow the season to open, next season most likely will be much better because the shell will be cleaner for the spat and the smaller reef areas that the fishermen are finding will be expanded through cultivation. Thank you.

Chairman Yakupzack: Thank you. Question and discussion by the Commission?

Commissioner Sunseri: Mr. Chairman?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: I'd like to make a motion, if I can. I'd like to move that Calcasieu Lake, both East and West Cove, be open on November 1st and the shell plant that we discussed earlier be open January 1st with a 7 sack limit and the secretary has the authority to shut down the, I mean, that's not part of the motion. I'll discuss the - that's my motion.

Commissioner Manuel: I'll second then.

Commissioner Sunseri: If I may discuss it just one moment. Mr. Chairman, the secretary has the authority to shut down things at will if there's a problem with the resource, if they're finding that. And I would hope that the oyster biologists, as well as an enforcement, will be very strong out there to make sure that the resource is never in any jeopardy. But I believe that this will allow the oystermen in the community to actually see what's out there. It's very difficult to do it and I'm not, there's nothing against the biological data that's being done by the Department but I've seen a lot of things over my years in this business and everything is not what you actually see right when you do it because he was talking about enormous areas so what tends to happen is the oystermen find where the oysters are. If they're not there, they move and if the resource is in jeopardy the Department has the authority to shut it down whenever so, with that, thank you very much.

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: Thank you Commissioner Sunseri. I guess the way I interpret the data is they are saying we got a problem out there. Mr. Beck, is there some threshold? Let me just be clear. I am supportive of having some semblance of a season, and mainly, I'll justify my position and that is in the absence of what Commissioner Smitko suggested, I'm not comfortable telling these people that we need to close it because we're not giving them an answer as to how things are

going to get better moving forward into the future with a bit of hope. So I'm going to qualify what I'm about to say with I would adamantly encourage the Department, it sounds like you guys are already en route doing that, to develop a restoration plan for the lake and then a management plan because I think you guys are some of the best at what you do and I think you can be successful at getting the oysters to get going again in the lake with some assistance with money. Money is always the issue. Always has been, always will be. I think there's some opportunity for grants to get some of that money to do some good things in the lake. So a restoration plan, a management plan because when this place starts growing oysters it's going to gain a lot of attention and we're not going to be able to go in there and wreck it. We need some management. So what I'm asking you, Mr. Beck, is there some threshold whereby we can have some semblance of a season, perhaps on both sides, that wouldn't completely decimate the area? Because what the trend that's out there now doesn't look positive and, look, I fully can appreciate sampling. I can appreciate the need to maintain sampling sites because once you move them you're starting all over, and long-term data sets are important in statistical analysis and evaluation. I get all of that. So that's my question, Mr. Beck. Is there some threshold, if you will, where we could have a season on both sides, East and West Cove, and is there something we can help these people out and also guarantee them that next year at the September meeting we won't be discussing these same issues? Because I think that the folks, the oystermen are reasonable people and if they can see a light at the end of the tunnel, I think they can all get behind it. Unfortunately for me, and I can appreciate you guys' original recommendation, I'm a hundred percent behind science. But in the absence of having an obvious restoration plan, I'm in favor of having some semblance of a season. I just don't think we can go in there and wreck the place because then we might not be able to recover. So is there something out there?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Steve Beck: Yes. We obviously don't take these decisions lightly to fully close an area because of the community impact but, our main job is to look at the health of the resource and do the best in the long-term interest. So, our decision to close we thought had the greatest chances of ensuring there'd be a better season next year. So it's obviously that'd be a point of short versus long term. That being said, if the Commission decides to open a season we have an option that we think would be acceptable. Basically, the last few years with the east side closed and the fleet concentrated in West Cove has had some negative consequences so we would be supportive of opening both sides, but at a review, a reduced harvest level. So that graph I showed you showed harvest percent, the percent of available resource harvest that has really creped up to above almost 40 percent and when you look at the earlier years when the population looked to be more sustainable we were only harvesting about 10-to-15 percent of that resource. We were thinking that that would be the best option that open both sides but when we reach that quota of 10 percent of the available resource that we would shut it down. We think that'd be an acceptable season.

Chairman Yakupzack: Commissioner Smitko?

Commissioner Smitko: What is 10 percent? What's it work to in sacks?

Steve Beck: A 10 percent harvest quota would be 6,600 sacks. I have a table showing how long the season would be on each side because we basically break that up to east and west side. And this is excluding Chenier Reef because it's currently off limits to harvest, which is probably the best productive area on the east side, but I have a table. Basically it shows how long the season would be by days. Given last year's numbers, if there was an average of 35 boats out there the season on the east side would be 8 days and the season on the west side would be almost 20 days. That's exclusive of DHH closures. That's just total number of days available. That's open days.

Commissioner Smitko: If you looked at it all total you're like at 27 days total, more or less.

Steve Beck: Correct.

Commissioner Smitko: And what's a normal season?

Steve Beck: We'll have to see. I think the normal season, historically, was I want to say 80 days. I'll have to ask George of that one.

Audience Member: It's 181 days. November 1 to end of April, so there's a lot of closures.

Commissioner Smitko: Just looking at your comparison of the Chenier Reef data. Is it correct? Am I reading this correct, that y'all are saying that there are 14,539 sacks available there?

Steve Beck: No. That's if you applied our densities to the acreage that MREC used. So that table, don't look at –

Commissioner Smitko: So you're saying 6,520?

Steve Beck: This is not the stock assessment. That table should not be used for any of your decision making purposes. That's just comparing numbers using our densities to look at how the MREC report calculated their numbers. I'm sorry if that was confusing. I was trying to show how –

Commissioner Smitko: It says sacks available, so -

Steve Beck: If you use those numbers to make those calculations, so the actual number from our stock assessment of sacks, total sacks available in the lake, without Chenier Reef, is 66,000 sacks in the harvest area.

Commissioner Smitko: And that's with the 3 meter samples?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Steve Beck: With the what?

Commissioner Smitko: With the 3 meter samples?

Steve Beck: Uh, -

Commissioner Smitko: Your samples?

Steve Beck: Yes. That's our sampling effort. Our stock assessment.

Commissioner Smitko: But I'm saying that's not just like the dredge kind of stuff y'all did when y'all went out again in September. That stock assessment's based on the 3 meter, 3 square meter samples.

Steve Beck: No.

Audience Member: It's 5 square meters.

Steve Beck: When we do our stock assessment sampling in the summertime, those are the numbers that I'm using. Our official stock assessment numbers. Everything that this report shows, this presentation, this was just extra stuff requested by the Commission. Extra data. And it should not be - none of the sampling we did will affect our stock assessment number. But, yeah. Each station we collect five samples at several stations across the lake.

Chairman Yakupzack:  
Commissioner Courville.

Commissioner Courville: I have one more question and it relates to the motion on the floor. Just for clarification, the motion says that the new reef that I guess, theoretically, would be available January 1 that we just took action on, Commissioner Sunseri, you're suggesting the season would open January 1 on that reef?

Commissioner Sunseri: Yes.

Commissioner Courville: Okay. Along those lines, would that change this 6,600 sack assessment - I'm kind of putting you on the spot, so I don't know if that's fair to do.

Steve Beck: Yeah, I don't think that January 1st is the proper date that that would become lifted.

Audience Member: That rule will be promulgated January 20th.

Commissioner Courville: Along those lines, and I think I'm maybe asking you an unfair question, so assuming it passes would that 6,600 number, you got to believe it would change if that Chenier Reef would open -

Steve Beck: It would increase. Correct. Twenty-five percent of the resource on the east side is in that Chenier Reef area. So it would definitely increase the available, if we were to wait until the full area was opened.

Commissioner Courville: I guess where I'm at is, sure, we're going to give the Department the authority to close when they deem appropriate, but, frankly, I wanted to give these folks here an idea of what, when that going to be. So if we take action as this is proposed, and assuming Commissioner Sunseri revises his motion to January 20th, it's safe to assume that the new number is somewhere north of 6,600 sacks.

Steve Beck: Correct.

Commissioner Courville: Okay.

Steve Beck: And in terms of timing of the season, we have no strong opinion on the start date of that season.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: One of the speakers mentioned that we used to do sampling throughout the lake, and at some point in time

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

quit doing it. And I understand that the Department of Health closed a northern portion of the east side of the lake. Was the speaker correct in saying, first of all, they used to sample the entire lake, even after it was closed on the north side? And if that is factual, why did we quit?

Steve Beck: Not entirely true. We have stations adjacent to the ship channel, we have stations further away from the ship channel, and we have stations above the DHH closure line. We have one up at Turners, one off Commissary Point.

Commissioner Manuel: So you do sample there?

Steve Beck: Yes. Those numbers are not included in our stock assessment, though.

Commissioner Manuel: Oh, you don't include it. You sample them, but don't include those.

Steve Beck: Correct. We want to know what the conditions are up there, so we keep tabs by monitoring those stations.

Commissioner Manuel: Well how do you, what's the reason for sampling if you're not going to include those numbers?

Steve Beck: Because they're not available.

Commissioner Manuel: I'm not trying to get anybody in trouble. I'm curious. I need to know that.

Chairman Yakupzack: Assistant Secretary Banks.

Patrick Banks: Yeah, let me provide a little bit of clarify on that sampling, Commissioner Manuel. We do, in fact, sample up by Commissary Point, just like Steve mentioned. We also sample up in Turners Bay. We know that there's a considerable resource in both of those areas. We sample

those, however, on a month to month basis during the year, as Steve explained, to understand conditions. We do not sample them during the annual stock assessment sampling using square meter gear simply because it makes no difference in terms of the stock size to set the season because those animals are not available to the industry anyway. So, as a cost-cutting measure, it's been at least 15, it was right before I started about 16 years ago, we stopped sampling those areas from a stock size estimate scenario. And it was simply a cost-cutting measure. We decided that we'd maintain dredge samples up there but not square meters because those were not areas that were available to the industry, so there was no use estimating stock size. We could sample those with square meters today. Our problem is we don't have the necessary side scan information to describe the size of the reef. So we could tell you how many oysters per square meter are up there, but we could not make the calculation to total sacks because we don't know the size or the acreage of the reefs.

Commissioner Manuel: Well, GPS can measure that, can't it?

Patrick Banks: Well, it can with a tremendous amount of surveying of the bottom it can, absolutely. But it would take a significant effort to understand the size of those reefs. We know there's a reef there, just like out in front of Marsh Island, if y'all remember from Steve's presentation a month ago. Out in front of Marsh Island we know there's considerable resource, and we know there's reefs there. We've just never done the side scan sonar necessary to understand the acreage, which is why we can never give you a total sacks of the Vermilion Marsh Island area. Same is the situation in northern Calcasieu Lake. So it's not that we don't use the data. We absolutely do use the data on a month to month basis during the year, but we don't use it for our annual stock assessment because it's not available to the industry.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Manuel: Because those oysters that are unfit for consumption actually move, right? They produce fat.

Patrick Banks: They absolutely do produce larvae. That's correct.

Commissioner Manuel: Well, the larvae, –

Patrick Banks: That's right.

Commissioner Manuel: Whatever the scientific word is.

Patrick Banks: That's right.

Commissioner Manuel: Okay. So it was quit 15 years ago because of money.

Patrick Banks: It was a cost-cutting measure just like a lot of times we've reduced sampling over the years due to budgetary constraints. But we've also increased sampling in the last several years, particularly in this lake to try to understand exactly what I think Mr. Valentino was mentioning about our observation of the resource moving away from the ship channel. And we've tried to track that by adding stations. So, some years we do take stations away. We have limited resources, and we realized that it's more important to sample this area rather than this area. We've done that in Lake Borgne in recent years. We've noticed it since the rock wall has been put up. We hadn't found oysters there so we would suspend those stations and not sample them anymore. So that happens from time to time. It's not that we're trying to hide data from you, it's just –

Commissioner Manuel: I didn't accuse you of that.

Patrick Banks: Yeah.

Commissioner Manuel: I was just curious as to, one of them said that you used to do all the sampling there and now you don't.

Patrick Banks: And that's true.

Commissioner Manuel: I was curious as to the reason. Maybe we ought to lay off some people to have more resources.

Patrick Banks: If you give me a list -

Commissioner Manuel: I'm only joking group. I'm only joking here.

Chairman Yakupzack: Assistant Secretary Banks and/or Colonel Broussard, from an enforcement standpoint obviously I've been involved in this issue for 2, now 3, years, and been down to Cameron several times. And I speak personally with several of the fishermen, enforcement is always a big concern of the Cameron fleet and they have often mentioned to me that, how, how much they think potential illegal activity goes on, and to the detriment of the resource, so I take very seriously what Commissioner Sunseri said about us having a focus on that if there is a season there. But my question is a little more technical in this, I think the motion on the floor deals with opening both sides of the lake, the West Cove and the east side of Calcasieu Lake, and, with the potential of the Chenier Reef not being available 'til January 20th, would it be an enforcement problem in terms of if the rest of the east side of Calcasieu Lake opens on November 1st, Chenier's closed, and so you've got oystering going on over there. Would it be better, from an enforcement standpoint, to not open any of east Calcasieu until January 20th and then if there's a resource that can be focused on West Cove it can happen from November until we reach a limit, and Secretary Melancon closes the season. And then with the expectation of when the Chenier Reef's available, open the entire east side on January 20th and run it. Do you have a concern there, or is that not an issue? Do you guys feel like you can enforce it without that precaution?

Colonel Broussard: If there was an issue where we couldn't handle it with the local agents we

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

can move some strike force guys in there to assist them. So I feel like we could handle it either way.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. My experience has been when you open one area it's targeted. And you have a much bigger problem than when you open up a wider area. So when there's more areas to work people will tend to go to places that are the hot-spots first or close to where they live. One or the other. And since you're talking about small vessels they tend to stay closer to home, that's number one. The other thing is putting a hard and fast number, 6,600 sacks. I got an issue with that. Typically, what's happened in the past, what you do is you'd watch what the catch, and when the catch starts to becoming undersized that's when you shut things down. When you starting to see, and I don't know if the Department can even tighten up on the size limit requirements to where you have rather than 15 percent put it at 5 percent. I would love to see that happen because that's what the law used to be and it should still be 5 percent undersize allowance, not 15 percent. But I would rather see it rather than being hard and fast at 6,600 sacks letting the Department have that flexibility to determine when the size is going below 3 inches, the legal size, that they shut it down. That would be my suggestion. And they have that authority, as far as I understand, to do all those things. Thank you, Mr. Chairman.

Chairman Yakupzack: Any other question or discussion?

Commissioner Samanie: I like Al's idea better. It's more fair to the community and the fishermen. Sixty-six sacks for 35 boats. 6,600 sacks is nothing when you consider that's not a month's fishing for a whole season, we have a 6-month season. We need a just leave it open and fish and they just maintain it and leave it at 7 sacks. If it's over fish, you're

going to know before any damage is done because the boats are going to fish all day for 7 sacks, you know? Right now, the last day of the season they caught their limit in 1 hour. One hour fishing and back home. The resource was still there the last day of the season. And the oysters was better than they were the first day. So I'd appreciate if y'all just take Al's motion and go with it. Thank you.

Chairman

Yakupzack: Commissioner Courville.

Commissioner Courville: Al, I appreciate where you're coming from and I appreciate where all the commenters are coming from, but if we put the onerous on the Department to close it at their discretion, when their biological data supports that, I'm of the impression, and somebody please correct me if I'm wrong, they're telling us to close it now. So I don't get how if we say let's give it the authority to the Department to close it at their discretion when their biological data says close it, currently, and, please, somebody straighten me out if I'm missing something here, this data says close it now. Am I missing something right now?

Steve Beck: That's correct, but if we were to open the season that's why the actual dates aren't as important because if we established a quota that's what we would monitor. We would monitor harvest daily, and when we reach that 10 percent quota that is when we would shut it down.

Commissioner Courville: Okay, thank you.

Chairman Yakupzack: Commissioner Samanie.

Commissioner Samanie: Wouldn't it work with parameters of certain percentages of undersized when it hits a certain mark then you close the season rather than sacks?

Steve Beck: Well, we've closed other areas when we observed large percentages of

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

undersized oysters being harvested, and that happened in Area 1 North last year. There was a lot of undersized harvest going on. We've watched that, and we will shut it down.

Commissioner Samanie: Well, couldn't those same parameters be used in this little season?

Steve Beck: We would have to see if undersized harvest is occurring, but yes, if there's any kind of lawbreaking, we'll shut down the season.

Commissioner Samanie: Would you want to put that into your motion?

Steve Beck: Excessive lawbreaking I should add.

Chairman Yakupzack: Okay, Commissioner Smitko.

Commissioner Smitko: How would you tell the percentage of undersized harvest?

Steve Beck: Basically enforcement would sample some of their sacks and they would break it down and measure every oyster. That's how they determine the percent.

Commissioner Smitko: Right, but, like, if I'm fishing I catch an undersized fish, I'm going to throw it overboard. Am I really going to keep a whole bunch of undersized oysters in my boat?

Steve Beck: I've gotten calls from oystermen complaining of undersized harvesting Calcasieu, yes.

Commissioner Smitko: Okay, but I don't think that's a good way to gauge it. But obviously this situation needs some type of a compromise. I understand the science, I understand Commissioner Courville's thoughts, I understand the plight of the oystermen and the community. We have as I see it a couple different issues. What areas do we open, if we open them, when do we open them, and how do

we set a limit? I agree Commissioner Sunseri has a lot of experience in the industry. One thing I think we should do is limit it to a 5 percent undersize, open it all, except the January 20th part, and compromise. Say let's go with 12,000 sacks, and we stop it when we get there.

Steve Beck: The only fault, the only problem with what you just proposed is I believe it would take an act of the legislature to change from 15 to 5 percent undersize.

Commissioner Smitko: We couldn't make that an administrative rule for that one area?

Steve Beck: That would take an act of the legislature to change that.

Patrick Banks: That's correct, Steve. That percentage is set by the legislature in Title 56.

Commissioner Smitko: Okay.

Chairman Yakupzack: I think that was the only part of what Commissioner Smitko proposed that's a legislative issue, right?

Patrick Banks: The percent undersized, yes.

Chairman Yakupzack: Okay. Commissioner Manuel.

Commissioner Manuel: I just have a suggestion to the Department. Next year, and you only have to put up with me one more year after that, so, doesn't matter, but outcome to us before September or October the, whatever date, 5th, to open in 30 days. I mean, these people have a, hopefully a plan on how they're going to feed, and eat, and buy fuel and everything else. Can y'all come to us a little earlier?

Chairman Yakupzack: Assistant Secretary Banks.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Patrick Banks: Mr. Manuel, that's a very good point, but I will remind you that we did. We came to you all at the last meeting, last month, and made this same recommendation. And you guys asked us to look at it again. And we did look at it again, and we didn't make the recommendation lightly. I know a lot of these folks. I care greatly for a lot of these folks just like I do for Al's compatriots on the east side. So making this recommendation is not something we do lightly. But we feel like we have to give you all the honest, prudent biological recommendation, and then you consider that along with the needs of this industry. I think what we're doing today shows the value of the system. Y'all are able to take into consideration what the industry needs but get a good, honest biological feeling from us. So we did bring that biological feeling to you last month.

Commissioner Manuel: Although, most of those fishermen are like me without a degree in biology and everything else. I think they understand, or hopefully they understand, that if they overfish it they're going to lose their livelihood. Hopefully they take that into consideration, especially for them old guys, you know, and the young people, or just vice versa. The young people more importantly than the old guys. I just hope y'all keep that in mind.

Chairman Yakupzack: Commissioner Smitko.

Commissioner Smitko: If you open it, even at 12,000 sacks, you'd probably never get to fish the reef that would open on January 20th, right?

Steve Beck: I'd have to look at the numbers again and recalculate days.

Commissioner Smitko: Well, I mean you're looking at 29 days for 6 –

Steve Beck: If you open November 1st, probably not.

Commissioner Smitko: Okay, so then that would potentially be even more productive next year.

Steve Beck: Correct. Also George reminded me that the cultch plants will also be closed.

Commissioner Sunseri: I said or all dead, because that can happen as well. And it has happened many times. And I will tell you from dealing with old timers in the business, when resource is available, fish it because you don't know what Mother Nature is going to bring you. If you're going to have too much salt water and you get dermo. Dermo was a disease that happens to the oyster and it will die. Typically oysters that don't get enough fresh water will only have a lifespan of about 4 years. Then they're going to go ahead and start dying, and if you got too much fresh water it can kill them in a matter of weeks. And in the summertime it can happen in a matter of days. But in the colder times, they can actually last longer, they can survive, but that's what we're dealing with. We're dealing with the unknown, and I've seen this happen in my lifetime. A number of times that we waited. We waited, and then it's gone.

Commissioner Smitko: Well, then could there be a potential of opening the season for 6,000 sacks and then on January 20th open it for another 6,000 sacks?

Commissioner Sunseri: But the secretary can shut it down at any time under his authority if they find that the resource is in jeopardy. And that was why I made a recommendation about watching that 3-inch size. Because that's what they've done customarily now over the last 10 years since Hurricane Katrina. Prior to that, the season opened across the state on the first Wednesday after Labor Day, shut down on April 1st. That was what happened. Then after Hurricane Katrina we started managing it, micromanaging it a lot more. There's pluses and minuses to that, but conditions are constantly changing especially with the coastal projects that

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

are occurring. We don't know what's going to happen next year with whatever coastal project's going to take place in Cameron Parish and how it'll affect these natural resources, because that's what we've seen happened in the fisheries a lot over the last few years. Thank you very much for bearing with me, Mr. Chairman and Commissioner Smitko.

Chairman Yakupzack: Right now, if, hold on. Come up to the microphone if you're going to make another comment. But the time for public comment is over, so if it's more of the same I think this issue's been well vetted and we're going to vote.

Audience Member: I just wanted to ask Mr. Beck, last year they were sending, at least three to four times a day they were sending, you know, I guess they were wildlife agents or biologists out there to ask everyone how long it was taking them to catch their oysters, wasn't it, Jeff? And everyone was taking, you know, anywhere from an hour to an hour and a half. I mean, if the resource wasn't there, you know, if there's no way you're going to catch oysters a hour or a hour and a half. Thank you.

Chairman Yakupzack: Sir, state your name and address please.

Sharon Manuel: My name is Sharon Manuel. I'm a business owner in Cameron. I'm speaking for on behalf of I guess it's about six businesses that are left in Cameron. My boy fished last year at the end. That was a 7-sack limit. He only fished once or twice in his life through the season and I'd say probably, what, couple hours, 3 hours, 4 hours he had his limit, and that's the first time he's ever fished. These guys fish all their life. They're right. There is oysters there, but I'm not begging anybody. Our town is in bad shape right now. The oil field is gone, our businesses are way down. These guys, if they don't get their oysters this year they can't pay their bills. I barely pay my bills to stay open. We have a company called LNG which is supposed to be coming in the best I've heard is

the first of the year. There'll be jobs coming in, but then I'm hearing again that may be another 6 months, so we're struggling pretty bad in Cameron. Why we don't have more officials from our parish coming in here and try to help us, I have no clue. If the season doesn't open here they don't have at least, and I know for a fact, at least a 7-sack limit, I mean, that's the last knife. You're putting it in our back, so you might as well shut it down. Cameron might as well close up, because I'm telling you there's nothing there.

Chairman Yakupzack: Thank you for your comments, Mr. Manuel. Commissioner Courville.

Commissioner Courville: I'm going to rephrase my comments. I'm in favor of opening, having some semblance of a season, but if we give the Department the authority to close it at their discretion we have to have some idea as to what is that criteria for closing it. I ask the question and Mr. Beck obliged me to say around 6,600 sacks would fit that percentage threshold, historic threshold. As I appreciate it, Commissioner Sunseri would like to see an undersized deal. The real elephant in the room is under what criteria will the Department move to close the season, and I'm suggesting that we should probably pick a sack limit so that these folks have an idea when it's going to stop because as I appreciate this information if you opened it tomorrow the biological data would say close it that minute right after you opened it, so in the absence of that what metric are we going to use to say alright enough is enough. That's my question.

Steve Beck: So our typical ways that we look to close seasons is correct. If it's taking a substantial amount of time for oystermen to get their limit, that's one metric we look at. If there's rampant illegal activities in the area, that's another reason we'd completely shut it down. For this circumstance, given the historic declines in the stock, or the present decline in the stock we suggested that we have a very

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

conservative season if we had one at all, and that was why we picked that 10 percent threshold because in the past historical harvest was only 10 percent of the resource, and we're faced with a smaller resource because of a combination of hydrologic influences and, so we're going to have to get, if there is a season it's going to have to be a more conservative season than years past. We can't keep doing, as the stock declines you can't keep harvesting the same level. That's just not how it works.

Chairman Yakupzack: Commissioner Sunseri?

Commissioner Sunseri: Thank you, Mr. Chairman. It's been 9 years, I believe, correct me if I'm wrong, since East Cove's been open.

Steve Beck: Six.

Commissioner Sunseri: Six years. Six years is a long time. We have really no idea what's out there, and historically East Cove was the most productive area. With that being said, we won't know really until you get out there and so think about it. Think about it. Six years the season's been closed to these people. We did shell plants. We're waiting for those shell plants that now are old enough to go ahead and harvest. There are other areas in that bay that's been very productive historically. The Department is well versed in operating openings and closings of oyster seasons. They know when to do it, and they know why to do it. What the reasons are. I have never heard of a number in my nearly 40 years of being in the business a sack number being put on for closing an area. Never. And it, correct me if I'm wrong, someone.

Chairman Yakupzack: Assistant Secretary Banks?

Patrick Banks: Commissioner Sunseri, you're exactly right. We've never placed publicly like this a quota, but we certainly in the last several

years have developed some ideas within our biological ranks of what we feel like a resource in a particular area can handle. And a lot of that has been based on what we call the shell budget where we try to maintain shell resources because of the sheer expense it takes to replace habitat. In this case, you know, we struggled to try to understand what to offer you guys in terms of a number, and I think Steve came up with a good metric. We looked back at the data and we showed in those years the long span of 20, 30 years where we felt like it looked like the resource was stable. Yeah, there was a little bit of up and down, but it was stable. The overall harvest as a percent of total amount of sacks available was around 10 to 15 percent, and so we said look that was the percentage that was harvested during those years when it was stable. Let's try not to go above that. I think that's about as good as we can give you. Now that results this year in somewhat of a hard quota that we're recommending, and this is unprecedented for us to do that, but, look, we're trying to help you find a way to provide a season and that's unfortunately the metric we can come up with to help you.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: Mr. Banks, when did we close Sabine Lake?

Patrick Banks: I don't know when it actually closed, but from what I understand it hasn't been opened in over 40 years.

Commissioner Manuel: 40?

Audience Member: 1942.

Patrick Banks: Oh, there you go.

Commissioner Manuel: Is there a reason for that? The biological reason? Or political.

Patrick Banks: Well, in my 16-year career we have not had a biological reason, in terms of

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

numbers of oysters, to keep the lake closed. We have had other concerns for the lake as the reason why we have not recommended an opening. For many, many years and just until here recently it had to remain closed because the Department of Health and Hospitals didn't have a sanitary survey in the lake. So, therefore, they could not certify that the waters were clean enough to harvest. They did complete that a few years ago, but it was the State's position that we would keep that lake closed to harvest at that time.

Commissioner Manuel: The State's position or the Commission's position?

Patrick Banks: Well, actually it was both. We as the State agency came to you all and recommended to keep it closed and you all agreed and kept it closed.

Commissioner Manuel: Is there any plan in the future to reopen it?

Patrick Banks: I wouldn't say there's a plan to reopen it but we look at it every year and we certainly are prepared to.

Commissioner Manuel: We do sample there?

Patrick Banks: We certainly do. We estimate the stock size there and we have since 2010. Once the sanitary survey was completed and DHH said hey, if y'all want to have a season the water's clean enough, we started estimating the stock size in anticipation of the discussion.

Commissioner Manuel: So next year we will have sampling done and give us the report?

Patrick Banks: That's correct.

Commissioner Manuel: Thank you.

Chairman Yakupzack: Commissioner Smitko.

Commissioner Smitko: I appreciate what Commissioner Sunseri is saying, but when he says just open the season and don't put a limit, you're setting these people up for a big disappointment. Because if you leave it up to the discretion of the Department, they're saying right now don't open it. So we have to have something to take, if we want to give them some type of a season. We have to have something in there to take the discretion away. And I just can't agree with the 'if they're out there go get them' approach. We have to manage the resource somewhat. Yeah, I know the oysters might die. But we have to make a good faith effort to manage the resource. Somebody give me an option I can live with.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you Mr. Chairman. On shell budget that was brought up a moment ago, that has a lot to do with betting on planting that there's shell, the reef that's partially taken. In this regard, there's not shell being taken. There are just oysters. These are market oysters that can be taken, 3-inch and above and it's quite different, and I'm telling you from being in the business, if you're catching seven sacks with a small dredge like that in an hour in a little skiff, that's making oysters. And that's how they left it last year. And so I appreciate all this discussion and, with that, I'm going to recommend that we close debate and vote.

Chairman Yakupzack: Commissioner Beck. I mean, I'm sorry. Excuse me. This has been a long discussion, huh. Biologist Beck.

Steve Beck: So, yeah, Commissioner Smitko's point of if they leave it to us we're saying if there would be a season we would use that 10 percent threshold and we also prepared a 15 percent threshold where if you look at seven sacks a day, of 35 boats a day are getting seven sacks the season would be open 13 days on the east side and almost 28 days on the west coast. We prepared those numbers as well, so

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

just wanted to, if the season is open we would use this harvest quota to close the resource, or, in addition to our traditional methods of closing.

Chairman Yakupzack: Thank you Mr. Beck. So, to rephrase, you have a motion on the floor to open the season on the east and west side on November 1st, with the exception of the Chenier Reef, that wouldn't open 'til January 20th.

Commissioner Sunseri: Correct.

Chairman Yakupzack: With no other restraints. Seven-sack limit.

Commissioner Sunseri: Seven-sack.

Commissioner Manuel: That's the earliest. And I'll second it, that motion. That's the earliest that Chenier Reef could be open is the 20th?

Steve Beck: Of January.

Commissioner Manuel: We can't administer a little quicker deal?

Steve Beck: I would have to ask.

Patrick Banks: That's the timing of the notice of intent process.

Commissioner Manuel: You'll need to try harder.

Patrick Banks: Well I'll ask the APA if it could try harder for us, Commissioner Manuel.

Chairman Yakupzack: Okay. So, there's a second for that motion by Commissioner Manuel. We're going to take a vote. I would just from the extensive discussion we've had, I want to ask Ms. Thomas to call roll for a roll call vote. Excluding me to begin with as Chair.

Angela Thomas: Chad Courville.

Commissioner Courville: No.

Angela Thomas: Bill Hogan.

Commissioner Hogan: Yes.

Angela Thomas: Pat Manuel.

Commissioner Manuel: Yes.

Angela Thomas: Bobby Samanie.

Commissioner Samanie: Yes.

Angela Thomas: Jerri Smitko.

Commissioner Smitko: Yes.

Angela Thomas: Al Sunseri.

Commissioner Sunseri: Yes.

Angela Thomas: Mr. Chairman?

Chairman Yakupzack: It sounds like to me five in favor, one opposed. Motion passes. Please exit the room quietly. We appreciate y'all coming and the democratic process, but we got a lot more business to get through. And in that regard since you're exiting, I'd like to take a 5-minute recess. So we'll start back in about 5 minutes.

Reconvene commission meeting. October 6th, 2016. We are on Agenda Item No. 12: Receive an Update on Special Artificial Reef Sites Moratorium<sup>6</sup>, Mike McDonough, Biologist for Fisheries.

Mike McDonough: Thank you. Good afternoon. Mike McDonough. I'm the artificial reef coordinator for the Department. I'm going to brief you quickly on special artificial reef sites. To be clear, the consideration that we're asking right now is the artificial reef program is

<sup>6</sup> See Exhibit 6 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

asking the artificial reef council to lift this moratorium so we're not asking an action item of the commission. To give you a little background on why we're asking this decision and why we're asking it specifically of the artificial reef council, I'll give a brief background on the program in general. The National Fish Enhancement Act of 1984 was the first piece of legislation to address artificial reef development. It directed the Secretary of Commerce to develop a national artificial reef plan which emphasized that artificial reefs should be a fisheries management tool. It specifically asked for the involvement of state natural resource agents, state natural resource agencies to ensure the compatibility of fisheries management. It does apply these rules to artificial reefs in both state and federal waters. We'll specifically be talking about reefs in federal waters here. It ensured that programs doing artificial reefs would have the ability to assume the long-term liability for any of these deployments. So Louisiana, we wrote the Louisiana Fishing Enhancement Act of 1986. It created the artificial reef program within the Department of Wildlife and Fisheries. It required our own artificial reef plan to be written which was completed and approved in 1987. It established the artificial reef trust fund and it formed the artificial reef council, and the composition of the artificial reef council is the secretary of the department, the dean of the school of the coast, the environment and the executive director of sea grant or their designees. Traditionally the assistant secretary of fisheries had served as the department's member of that council and chairman. So more on the artificial reef council. Louisiana Fishing Enhancement Act empower the counsel to oversee the development and implementation of the artificial reef plan. We also go to them to decisions that are sort of out of the box, if you will. For instance, when we amended the Louisiana Artificial Reef Plan to allow for the development of special artificial reef sites and then again for deep water reef sites the artificial reef council was tasked with approving those amendments. We also take each of the SARS

proposals to the artificial reef council because they are outside of the planning area meant to be special. We asked the artificial reef council to help us determine that they are, in fact, special and they have also been empowered to give recommendations for how the artificial reef trust fund is used. So this is a map of every artificial reef site that Louisiana has developed. I'll point out quickly, the large pink boxes are planning areas. These were approved at the same time as the Louisiana Artificial Reef Plan. The small blue boxes both inside and outside of the planning areas are reef sites. The blue boxes outside of the planning areas would be our special artificial reef sites. And I'm going to show a detail of this map in the next slide. It'll be defined by the red box that you see here. And so in the 1990s the artificial reef council approved the addition of Amendment 2 to authorize the program to create the special artificial reef sites. The concept being that we wanted to take advantage of unusual opportunities to preserve habitat outside of the planning areas. So in this map you'll still see you know that we have the planning areas depicted, they're the pink reef sites both inside and outside of the planning areas. Again, these reef sites outside the planning areas are the SARS, special artificial reef sites. In the bottom right you'll see a depiction of our Eugene Island 313 reef. This is a SARS, however once a reef site is created and as it's enhanced, reef sites are pretty much reef sites, they're another image of a planning area reef would look very similar. So what is different about SARS? Again, not just that they're outside of the planning areas but there are additional restrictions on their creation. The qualifying criteria, a proposal must meet one or more of the following criteria. Must be of either historical or biological significance. What we mean by historical is the first two SARS that were created were Grand Isle 9 and South Timbalier 86, both of which were very, very popular fishing spots before they were accepted into the program as reef sites. Additionally South Timbalier 86 apparently was very popular with the diamond community. The other potential criteria that

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

they can meet are being part of a cooperative effort with the artificial reef program containing shipwrecks or other derelicts. None of the SARS have been justified through all these criteria. However, being an integral part of a demonstration project our Eugene Island 314 reef site was created when Mariner, the owner of the structures that helped to seed that side funded a research project that LSU continued for a number of years and was actually lead to some good guidance to the program since that time. In addition, each SARS proposal, in order to be approved, must meet all of the following mandatory criteria. It must benefit commercial or recreational fishing or provide fish habitat removing the material that have a negative impact on fish. It must not pose a threat to navigation. It must not occupy currently trawlable bottom. I'll be talking a little more about why that's highlighted. It must have an overall positive impact on user groups and for every SARS created we agree to remove an equal area from the planning areas, and to this date we've removed blocks main past 145, 272 and 273 and Ship Shoal 228. So total acreage of SARS that we've either created or have currently permitted is right now at 6,792 acres. The area that we have removed from our planning areas comes to 23,040 acres. And then finally each of these proposals must be free of hazardous material. So in 2008 the concept of SARS got a little bit heated, specifically it was the currently trawlable bottom issue. There was a group that would come to both artificial reef council meetings and the specific SARS proposal meetings and they were upset that these reef sites were being created outside of the planning areas and potentially impacting trawlable bottom. It's not an easy position for us to figure out because this part of the program is where we are talking about reefing offshore platforms which to our understanding shrimpers do not only avoid standing platforms but they avoid them by some radius typically a quarter mile to a half nautical mile, but I'll get into what our plans for are for meeting with the shrimping community and assessing that problem. What is definitely true is that we were doing a lot of

SARS out of hurricane toppled structures. Right now there are 22 total sites. The regionals are Grand Isle 9 and South Timbalier 86. We now classify these as near shore reef sites but they were created originally as special artificial reef sites. Among the rest of the SARS that have been either established or permitted you'll notice a high prominence in hurricane toppled structures and in addition to that Katrina and Rita figure most prominently. So it was 2005 toppled a lot of structures in the Eugene Island area where we do not have a planning area but we ended up creating a lot of reef sites out of the structures that were toppled by Hurricanes Katrina and Rita. And so at the same time, well let me back up a second, the federal level rickster reefs is authorized by the Bureau of Safety and Environmental Enforcement or BSEE. They were formally a Mineral Management Services or MMS. Each operator that is decommissioning a platform must submit their decommissioning plan to MMS, now BSEE, and if they want reefing to be an option they have to submit that plan and have it approved. So that's BSEE's role in the authorization of reefs to reefs. In 2009, as a response to 2005 hurricanes, they amended, they wrote an addendum to their reefs to reef policy. They continued to support and encourage the reuse of obsolete oil and gas facilities but they did establish guidelines that created an effective SARS moratorium. Now in this case the federal government has actually moved quicker than we have ourselves. In 2013 they issued another policy which lifted that SARS moratorium but they did continue to issue a restriction on platforms that were toppled by storm or disaster or any other reason that intentionally toppling for the purpose of reefs for a reefing. So we currently have authorization from the federal government to create special artificial reefs sites but we do have our own SARS moratorium in place. So we feel right now there's a couple of different reasons or advantages to opening, to lifting this moratorium. Firstly that the percentages of structures that were reefs. So this would be due to a hundred feet of water, the number of

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

structures that were taken out of the Gulf of Mexico versus the number of structures that were reefed versus the number of structures that were taken out of the Gulf of Mexico. And if you look at the 2016 figures, all of the figures that are smaller are in red. So we do have a slight decline in the number of platforms that we were able to capture from the Gulf of Mexico by reefing them. We also have recently created some near shore planning areas and been approached by decommissioning contractor who is responsible for removing some platforms that were orphaned by a bankrupt company. Currently there's not a lot of overlap between theirs, where those structures are and where our planning areas are, so we would need to have the SARS moratorium lifted in order to take those proposals as a program. So that is why the program is currently asking the artificial reef council to consider lifting the moratorium. We are also proposing that they add a restriction to amendment to the amendment that authorizes SARS against reefing toppled structures to bring our own requirements into alignment with the federal guidelines. We would like them to consider changing the requirement that we subtract areas from the planning area to read that we will consider subtracting areas with higher shrimp trawl effort so that as we are removing areas from the planning areas, we're always giving back, if you will, area that is of a higher shrimp trawl value than where we're developing. So right now the program's current role, we are in a 30-day public comment period and anything has anything to say please forward that to my attention. We're scheduling meetings with user groups at which we anticipate answering questions, getting concerns so that if there are additional changes that we can make to our guidelines that'll ensure that our impact, any potential negative impacts are minimized and then taking suggestions to that same point. We have not finished scheduling those meetings but we hope to get through them and get the feedback and schedule an artificial reef council meeting by the end of the year. And that is all I have. I'd be happy to answer questions.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Just for my education, your restriction against reefing toppled structures is simply you don't have a sense for where those are and it's the obligation of the platform owner to decommission that in a proper manner. Is that the rationale behind it?

Mike McDonough: From our perspective, yes. That structure that was toppled by a hurricane or some other event was not properly prepared for reefing. And in the programs direct experience some of these SARS that we created we got a drawing that showed we would accept this amount of material in this configuration and then that company had to go in and do their well abandonment still, they had to plug leaks and such. Their well abandonment guys are a different crew than their decommissioning guys, and they've got a different mandate, and it's to get those wells plugged. So if there's stuff in the way, it's getting cut, it's coming out, they're tossing it aside. And once it's tossed aside, it's debris which we don't really want to accept and can't accept. And so we're left with far less material in the end than the original proposal that came in.

Commissioner Courville: So as this evolves, the only platforms that are eligible are standing platforms that will go through the guidelines established by your crew to decommission in an appropriate manner after plug and abandonment?

Mike McDonough: That's correct.

Commissioner Courville: How many of those do you turn away? I mean, I would assume if I'm an offshore operator I want to go this route because it's going to save me a ton of money.

Mike McDonough: Yeah. So right now it puts a strong hampering on our ability to develop new reef sites in place and we just haven't been

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

entertaining those proposals for the last 8 years. So we don't even have a quantifiable amount that we -

Commissioner Courville: So you've got people who want to do it, but we've got a moratorium.

Mike McDonough: That's correct sir.

Commissioner Courville: Run back, real quick for me, what was the premise behind the original moratorium?

Mike McDonough: As I mentioned, at some of our meetings in 2008 there was a group that was coming to the meetings and they felt that we were not living up to our mandate not to occupy currently trawlable bottom. And as I said, that's a difficult thing for us to assess, we feel that going with standing platforms are areas where they're already avoiding so that would pretty easily be considered not trawlable bottom. However, we're within an agency that serves, you know -

Commissioner Courville: All users.

Mike McDonough: Lots of user groups and so, right now the program's mandate is to get an accurate picture of that point right here. We're not going to ask the artificial reef council to make that decision without them feeling confident that if there are any potential negative impacts it's not large but we're doing our best to mitigate it and minimize it.

Commissioner Courville: And one last one. In your planning areas, are there trawling restrictions?

Mike McDonough: No, no.

Commissioner Courville: So it's a friendly gesture, if you will, on releasing all those planning areas. I mean, what's the significance of releasing so much of the planning area?

Mike McDonough: So we want to make sure, at minimum, that we're giving back at least as much area from a project management standpoint. And even just a simple data base perspective, it's easier to take an OCS block and remove it than to carve out some tiny part of an OCS block. And so at the time that those decisions were made, entire OCS blocks were removed, but I should have said that in the first place.

Commissioner Courville: Thank you.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you Mr. Chairman. Who funds the top lien in closing of these rigs?

Mike McDonough: So all of that is the operator's responsibility. And this is true whether that structure is coming out of the Gulf of Mexico or going to an existing re-site. They've severed the piles from below the mud line. Picked the structure up, take it to the reef site and only when all of our guidelines are met do we get a drawing that indicates how the work happens and it meets our requirements and then we accept the structure.

Commissioner Sunseri: Thank you.

Chairman Yakupzack: Thank you Mr. McDonough.

Mike McDonough: Thank you.

Chairman Yakupzack: Agenda Item No. 13: Receive and Consider a Notice of Intent Modifying a Ban on Commercial Fishing Gear and Establishing a Commercial Fishing Season in Poverty Point Reservoir<sup>7</sup>. Mr. Ryan Daniel, Biologist.

---

<sup>7</sup> See Exhibit 7 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Ryan Daniel: Thank you Mr. Chairman, Commissioners. I'm Ryan Daniel with the Inland Fisheries Division in District 2 in Monroe and I'll be discussing our intent to establish a commercial fishing season at Poverty Point Reservoir. A few facts about Poverty Point. It's a 2,700 acre lake located just north of Delhi, Louisiana in Richmond Parish. The lake opened to the public in 2003 along with the opening of Poverty Point Reservoir State Park. The lake is operated by the Office of State Parks. They have management authority of all our activities on the water except for fishing. When the lake opened we implemented regulations to ban the use of trout lines, yo yos, traps and all types of nets. Our notice of intent states that the commission does hereby give its intent to modify the current net ban and to establish and permit a special recurring commercial fishing season allowing the use of certain nets in Poverty Point Reservoir. Here's an aerial photo of the lake. The net graphics that I've included here show the anticipated commercial fishing zone in the lake. This part of the lake is wide open, fairly shallow, depths are less than 9 feet deep, and this is where a lot of the commercial species do occur in the lake. So some of the peninsula you see on the east side, these are man made peninsulas created for residential developments. On the east side this is Bayou Mason, along the east side the state park has facilities on both ends of the lake north and south end. All access is controlled through these facilities. They have two boat launches, and also the lake has become very popular for croppy fishing. It is well known croppy fishery. Actually 7 of our Top 10 croppy are currently from Poverty Point Reservoir. During the time that this commercial season will happen during the following winter the croppy will be in deep water areas. These are old ox bow channels of Bayou Mason right in here. These depths exceed 20 feet deep. The croppy will congregate to these deeper areas during the following winter season. This area up here on the north end is also very deep. These are the two popular croppy fishing areas on Poverty Point during the following winter seasons. This

table shows the common species or {inaudible} fish species that are found in Poverty Point. The numbers you see are the catch per unit effort values. The catch per unit effort is defined as the number of fish per 100 feet of net per night. These values seem low but these actually do reflect a fairly abundant population of all of these species listed here. And one thing I want to look at is the values on, from our last sample in 2014. They have all increased since we began sampling with gill nets and specify this sample if we're done with gill nets and I'm including our last three gill net samples from 2008, 2011 and 2014, but we've seen an increase in abundance in nearly all of these species listed here. Poverty Point has an abundant blue catfish and channel catfish population. This is a link distribution graph. It shows the sizes of these fish. Both of these species are going to be very sought after by commercial fisherman. And this graph shows that there is a wide variety in the range of sizes of these fish. They're both very, very common in the lake right now. And to summarize the intent with purpose of this NOI, this is where we'll send a ban on trawling gill nets on Poverty Point Reservoir. It will establish and allow recurring commercial fishing season on Poverty Point adopting the existing framework for special commercial seasons already in place on Lake Providence, Bruin and False River. It would essentially lump Poverty Point into a group of these three other lakes. This will create an opportunity for commercial fisherman to take advantage of an expanding and underutilized resource. Our past surveys have shown that very few fisherman are targeting channel catfish or blue catfish exclusively much less any of the other species in the lake. There's very little fishing pressure on any of these rough fish species in, in Poverty Point currently. And we'll utilize commercial fishing as a fisheries management tool for the removal of these rough fish species and also promote a healthier fish community and potentially stimulate and support fish populations. And the way that we intend for this to work is that any licensed commercial fisherman would be able to call our licensing

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

section, request a special code to fish in Poverty Point and then once he gets that code he will contact the District 2 office and also the Office of State Parks and they will direct him where on the lake to fish and when he can start fishing. The state park will be directing the actual activity under the guidance of Wildlife and Fisheries. This will be a very monitored fishing season. We'll have state park personnel watching over the fishermen. Also our enforcement agencies, as well as inland fishery staff, to make sure they are not having any adverse impacts to non-target species such as cropppy or bass or other game fish species. Any questions?

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: The genesis to this, is this from the Department, State Parks or the Commercial Fishing Industry or the residents or the recreational users? Do you have a sense for that?

Ryan Daniel: Well, the N.O.I. originated from department staff. We looked over all our sampling results and realized that we were seeing a lot of commercial species in the lake that was not being utilized at all and we felt this would be a great opportunity with our commercial fishermen to utilize these fish in the lake and to also reduce competition with the game fish species in the lake.

Commissioner Courville: A follow-up question to that, please. Correct me if I'm wrong but you said State Parks would basically be in charge of administering the permits, if you will, for the commercial fisherman. Is that, did I hear that right?

Ryan Daniel: The commercial fisherman would need to get a special permit from our licensing section first. They would contact our licensing section to get a special code to fish in Poverty Point and the State Park would ensure that they did have that special code on their commercial license.

Commissioner Courville: So State Parks would be in charge of enforcement to make sure they stay in those three zones.

Ryan Daniel: Right. They would designate the fishing zones.

Commissioner Courville: Okay. And then my last question is do you get a sense that either the Department, through their permitting process, or State Parks will have an identified number of potential fisherman that it appears to be a reasonably small area where you get to a maximum number of permits of people who can actually exercise commercial activities in those zones?

Ryan Daniel: We do anticipate this to be a popular fishery. We do not have an estimate of numbers of commercial fisherman that will apply for this special fishing season but we do anticipate that, at least, in the first year so that there will be many, many anglers that will be interested in fishing here. They're going to be aware of the fish that are out there.

Commissioner Courville: And they're going to be using gill nets to harvest.

Ryan Daniel: Gill nets and trawl nets only. The nets will have a 3 ½-inch middle and bar size.

Commissioner Courville: So, I'll just be clear. I'm in favor of this but what could happen is a really extraordinary demand in number of people trying to access those three zones, is there a mechanism in place to deal with that?

Ryan Daniel: Well the process will be it'll be a first come first serve basis where the State Parks will actually tell these commercial anglers where to fish on the lake and for a certain amount of time they're allowed to fish.

Commissioner Courville: Okay. So we're going to depend on state parks to manage, if you will, the number of users.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Ryan Daniel: Under our direction, they will be in constant discussion with us and under our direction they will be able to get that information to the fisherman.

Commissioner Courville: The reason I ask is I've seen other programs that have good intentions but then you get this massive rush of demand and so many people stacked on top of one another and no mechanism to deal with that. So that's the only thing I would just mention as a word of caution is that they're prepared for that if it occurs.

Ryan Daniel: We don't expect to get completely overwhelmed by implications, there's not a lot of commercial fishing activity in that part of the state right now.

Commissioner Courville: Okay thanks.

Chairman Yakupzack: Any public comment on this issue?

Commissioner Manuel: Motion to accept.

Chairman Yakupzack: The motion by Commissioner Manuel to adopt the notice of intent to modify the ban on commercial fishing gear and establishing a commercial fishing season in Poverty Point Reservoir as written by the Department.

Commissioner Courville: Second.

Chairman Yakupzack: Second by Commissioner Courville. Any public comment? Any further questions or discussion? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion passes. Thank you Mr. Daniel.

Ryan Daniel: Thank you.

Chairman Yakupzack: Agenda Item No. 14: Receive Summary Report of Recent LDWF Assessments including blue crab, mullet, black drop, sheepshead, flounder, spotted sea trout and red drum.<sup>8</sup> Mr. Jason Adriance, Biologist from Fisheries.

Jason Adriance: Thank you Mr. Chairman and Commissioners. As soon as I get a mouse back, I can get to that presentation. There it is. Alright, there we go. As you know, we recently released some assessments and we were asked to give you a summary of those assessments so I have a quick 31 slides to go through here. I'll try to do it clearly and quickly. Stop me at any point if you have a question. I'll go through what they cover. That blue crab assessment is a 2016 report with data through 2015. The stripe mullet is the 2016 report with data through 2014 and that's the one this commission would have seen in February. Black drum is the 2015 report with data through 2013. Southern flounder is 2015 report with data through 2013. Sheepshead is the same. The spotted sea trout is a 2014 report with data through 2013 and the red drum information we have is a 2005 statement report with data through 2002. So we'll start with blue crab and you all have dealt with this recently, but as you can see we've, as far as fishing mortality, there have been some recent years that have been pretty close to that established threshold. And as far as the exploitable bio mass, that last data point there you can see is beyond that threshold, so what does that mean? That means the stock has crossed the over fished threshold. It's very near the over fishing threshold, however blue crab is considered an annual crop. It's pretty resilient to heavy fishing pressure. There's likely no near term potential for any more stock availability and you all have placed restrictions in motion already and there's current actions through an NOI. Our seasonal closure of the commercial and trap fishery during February for the next 3 years starting in 2017 and also a restriction of

---

<sup>8</sup> See Exhibit 8 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

that female harvest for those same years. For stripe mullet, as you can see, we're well below the fishing mortality threshold and as far as bio mass, now this bio mass graphic is produced in terms of eggs for the spawning stock. However it is well above that established threshold. So currently that stock is not over-fished, not undergoing over-fishing. It has been over-fished and experienced some over-fishing in the past. Currently there's no management anticipated but there is some potential there to harvest more bio mass. For black drum, you would have seen this most recently in March, these next two graphics as part of our management benchmarks NOI that's out in the process. You can see fishing mortality has stayed pretty stable over the past few years below target. Spawning stock bio mass well above target and has responded pretty well to management action in the past. So that stock is currently also not over-fished, not undergoing over-fishing. It did have some over-fishing in earlier years. There's currently no change of management. However there is stock available that's not being harvested. For sheepshead, it has been below target as far as fishing mortality in recent years. You can see there's some pretty extreme bouncing around there but it has stayed below target. The bio mass, female bio mass is below the target but above the threshold, so that's one we're keeping an eye on. It is not over-fished, not undergoing over-fishing. There's no change in management currently and that bio mass is near the target and above the threshold, but there's likely not much potential there for increased harvest at this time. Southern flounder, fishing mortality has been pretty close to that target. I will say that 2013, that high point that's over the threshold there, that's likely due to an emerit data issue. So that's nothing we're concerned about at this point. Spawning stock bio mass has been pretty much bouncing around that target and is currently just slightly below. So it's currently not over-fished, not undergoing over-fishing. It did experience some over-fishing during one year and was over-fished at certain points in the past. There is no change in management

currently and, like I said, the stock has been bouncing around on target. Likely not too much potential for increased harvest in the future at this time and, as I mentioned, that 2013 fishing mortality point, we're not too concerned at this point because that is likely an emerit data issue. Spotted sea trout, this would have been the information given the commission on the fall of 2014, I believe. You can see it has bounced between that target and limit over the past few years. There had been some over-fishing points there in the past but it's currently near or just below that target. Bio mass you can see has been above the target in recent years and just now down around the targets, slightly below. It's currently not over-fished or undergoing over-fishing. It did experience some over-fishing in the past. That stock is near both its fishing mortality and spawning stock bio mass targets so there's likely no harvest, no additional harvest available but there's also no restrictions needed at this time. Red drum. This is that 2005 report I mentioned and it uses data through 2002. This is calculating an escapement rate so in other words the number of juveniles that escape the estuary and making it to the adult stock and you can, there's a 30 percent escapement rate that's agreed upon by the gulf states and as you can see that's currently above that as of this report but we didn't want to leave you with just a 2002 report so this is our current fisheries independent index from the samples we take. It is divided into an old index and a new index, we changed the way we sample in 2010, the amount of sites and locations, and so those two are over-layed, you can see it's been relatively stable in the past years so the red drum, they are currently above that 30 pulmonary embolism escapement rate. There is a stock assessment ongoing of the offshore stock right now however that's a data limited process as Sedar defines it and whether that information will be useful or not, we'll have to see. Our fishery independent index in recent years has been relatively stable and our limits appear to be sufficient at this time. So, to summarize all that, blue crab has crossed the over-fishing threshold and it's very near the

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

over-fished threshold and this Commission has taken action to reduce that harvest over the next 3 years. All other stocks are not currently over-fished or undergoing over-fishing, although some of the stocks have been in an over-fished or over-fishing condition in the past in the history of those assessments. Some stocks, striped mullet and black drum for example have the potential for additional harvest beyond our current limits. Southern flounder, sheepshead and spotted sea trout are near their targets and limits and, or limits appear to be sufficient at this time, so red drum is above that 30 percent escapement rate and our fisheries independent index has a stable trend and those limits appear to be sufficient at this time. So with that I will take any questions you have.

Chairman Yakupzack: Thank you Mr. Adriance. Agenda Item 15: Receive Update on Gulf of Mexico Fishery Management Council<sup>9</sup>. Mr. Myron Fischer, Biologist Fisheries.

Myron Fischer: Mr. Chairman, Commissioners, I'm Myron Fischer, I'm in the Fisheries Section. I'm going to update you briefly on the past Gulf Council meeting and tell you what's in store for the coming meeting. The last meeting was held in August in New Orleans. The highlights of the meeting. Data collection, we discussed log books for our sector and involved in the log books would be a hail out, a hail in and the captains would have to submit data prior to arriving at the dock on a National Marine Fisheries' approved device. This is the preferred alternative as the document stands. We're going to work on it again at the next meeting and probably be taking final action on it in January. So there is time to change preferred alternatives based on feedback from charter and the technical committee. We, the technical committee met last week. LDWF represented by a few people on this committee so we feel all input, we had input into this decision. Amendment 41 is the red snapper

management for federally permitted vessels. The permitted vessels prosecuting red snapper. We heard analysis on split seasons and it doesn't appear that split seasons would give any more days. It would be around that 45 days but captains have stated they could sell a trip for anything during the summer. What they would like to see would be maybe a spring or a fall season so this would be incorporated in their amendment, be deliberated at the next meeting and possibly incorporated into the amendment. We did receive a presentation that gray trigger fishes continue to be over-fished. Population's over-fished as it stands and we will have to go into rebuilding plan. Rebuilding plan, you don't have many tools in your tool box, managers could work on bag limit, size limit, closed season and commercially a trip limit, and these will be in to document and these documents take about a year to a year and a half to come to fruition. So it doesn't happen overnight and you'll see when we talk about the coming meetings it's a lot of the same information that was at the last meeting. So, on the commercial side the modifications to the IFQ system which was Amendment 36, it covers red snapper, grouper and tile fish prosecuted commercially. And the biggest high point on this is the inactive shareholder accounts when the system went to ITQs and IFQs, there was some accounts had so few fish in them that they were never activated. I think the whole total's only around 25,000 pounds. But it's what do you do with these fish and how do you distribute them to get them into the fishery, and that's what this document's going to handle. And also mid-quota changes. If you allocate a quota and something happens that there's going to be a reduction in quota, well fishermen may have used up their whole quota so it would be a system where federal government could retain part of the quota 'til these issues are worked out then go back and reissue whatever quota's remaining. So now we'll bring you to the next meeting that's coming up in a few weeks. It's going to be in Biloxi. Once again we'll be talking about data and commercial log books,

<sup>9</sup> See Exhibit 9 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

I'm sorry, log books for the for-hire industry and that document probably going to come to an end at that meeting. It's not noticed for final action, so final action most likely wouldn't happen 'til the January meeting. And mackerel, coastal migratory pelagic Amendment 29 working on a sharing and accountability section, commercial sector harvest about 100 to 105 percent of their quota, we're at recreational sectors constantly down around 35 percent. It had one real spike up to 65 percent but they're well under quota and would be giving the counsel the ability to move X amount of fish, a million pounds of fish from one sector to another. It's come into a lot of hurdles and a lot of triggers of what would trigger the movement and you start off with something that looks so easy and so simple and it gets very complex with the legalities involved. Shrimp which we stay on top of because it's very important to us. We're going receive an update from National Marine Fisheries on the turtle excluded device and we will, that'll get into a risk assessment on the threshold of where we set permit numbers and which leads into Options Paper 17B for shrimp. And this paper will be establishing what some deem to be a cap or maybe a range of where permits will settle. In Louisiana we have 372 valid permits for shrimp and off shore. Gulf-wide there's around 1,300, 1,350, and the thought is when we reach a level and the number 1,300 circulates. It's not voted on in the document yet but it circulates and what'll happen, all these permits we're talking about from charter vessel to re-fish permits to shrimp permits, there's a moratorium on it. If you don't renew your permit it disappears forever. There's no appeals process to get it back. So that's why the amount of permits keeps falling. So what we'll do is put a ceiling, and like said, the number 1,300's been talked about where that's the ceiling, and then all permits that are forfeited from that point on are, people, new entrants can enter the fishery because then there'll be this area where from permits that have expired up to 1,300 permits. We'll have to deliberate and negotiate because we want to make certain we don't lose permits in Louisiana. And re-fish

which encompasses half the meetings usually. We will be working on the great trigger fish rebuilding plan that we looked at last meeting. We will be on draft Amendment 41 and 42 which manages the charter boats and the head boats and we will be making appointments to the ad hoc private recreational AP, and the last thing is we'll be getting a summary from National Marine Fisheries on landons, up-to-date landons on all the species. And any questions? Thank y'all very much. Y'all could reach me if you have any questions in the future.

Chairman Yakupzack: Thank you Captain. Agenda Item No. 16. Receive and Consider a Notice of Intent to Reduce the Wild Alligator Return Rate.<sup>10</sup> Mr. Edmond Mouton, Biologist, Wildlife, or actually from Coastal Game and Fur, right?

Edmond Mouton: Correct. I'm the biologist program manager for the fur management and the alligator management programs and I'm out of the New Iberia office. Good afternoon Mr. Chairman and fellow commissioners. Let me get this up and running. Okay. The department and alligator management program would like to propose their intent to amend the rules for the alligator egg collection in the alligator regulations. Basically this notice of intent would reduce the return rate of farm raised alligators from 12 percent to 10 percent back to the property where the eggs were collected. And I have a brief presentation to explain the process. The goals of the alligator ranching farm and ranching program is to maintain a stable rising population statewide while allowing utilization of the egg resources and adult population. Also to ensure enough alligators are released for supplementation to replacement that segmented population collected as eggs. Also to ensure that released alligators have reasonable growth and survival by releasing inadequate juvenile habitat with good prey base cover and permanent water to ensure that alligators released for supplementation after

---

<sup>10</sup> See Exhibit 10 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

being raised in captivity are later capable of breeding and contributing to future population recruitment. The alligator program, the farming program, the farmers would go out into the marsh on permitted property in mid-June to August and collect alligator eggs on those said properties. They'll bring those eggs back to the farm and incubate those eggs. The state average on the hatching success rate is around 78 percent. We'd look at the number of eggs collected since the program began in 1986. This past season in 2016, alligator farmers collected over 600,000 eggs state-wide, which was a record by the way. The alligators are hatched, they're raised to market size and they're required to release 12 percent of those animals at 48 inches by alligator regulations within that section. We look at the history of the release rates. We have a sliding scale. Again, it began in 1986 egg collection, our release rate started at 17 percent at 48 inches with obviously the smaller alligators and had a higher percentage rate, larger alligators eggs lower percentage rate. In 2000, we changed that release rate. We dropped it from 17 percent to 14 percent and then again in 2007, the release rate was dropped again to 12 percent. Basically the alligator crew from March 15th to August 25th they'll go to a farm, they'll process alligators to be released, they'll measure them, sex them, web tag them on both feet and then they're sacked in coffee sacks and the former will go out on the same property where the eggs were collected and release those animals in that type of interior marsh habitat. And it's just an example of them releasing alligators. Releases are more females. The wild harvest targets more males so harvest selects against capture or recovery of farm releases so survival may be more than what we see in the September harvest. Numbers of alligators we've released to the wild, basically we have released almost a million alligators to the wild since 1988. This past year between March 15th and August 25th we've released over 58,000 alligators that the alligator crew actually put their hands on, measured, sexed, tagged and tail notched those animals. And we expect similar numbers or higher in 2017. How do we

monitor the success of those released alligators? During the wild season we go to skinning sheds and processing sheds. We look for alligators that are tail notched if they have retained their web tags. We document where they were harvested, their length, their sex, and collect all that information at that time during the wild season to try and document success of those animals that were released. This is just some examples of some alligators that were released. One at 126 was released at 44 inches on August in 1993. It was caught in September of 2006. It had a tail notch and also kept one of its web tags so we can see there's some success as far as those animals when they're released back into the wild. The sex ratio of the harvested alligators in the last wild season 2015 we don't have our data quite all collected this year or analyzed I should say. The percent male and female, so as you can see as the animals get larger they tend to skew toward males because the larger females are still based in, basically in interior of the marsh. In 2015 harvested 34,478 alligators and we actually checked almost half of them 16,028 to look for former released alligators. Also, with the alligator net surveys which are done in late June and early July this year the nest counts reached an all-time record of 58,000 along trim tick lines in coastal Louisiana. So that's another good index that the population is healthy and stable. These are some pictures for some farmers during egg collections showing that we could see all those alligators in the pictures that are tail notched, those are females nesting successfully and those were farm released alligators so there is good survivability of those alligators out in the wild. This is a sliding scale. In 2009 you see at 12 percent and we are proposing to reduce it to 10 percent at 48 inches. Basically the notice of intent would be a matter of just batching through the 12 adding the 10, that's the only thing we would change in that section, alligator egg collection. Everything else would stay the same. Any questions?

Chairman Yakupzack: Have a motion?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Courville: So moved.

Chairman Yakupzack: The motion by Commissioner Courville to accept and approve, adopt the notice of intent modifying from 12 inches to 10 inches.

Commissioner Manuel: Second.

Chairman Yakupzack: Second by Commissioner Manuel. I'm sorry. I misspoke. Again, it's been a long meeting. From 12 percent to 10 percent. Apologies. Any public comment? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition motion carries.

Edmond Mouton: That's all, thank you all very much.

Chairman Yakupzack: Thank you Mr. Mouton. Agenda Item 17. We've got a report. The agenda item's listed as a public hearing to receive comment on amended provisions to the notice of intent for the cervid carcass importation ban. Mr. Bordelon is back, biologist from wildlife to update us and to hear any public comment on this notice of intent passed last month by this Commission. Mr. Bordelon?

Johnathan Bordelon: Good afternoon Mr. Chairman, Commissioners. First I'll put up the NOI with amendment. This was amendments made at the September Commission meeting. Basically no person shall import, transport or possess any cervid carcass or part of a cervid carcass originating outside of Louisiana except for the following. For meat that is cut and wrapped, meat that has been boned out, quarters or other portions of meat with no part of the spinal column or head attached. Antlers, clean skull plates with antlers,

clean skulls without tissue attached, cape, tan hides, finished taxidermy mounts and clean cervid teeth. Any and all bones shall be disposed of in a manner where its final destination is at an improved landfill or equivalent. Said rules shall be effective March 1st, 2017. The amendments to this obviously will be the cut and wrapped meat, the quarters or portions of meat with no part of the spinal column or head attached and then the final said rules shall be effective March 1st, 2017. So these were the amendments made to the original notice. Since that time we've received very few comments. Obviously the bulk to comments were received prior to the September Commission meeting in the month of August. Since that time we've received a couple of emails of support, one of those is an endorsement from the Louisiana Wildlife Federation. There were also two supports for the ban but opposed to the amendment so I kind of tease those out for that reasons. Their opposition was basically just centered around the late implementation. These were hunters that hunted in Louisiana and had some concerns of allowing cervid carcass parts to continue to come in and then we also had two negative. And those primary complaints involve properties located in two states such as properties along the Mississippi River, difficulty in the taxidermy requirements and negative impacts of taxidermists, and the request for proper disposal exception for taxidermists. That was basically the consensus of those complaints. So it's centered around the reciprocal properties and around impacts to taxidermists. And really that is all I have received through the month of September in regards to the amended notice of intent for the carcass importation ban.

Chairman Yakupzack: And I'll ask a question about the process just so the Commission fully understands and we're all on the same page. The NOI was passed by the Commission in July, correct?

Johnathan Bordelon: Correct.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: And so time went by and public comment was had at these Commission meetings and at various public meetings you held, in addition, around the state. And so as that 90 days went by in September last month, this Commission amended that NOI originally passed in July and it passed unanimously. It's been adopted, as amended. So in terms of our filings it's your understanding here today that you don't require any further action of this commission.

Johnathan Bordelon: As it was explained to me, no further action would be required. Basically what's going to happen at this point, since the amendment was adopted as proposed, I mean the amendments were adopted as proposed, they would be entered into the public registry on October 20th, so that'll be later this month. 35 to 40 days after that time we will have an administrative hearing which will be on November 28th here in Baton Rouge in the Louisiana Room. Following that it's going to receive Legislative Oversight and then it would become the final rule, rule would be in the public registry on January 20th.

Chairman Yakupzack: Thank you very much.

Johnathan Bordelon: Thank you.

Chairman Yakupzack: Any questions? Commissioner Manuel.

Commissioner Manuel: Why don't you send us copies of those two? You sent us copies of the hundreds of other ones you got. I'm only picking at you, Johnathan.

Johnathan Bordelon: Okay.

Chairman Yakupzack: I think Johnathan and the rest of the wildlife team that worked on the CWD issues did an outstanding job and I witnessed a couple of the public meetings here and the one in Lake Charles and the way you handled a very tense, contentious situation is

admirable and the department definitely should be proud of your service.

Johnathan Bordelon: Thank you Mr. Chairman.

Chairman Yakupzack: Agenda Item No. 18: Set January 2017 Commission meeting date. The first Thursday is January 5th. Is this, is there -

Commissioner Manuel: Did we decide where yet?

Chairman Yakupzack: No.

Commissioner Manuel: They're still doing the duck season, huh?

Commissioner Courville: Correct.

Chairman Yakupzack: And you suggested that two meetings ago that you would like to have satellite meeting for the December meeting and we don't require setting in that place just yet. But if you have a place in mind, I mean we, the sooner the better so people can plan.

Commissioner Manuel: As long as it's close to where we can duck hunt.

Commissioner Courville: Amen.

Chairman Yakupzack: Why don't you do some homework and come back with a place and a time and everything else at the next meeting?

Commissioner Manuel: Okay, all right.

Chairman Yakupzack: Does that sound good? Alright. January 5th is the first Thursday of the month. Any conflicts or opposition?

Commissioner Courville: Do we have to move on that?

Chairman Yakupzack: Well, I'll take a motion.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Commissioner Manuel: Do we have to set a time now? Or no?

Chairman Yakupzack: No. Typically it's 9:30 in the morning.

Commissioner Manuel: Yeah, but if we're going to hunt ducks 9:30's not going to work.

Commissioner Smitko: Agreed.

Commissioner Manuel: Making it a 1:30 p.m. meeting.

Commissioner Courville: I like that idea.

Chairman Yakupzack: For the January meeting?

Commissioner Manuel: December. December, the split. We'll be closed during that time, right? Correct?

Chairman Yakupzack: Depends on what split, what zone you're in, I guess. No, you're right.

Commissioner Manuel: We'll all be closed?

Commissioner Smitko: All be closed.

Commissioner Courville: Yep, all of them closed.

Commissioner Manuel: Yeah.

Commissioner Courville: Goose season will be open.

Commissioner Manuel: So we may just move our satellite meeting to January.

Chairman Yakupzack: Thank you. So, for purposes of the Agenda Item No. 18, we're going to hold the Wildlife and Fisheries Commission meeting for January on January 5th. Any additional public comments here today on any items? On hearing none,

Agenda 19, Agenda Item No. 20, consider holding an executive session pursuant to Revise Statute 42:17(A)(2) for discussion of settlement offer in the matter entitled Stroud Petroleum, Inc. v. Pintail Properties, L.L.C., et al., No. 34865, 39th Judicial District Court, Parish of Red River and other related cases involving the Albritton Servitude. We're going to hear from Mr. Ryan Seidemann, Assistant Attorney General and Yolanda Martin, LDWF General Counsel. Do I have a motion?

Commissioner Manuel: Move to go in executive session.

Chairman Yakupzack: Ms. Martin, do you have any problem with us going into executive session and taking up Item 20 and 21 at the same time?

Yolanda Martin: No. That would be my recommendation.

Chairman Yakupzack: Okay. So, that considered, this motion will be for Agenda Items 20 and 21 to go into executive session. 21 is to consider holding executive session pursuant to Revise Statute 4217(a)(2) for discussion of settlement payment for valuation of loss of the Guitreau and Lambert Tracts from Maurepas Swamp Wildlife Management Area from Old Republic National Title Insurance Company to be addressed by Mrs. Martin, General Counsel LDWF. We have a motion.

Commissioner Manuel: Motion.

Commissioner Hogan: Second.

Chairman Yakupzack: I got a motion by Commissioner Manuel to go into executive session and second by Commissioner Hogan. Any public comment? All those in favor?

All: Yea.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING MINUTES

October 6, 2016

Chairman Yakupzack: Any opposed. Motion carries. If you all will exit the room, we'll proceed with executive session with the appropriate parties.

## EXECUTIVE SESSION

Commissioner Smitko: I move to go back to the regular session.

Commissioner Hogan: Second.

Chairman Yakupzack: A motion to come out of executive session, a second. All in favor.

All: Yea.

Chairman Yakupzack: Any opposed? Motion carries. Mr. Seidemann? Would you like to address Agenda Item 20.

Ryan Seidemann: Yes folks, again, as we mentioned briefly in executive session, we do have a counter-offer on Agenda Item No. 20 from the Albritton family and our office is looking for authority from this commission, as well as the Mineral Board, to make proposal back to the family. We discussed the details of that in executive session and at this point I just like a motion, if I can get one from you guys, authorizing us to do as we discussed in executive session.

Commissioner Smitko: So moved.

Chairman Yakupzack: A motion by Commissioner Smitko. A second by Commissioner Sunseri. Any public comment? All in favor.

All {with the exception of Commissioners Courville and Samanie}: Yea.

Chairman Yakupzack: Any opposed? Oh, excuse me. Ms. Thomas, would you call out a roll call vote for that motion to authorize the attorney general?

Angela Thomas: Okay. Chad Courville.

Commissioner Courville: I'm going to abstain.

Angela Thomas: Abstain. Okay. Bill Hogan.

Commissioner Hogan: Yes.

Angela Thomas: Pat Manuel.

Commissioner Manuel: Yes.

Angela Thomas: Bobby Samanie.

Chairman Yakupzack: Absent.

Angela Thomas: Absent. Jerri Smitko.

Commissioner Smitko: Yes.

Angela Thomas: Al Sunseri.

Commissioner Sunseri: Yes.

Chairman Yakupzack: Motion passes. Thank you Mr. Seidemann.

Ryan Seidemann: Thank you Mr. Chairman.

Chairman Yakupzack: Motion to adjourn.

Commissioner Courville: So moved.

**MEETING ADJOURNED**

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

**CALL TO ORDER**

Chairman Yakupzack: Good morning. Welcome to the July 7, 2016, Louisiana Department of Wildlife and Fisheries Commission Meeting. I call this meeting to order. Commissioner Courville, will you please lead us in the Pledge of Allegiance.

Commissioner Courville: All right, stand, please. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Chairman Yakupzack: Ms. Brogdon, will you please call the roll.

Ms. Brogdon: Chairman Yakupzack.

Chairman Yakupzack: Here.

Ms. Brogdon: Chad Courville.

Chad Courville: Here.

Ms. Brogdon: Bill Hogan.

Bill Hogan: Here.

Ms. Brogdon: Pat Manuel.

Ms. Brogdon: Bobby Samanie.

Bobby Samanie: Here.

Ms. Brogdon: Al Sunseri.

Al Sunseri: Here.

Ms. Brogdon: Mr. Chairman, there are five commissioners in attendance. We have a quorum. Secretary Melancon is also present today.

Chairman Yakupzack: Thank you. Agenda Item No. 4, approval of the June 2, 2016 commission meeting minutes. Has the commission had the chance to review the minutes?

Commissioner Courville: So move to approve.

Commissioner Hogan: Second.

Next Speaker: Motion by Commissioner Courville to approve the June minute meeting minutes. A second by Commissioner Hogan, any public comment. All those in favor.

All: I.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion passes. Agenda Item No. 5: Commission Special Announcements Personal Privilege. I'd like to turn over the floor to Secretary Melancon.

Secretary Melancon: Thank you. Mr. Chairman. It's good to be with you this morning and have you and the Commission here. I would like to, if I can, the last meeting we had the opportunity of introducing Mr. Bill Hogan from Ruston, who is a new at large member. This week, this month meeting here, we have two new members that are serving on their first meeting with the Commission. Robert, Bobby Samanie. Bobby is originally from South Terrebonne Parish. Relocated and living in Meraux now. He has been in the seafood business now for 40 plus years. I think that means you're either younger or you start young, Bobby, I'm not sure. But he's a native of Terrebonne Parish, been active as president of the American Shrimp Processors Association. He also serves on the Governor's Task Force and Shrimp

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Management, the Louisiana Seafood Promotion and Marketing Board, the Louisiana Shrimp Industry Review Panel, Louisiana Seafood Standards of Identity Task Force and the Louisiana Seafood Industry Advisory Board. Bobby will be serving as a commercial member of the Commission. Welcome, Bobby.

Bobby Samanie: Thank you.

Secretary Melancon: The second new member is Alfred 'Al' Sunseri. Al, for those of you who like oysters, has been in the oyster business his entire life with his brother. They have P & J Oyster Company in New Orleans. He's the owner and general manager, is a lifelong Louisiana resident. He's only managed his family oyster business and has been an advocate for Louisiana and Gulf of Mexico Oyster Industry since 1985. He was founding member of the Gulf Oyster Industry Council and served on several oyster boards. Al lives in New Orleans and finished college at Southeastern in Hammond. Al's term runs to 2020. Al, it's a pleasure to welcome you to the commission, and I hope y'all have as much fun as y'all can stand.

Al Sunseri: Thank you.

Secretary Melancon: Thank you, Mr. Chairman.

Commissioner Courville: Mr. Chairman?

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: On behalf of the Commission, welcome gentlemen. I do know if you care to if you want to say a few words, it's up to you guys.

Chairman Yakupzack: Commissioner Sunseri

Al Sunseri: Thank you, Mr. Chairman, and members of the Commission. Mr. Secretary and people in the audience, this is humbling thing for me to be put on this commission. It means a lot. I've spent my entire life working with the oyster business. My family's been in the business, for 140 years and I'm very proud and humbled by this opportunity and hopefully we'll be able to do a lot of good things over these next few years. Thank you, Mr. Chairman.

Chairman Yakupzack: Thank you Commissioner Sunseri. Commissioner Samanie.

Bobby Samanie: My name is Bobby Samanie. I'm originally from Terrebonne Parish, and my family has been in the shrimp business since 1938. We started off canning shrimp. We've changed directions with the industry as it's changed. Four years ago I moved to Saint Bernard Parish where the company I worked for opened up one of the largest plants in the state. We do any, anywhere between a hundred and 150,000 pounds of shrimp per day we process. I've served on this commission before and it's really an honor to help manage Louisiana's natural resources, and it's a large responsibility. I promise y'all I'm going to give it the best that I can, and I'm sure y'all won't be disappointed. Thank you.

Chairman Yakupzack: Thank you, Commissioner Samanie. Any other special announcements or personal privilege by the Commission? Agenda Item No. 6, to hear enforcement reports from June, Captain Skena.

Captain Skena: Good morning Mr. Chairman and members of the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Commission. For the month of June, we had 14 boating incidents, 12 injuries and 3 fatalities. We had 734 written citations, 424 written warnings, and 23 public assists. Inside your folder there is a few news releases from last month. Here are a synopsis of those new releases. While conducting a boating safety check in Terrebonne Parish, enforcement agent cited a subject for possessing 26 black bass, 16 over the legal limit. If convicted, the subject faces criminal fines, up to 60 days in jail and could be charged civil restitution for the illegally taken fish. The fish were seized and donated to a local charity. Agents responded to an anonymous tip in Lafourche Parish and cited four people for taking oysters off a private lease and from a polluted area. One of the subjects was additionally sited for not possessing a commercial gear license. Each subject faces criminal fines; up to 90 days in jail; 40 hours of community service; only allowed to fish oysters from a vessel equipped with a vessel monitoring device and possible revocation of their oyster harvester's license. The agency seized nine sacks of oysters and returned them to the water. They also seized the vessel and dredge on a department seizure order. Alan Gaspard, the second subject involved in cutting down trees on Spring Bayou Wildlife Management area was sentenced on June 16 in Avoyelles Parish for his involvement in cutting down over a hundred trees in order to block navigable access to an area where he regularly hunted. Gaspard was ordered to serve 2 years in jail suspended, pay \$250.00 to the Criminal Court Fund, \$400.00 in court cost, and \$20,000.00 in civil restitution to the department. In addition to those monetary fines, the subject was also given 5 years of probation during which time he will not be allowed on any wildlife management area and not allowed to possess recreational hunting or fishing licenses. On

June 29th, the enforcement academy graduated the 30<sup>th</sup> cadet class. Nine new agents have been added to our ranks and we wish them luck in their new careers. This concludes the enforcement report, unless there are questions, sir.

Chairman Yakupzack: Any questions for Captain Skena? Thank you, Captain Skena.

Captain Skena: Thank you.

Chairman Yakupzack: Agenda Item No. 7, a hearing update by Ducks Unlimited on the Wildlife and Fisheries Commission funded waterfowl breeding grounds habitat work in Canada. Presenting here today is Mr. Dave Kustersky.

Mr. Dave Kustersky: Thank you, Chairman Yakupzack, Secretary Melancon, much appreciate the time on your agenda today to give you an update on the funds that you've dedicated to conservation on the Canadian breeding grounds. This is a 52-year, or 51-year partnership with Louisiana Department of Wildlife and Fisheries and I'd like to just give you a really good snapshot. In your packets as well, is a report that has obviously more detail than what I'll present today. This contract year, the first year of a 3-year proposal that we provided is focused on three, two different major activities, habitat retention and habitat restoration. The habitat retention, land purchase, conservation easements are both perpetual in nature. They are there forever, and that's where the Louisiana Department of Wildlife and Fisheries funds are focused. We also do conservation agreements as part of this. Pothole restoration, dense nesting cover; which is that nesting habitat for upland nesting ducks and forages and winter wheat. And all those programs are part of the proposal and use partner money, DU money and other noncom monies and other partners

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

to make that happen. This is a Durr land purchase. This purchase was 315 acres south of Saskatoon Saskatchewan. As you can see it is about a half section of land that's got a lot of wetlands on it. The uplands were cultivated, so we will be converting that to grass, and we purchased that with Louisiana Department of Wildlife and Fisheries monies along with other partner monies, including DU. This land was purchased for an average price of \$606.00 per acre and is located in the Allen Dana Hills priority area. This is one of our highest waterfowl density landscapes with over 60 pairs per square miles in this landscape. On this project, there also was a wetland that one in the picture on the right that had been drained a large ditch coming out of it. So, as part of the purchase we restore any wetlands that have been drained so that's the process of filling in that ditch that was created a number of years ago to drain that wetland. This is a conservation easement that was purchased. Martin's Olson Conservation Easement also in this last year this easement is 850 acres of incredible habitat in the Allen Dana Hills as well. High waterfowl density, high wetland density. This land was paid perpetual conservation easement for \$208.00 per acre on this particular piece of land. So, a pretty reasonable rate to get that there forever. All the wetlands and grasslands and habitat that you see there will be there in perpetuity. This is a project that was done with partner money. Matter for Marsh Wetland Rebuild. So this project is about replacing those culverts. This project was originally built in 1980. It served its life and needed to be rebuilt. So the culverts and some of the structure was dug out, replaced at the cost of about \$66.00 per acre and it's a 915-acre marsh. Wetland rebuilds we go through an extensive revision process where we look at these things, make sure they are still productive for waterfowl. This one was an

incredible project, which is part of a larger complex of wetlands called Yorton South, and this one in particular just needed to be restored. We resigned all the agreements with the landowners to make sure this is there for another at least 30 years. This is a wetland restoration. Gaul Wetland Restoration, one small wetland within the landscape, and these are really what we targeted, these small wetlands 2.9 acre restoration. We do larger ones if there is an opportunity. But frankly what we've lost across the landscape is small wetland. That's what carries the waterfowl productivity on the breeding grounds is all these little wetlands that have been drained. So restoring this wetland is about putting that plug. That picture on the right is just the earth and plug that we use a cat, and I've got other pictures that it'll show you a little bit more on how you can do that. But basically 2.9-acre wetland restored and it cost about \$700.00 an acre to do that. Wet Project Nesting Covers. This is a piece of property that we purchased about 3 years ago and we got it seeded to grass this past year. Spent the money on it to put it to a nesting cover. This nesting cover is critical for waterfowl. This particular quarter section of the land had 85 acres of broken land or cultivated land that we planted to grass. And what we're trying to do is make it do this, create nests. So that was planted the first the year. We put a cover crop so they harvest, and then next year it'll be left idle and left idle, but typically harvested once every 4 to 5 years. So it's idle sitting there for ducks to nest in every year. And then you have to rejuvenate it, you've got to cut it or graze it in order to keep it healthy, but that's what we're trying to raise is ducks. Another project that we do is called 'winter wheat'. This is a field of winter wheat that was seeded last fall, October 1 that was the picture, that's about 3 weeks after it was seeded. So this go, over winter it survives

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

over the winter. In May 3, 2016 this field looked like that. It is starting to provide a little bit of habitat, but not, no not a lot, pintails will nest in that. So this is what it looked on June 16, so it turns into this really lush vegetation that you can hide a nest in. Really attractive for Gadwall, later nesting Mallards, blue-wing teal, pintail a bunch of different species utilize this. This is one of our most effective partnerships with agriculture on the landscape. That annual crop that typically is spring, if we can get them to seed it in the fall it can provide tremendous nest cover for the waterfowl and some of the highest nest successes in the winter wheat program. I've got two more projects I wanted to show you. This is the Ingle Purchase. This is a quarter section that we purchased outright. We'll have it forever keep it in perpetuity and there is a number of wetland restorations on this project you can see it. A number of small downs and I'll show you a picture in a bit of how it looks when we build those. This project in particular, you know that you can see that it has a whole bunch of water on it and all the green area that is crosshatched that's all going to be planted to nesting cover. When we buy it we typically have to do some weed control to get it all in shape so we can plant a good mix of grassland species that can survive and compete. This is a conservation easement. This is a paid conservation easement also in the Allen Dana Hills. As you can see, we restored a fairly large wetland on the west side and a smaller one in the middle. Again on this conservation easement this one was paid to keep all the wetlands and the existing grasslands on the landscape. The Ingle Purchase was \$101.00 per acre to purchase that piece of land, the one on the left and that conservation easement we paid \$235.00 an acre to have that habitat in perpetuity. So these are very cost-effective programs to have habitat on the ground

forever. This is really what it looks like when we restore a wetland. It's as simple as taking a small dozer D-3 CAT or so and pushing up some dirt and filling a ditch. That's really what most of our wetland drainage is. When you deal with the Canadian prairies we don't have a whole lot of title drainage yet. Thank, God. Thank goodness that is mostly ditch and like this, that we can go back and restore it when we can get a CAT out there for a few bucks and push the dirt back in and then sign an easement and put it there forever. So this is really the opportunity to put those back on the ground and it's a pretty simple process. So that's a number of projects that we did. That's not all that we did with the Louisiana Department of Wildlife and Fisheries money because certainly it would take a much longer presentation for me to talk about every project. But these are some of the highlights of projects that we are able to do, because you provided some dollars to Canada. This is why we do it. As you know, a number of, significant portion of the waterfowl that winter down here in Louisiana that you get the opportunity to hunt and harvest, come from the breeding grounds in Canada. The band return information clearly demonstrates that connection to Saskatchewan and the other prairie providences as well as the northern U.S. So providing that support up there is what provides that habitat. We just don't have, it's a vast, vast landscape. We do not have the resources to do all the conservation work that needs to be done to make this landscape productive for waterfowl for years to come. So with your partnership we are able to make a difference. In Saskatchewan, your dollars were focused on some of these habitats the Allen Dana Hills, I mentioned right in the middle of the providence. The Upper Sina bonne is on the east side of the providence and then the lighting creek landscape is in the southeast, so those are

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

some of the landscapes of those projects I, I showed you fall in. But, we obviously work in all these red areas and that's a thunderstorm map that gives you waterfowl densities. The hotter the color, the higher the waterfowl density and that's driven primarily by high wetland densities, lots of water on the landscape. Why do we need to do this? Well, we continue to lose habitat. This is a scene from 1958, and it, and it identifies all the wetlands and kind of that line as agricultural drainage has been moving east to west in this landscape. This is the same landscape in 2010 continued loss of wetlands as you go west. It spreads as you get a network of ditches, they just continue to add ditches to the landscape. Here's another scene of wetlands in 1958 and here's a scene in 2010 of those same wetlands. That entire property has been drained. This is the landscape that we have to deal with, there is a number of these in Saskatchewan in some of our priority areas. As you can see with all those wetlands there, you would have 20 to 30 wetlands per a quarter section for 160 acres on that landscape, now they're gone. This is the landscape that we need to work in to restore those wetlands and protect what's left. What do we lose, obviously we lose our waterfowl and wildlife factories if we lose wetlands. We lose flood protection, places to hunt with friends and our health our most valued commodity on earth is water and we lose our quality of life just having that place to go. So how did we do it? Last year Louisiana Department of Wildlife and Fisheries provided \$328,702.00. Ducks Unlimited committed to match that with an equal amount of money and we used those dollars to apply for and got approved for \$657,404.00 U.S. Therefore every dollar that Louisiana provided, we added \$3.00 at minimum. This is just the basic match that we provide. Ducks Unlimited has many other sources of matching, including other

Canadian dollars and 39 other states, fish and wildlife agencies that provide money to do work on the breeding grounds in Canada, of which 12 more in the, in the province of Saskatchewan. So you're one of 13 states that provides money to do breeding grounds work in Saskatchewan. Your investment of \$328,702.00 leveraged to \$1.3 million. As you know the Canadian and the U.S. dollar always fluctuate in value. Well, right now your dollar is a lot stronger than ours. So we were able to get an exchange gain of 1.3. So that \$1.3 million turned into \$1.7 million on the breeding grounds in Canada when you turn it into Canadian funds. So we were able to expand over \$1.7 million dollars on conservation and habitat. The goals that we propose to do in this first year of this proposal, of the three year proposal was to retain 3,500 acres of habitat, restore 67 acres of wetlands, and restore 900 acres of grassland through upland as well as continue to manage over 90,000 acres. What we were able to do was over 5,400 acres of habitat retention, 85 acres of wetland restoration, and over 1,700 acres of upland restoration and managed 150,000 acres of existing habitat. So far exceeded the, the planned goals for the funding that we had requested and spent the majority of the money as you can see in habitat retention. I flip up the next slide – this has the detail it's in the report I provided. I am not going to go into detail as obviously, there is, there is more numbers in here than we intend to or care to go through right now. But clearly, a big chunk if you look at the top four categories those are all perpetual protection. That adds up to over a million dollars of the \$1.1 million spent out of this budget. That's where Louisiana Department of Wildlife and Fisheries dollars are dedicated just into that perpetual activity. Keeping those grasslands and wetlands there forever. Acres equals ducks. It's as simple as that. You put grass on the landscape, you restore grasslands,

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

you protect grasslands, and you're going to get waterfowl, that's what the limiting factor is. That is how the landscape has changed and that's what's caused our issues with waterfowl production over the years. If you restore wetlands, you get ducks, the same thing. We need grasslands and wetlands to have waterfowl produced on the breeding grounds of Canada. It's that partnership that you have bought into, that you've invested into that allows Ducks Unlimited to go up there and make difference on the breeding grounds. We've been doing this for 77 years up in Canada, 78 years here in the U.S. Our conservation work is, is long, and your partnership in fact has been as I mentioned 51 years, so that's 77 years we've existed. So that partnership is absolutely critical to ensuring that we continue to do the right thing on the breeding grounds and make a difference for waterfowl. With that, I want to thank Louisiana Department of Wildlife and Fisheries for your partnership; for your ongoing support of conservation on the Canadian breeding grounds. The prairie pothole region in Canada is the breadbasket of waterfowl production for this continent. Your partnership in making that happen and continuing to support the Prairie Habitat Joint Venture, the North American Waterfowl Management Plan and Ducks Unlimited and conservation work on the breeding grounds is critical and valued. In my last comments I'll say that what the breeding grounds look like today. We're a little drier than we've been for a while. I wouldn't say we're into the hardcore part of a drought, but we certainly are a lot drier than we have been. The true prairie part, the southern part of Saskatchewan and Alberta are fairly dry. It was quite dry this spring and so not a lot of habitat there for the, for the ducks coming up early in the spring. The parklands, which is just north of that south of the Boreal Forest, was a little bit wetter and has received significant rain

especially in Manitoba and eastern Saskatchewan. So we are going to have bird production. It won't be, I don't believe what we've seen over the last number of years, but frankly some of the wetlands do need to dry out. So it's this cycle that's critical. The risk that we run is as things dry out, there is that risk that the agriculture will go after those ponds that are left. They can access those ponds, get ditches into them and we can lose more habitat. So we have to stay diligent continue to do this conservation work and make a difference on the breeding grounds. If you have any questions, I will be more than happy to answer.

Chairman Yakupzack: No questions from the Commission, we appreciate your presentation Dave, and I do have one public comment here who does not wish to speak, Mr. Charles Williams of the Louisiana Waterfowl Alliance is here, and notes that their organization is very interested in these waterfowl project reports.

Mr. Dave Kostersky: Excellent. Thank you.

Chairman Yakupzack: So, thank you. Agenda Item No. 8. To hear and update on the White Fronted Goose Telemetry Project. Mr. Paul Link, presenting.

Mr. Paul Link: All right. Thanks, Chairman, members of the Commission. My name is Paul Link. I'm the North American Waterfowl Management Plan Coordinator here at Wildlife and Fisheries. And today I am here to give you an update on the White Fronted Goose Research Project that we started last fall. Since we do have a quite a few new faces in the room this morning, I'm going to again, go over a lot of the information that you saw at the last update before getting into the updates of what we've learned over the last winter and

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

this spring. First briefly talk about the technology advancements. This project couldn't have come at a better time. Two years ago if we had wanted to do this project, we'd have been using the transmitter pictured on the left, which is a satellite PTT transmitter they are quite large, they are 80 grams, they're mounted via a backpack with a double-bodied loop harness system, that have relatively limited data capabilities. You can get four to seven locations per day. They're transmitted back through the satellites which are slow and expensive and they're just relatively cumbersome. The transmitter on the right is what we deployed last winter. It's cutting edge technology. These are the first wild birds to carry that transmitter in the wild. They collect the data via the same satellites, but then they transmit it through cellular tower networks, which allows to collect a lot more locations daily and then transmit it very quickly and efficiently through the cellular tower network. And they are also quite a bit cheaper. Believe it or not to. Again, moving on to the technology itself, these things are solar powered. Birds are incredibly lightweight they evolved for flight which is, weight you know, pretty important to minimize weight. So they have a solar battery, they have sub meter accuracy, which is very important for classifying locations and finding what these birds are doing. Again the duration of locations we can collect, we program these to collect locations every 30 minutes both day and night last winter. An important thing too they can store up to 45,000 locations on board in a hard drive. These things aren't in cell phone range as a lot of you guys are aware, and they breed and spend the summer in areas that hopefully will never have cell phone coverage, and they also collect a lot of important information that's previously not been able to be recorded. Abiotic and ambient data are

recorded every time those things log a lat and long. And, when, when the birds are in flight they have an accelerometer that allows them to, to generate at altitude speed the bearing of their flight, and a bunch of other, information that is probably not quite as critical to us at this point. And lastly, these transmitters since they are solar powered, they have a life expectancy of 3 to 4 years. So we're going to get this fall's migration and up to two more which they are going to allow us to look at migration stopovers, breeding ranges, filopatry, site fidelity and a whole bunch of other things that have previously been unknown to us. But first I had to catch them. These things aren't very easy catch. Primarily, because they won't get on bait like most other waterfowl will. That's pretty helpful when you can go dump a bag of grain out and get a bunch of bird's heads down on something. White fronts for some reason or other don't like a, a free handout, and they're also incredibly weary. Long live the smart birds, so they don't want to approach anything out of the ordinary. This is one particular set that I made on Cameron Prairie National Wildlife Refuge, that clump of vegetation there is a net box, that I designed for this project that allowed me to trap out in these wide-open habitats and hide the nets. Occasionally hid the nets a little bit too well. That clump of vegetation on the far right is a 40 by 50 net that's going to be coming out of a small box. Everything on the right half, the right half of the side of the picture would probably be killed and injured and everything on the left would probably have the net fly right over the top of them. So sometimes we hit them a little too well. But after about 8 hours of waiting for those birds to finally move off of that site, we were able to fire the net. This particular capture was 13 birds we marked, 11 total birds, all adults. Roughly three fourths females and the remainder males. We were able to determine age and sex, glue

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

the transmitters on, hold for a few minutes, let them orient to their new jewelry and then release them back at their capture sites with their, their counterparts, usually within a half an hour. And then it was simply a matter of waiting for the data. I was also able to get visuals on a couple of these birds. And I was pretty happy to find out that they were acting normally a few days after letting these go I came across this bird here that was still, still with it pair, with its mate, and it's young were also in toe. They were about 10 yards beyond this and out of the spotting scope range, but they were acting pretty normally. Getting around pretty well so that was encouraging to see. And then it's simply a matter of waiting for those birds to fly back within range of a cell tower. This is what that data looks like, again, I don't expect you to see all this, but it's a pretty, pretty cumbersome large file. There is a lot of really basic things that are important in here. Like a date and time stamp, the lat and long but then also a lot of other things, the speed, the solar outlook, temperature, barometric pressure, lots of other things that we're going to be able to use analytically later down the road. It makes a little more sense when you pull out this information, in some kind of mapping software. This is what that one individual's bird looks like. The squares are stationary locations. When a bird is basically walking or resting, preening, doing some other kind of non-movement type activity and the triangles are birds in flight. Anything over 7 kilometers per hour. And then the lines connect to locations, so every point on here is 30 minutes apart. I'll go through a couple of examples of some birds. This was a bird named Seafly that marked near Thornwell in October. Shortly after marking her, she moved around between the Elton and Fenton area for a couple of weeks and then back down into the Thornwell area. On opening weekend of the coastal zone, she took off.

She apparently thought World War III was coming and got out of the coastal zone. Went up to the Monroe area up between Winnsboro and Monroe, hung out there for two weeks, and then on opening morning of the east zone, she again took off, heading north, northeast out of the Monroe area for Arkansas. You can see some of the data associated with her. She was at the, the time stamp on there is UTC that Universal time so you need to subtract 6 hours, so at 6:46 on that Saturday of opening morning of the east zone she was heading out 38 knots at 451 meters, getting pretty, pretty interesting information and she never returned to Louisiana after that she stayed north. Another bird named GS365 a couple of days after we marked her near Thornwell she took off to Stuttgart, flew nonstop to Stuttgart. Spent less than one day there, and came right back to the exact same field that we captured her in. Pretty remarkable movements and that bird as well stuck around in Louisiana until opening weekend of the coastal zone. Went to that same general area near Monroe for just a few days and left Louisiana prior to the east zone opening. Spent another week or so near Lake Village, Arkansas and then bounced up to the northern MVA, eventually spending most of the winter in the Boot Hill, Missouri, but again, never came back to Louisiana throughout the winter. So where am I know. I've been working with Dr. Collier over at LSU on some neat home range maps. This one of the, the few birds that stayed in southwest Louisiana long enough to give us some data in the area that we were primarily interested in. These large polygons are 95 percent home range estimate maps and the smaller shaded areas within those polygons are the 50 percent core areas. And basically what I'm trying to show here is that the birds move around a lot more during the hunted time periods than they do during the split. They basically

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

don't move during the split. They find their groceries. They're basically undisturbed, so they don't move around a whole lot. Not surprisingly. And perhaps the more important thing I'm trying to do right now is classify all these locations. I have roughly 60,000 locations on these 11 birds, from the time we let them go until they either went off line or left cell phone tower coverage. So I'm trying to identify every point. All of these 60,000 locations, primarily using remote sensing stuff, which I've learned has a fairly large error rate, which I'm going to be trying to work around trying to ground truth and to verify some of these locations down the road. But once we get all these locations classified, it's going to be pretty important for us. We're going to be able to go back and model the habitat use through time. Going back in and looking at historic data, but I don't think many of us are going to be surprised if we find that there is less capacity of the landscape to the winter white fronts now, as in the past. More importantly where are they are now? We had seven birds that survived the winter and made it back to Canada. This is the last locations that we had on those birds. You can see four of them are on the northern reaches of the prairie pothole region in Canada near the parklands, and three of them miraculously found cell tower range way up in the middle of nowhere. It's also pretty interesting to see where these things are going. Those three lines heading north are heading to very well establish breeding areas for white fronts. So we're pretty excited to see this fall when they start heading back south where they're going to, where they had spent the summer. And just to put this in perspective, where these birds are and in Central Canada right now, it's roughly the same distance from the Gulf Coast to the prairie Canada's. These things make tremendous movements; roughly 3,000 miles one-way. Of course they do this a

minimum of twice a year, plus all those other flights throughout the winter. So these things are really getting around a lot. So what about the others, we had seven that made it back to Canada this spring. We had two that I suspect were crippled and un-retrieved by hunters. I had two banded birds that were banded and captured with two birds that were radio marked that were called into the bird-banning lab and reported. I got the contact information for those hunters and called them and chatted with them a little bit and both of them had recalled pulling feathers or sailing birds off that they were unable to retrieve. So it seems less than coincidental that they went offline on the same day that birds that were captured and marked with them were killed. We recovered and redeployed one transmitter. We were able to find one transmitter laying in a soybean field near Brinkley, Arkansas. But I was able to send the coordinates to a friend and colleague there who was able to find that transmitter. We suspect it was crippled from a hunter as well. It was about 200 yards from a spread of decoys. and I also want to mention too that the published literature for crippling rates for geese runs from 25 to nearly 100 percent, so this is pretty typical of what we would expect to lose a couple of birds to hunting and crippling. I suspect we had one transmitter failure. One of these birds had a declining solar panel. We suspect it had a declining voltage over the couple days prior to it going offline. We don't know what happened with that. But we suspect a failure. And then we have one that we simply have no information leading us any indication of why it went off line, but lots of things happen to these. if they killed by a rapture, fly into a tower or something and, and land face down in the mud, they aren't going to charge or if they are out of cell phone tower we're just never going to hear from them again. But overall it's a pretty

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

good rate to have 7 of 11 birds make it to the prairies. We're pretty excited about that. So our future plans, we are going to continue monitoring the seven birds. Hopefully they are all going to survive the summer and head back south with their young and all that data. We're also going to deploy 15 to 20 more units this fall. And then again, hopefully in the fall of 2017 and we have a whole host of analytical opportunities with this data. There is so, there's so much information coming in here that it's kind of hard to wrap our head around right now with what we have. But I'm hoping to find somebody with more time and more analytical capabilities than me down the road to help with this stuff. again, the, the, going to deploy more units for each of the next two years and there is quite a few new advancements in technology this year again that are going to allow us to get even more unprecedented information. They've been able to reduce the size of the transmitters by 5 grams. They've got a new microprocessor in them that is going to allow us to differentiate between different movements behaviors. They say that they are going to be able to tell us when a bird is actively foraging. When its neck is moving around in this particular behavior or when it's preening or sleeping or flying, so we're going to have all kinds of new energetics type stuff that we'll be able to do and time budget stuff done remotely through these transmitters. So pretty exciting stuff and lastly, I'd like to thank all of our donors that helped make this happen. All those transmitters were purchased by a private individuals with their own money who stepped up, probably not knowing how risky their investment would be. These transmitters again had never been deployed on birds. So basically like buying a fancy \$3,000.00 laptop computer and just throwing it in the air and hoping that you get something out of it. So again, we, we really

appreciate their support for making this happen and particularly Chad and Bart for their work get this project up and going off the ground. With that, I'll take any questions?

Chairman Yakupzack: No questions from the Commission, it appears Paul. I would just like to make a comment and thank you and Larry Reynolds. The entire waterfowl staff for taking on what appears to be a cutting edge investigation and study. We're proud of you all and proud of this department for being a leader in these wintering birds that are so dear to so many. Being a leader in these wintering birds, in research on their habits when they come down the flyway. Thank you. Moving on, we have Agenda Item No. 9 to consider a Declaration of Emergency for extended falconry season for Rails and Gallinules. Presenting, Mr. Steve Smith.

Mr. Steve Smith: Thank you Mr. Chairman, Commissioners, good morning ladies and gentlemen. My name's Steve Smith. I'm the WMA program manager for our wildlife division. I am also responsible for preparing and proposing our annual notice of intent for hunting season rules and regs. The notice of intent was proposed and adopted in April by you guys, and subsequently we discovered 1 error in the proposed and adopted migratory bird seasons and that was the extended falconry season for Rails and Gallinule. As you know, we are provided with a framework by the U.S. Fish and Wildlife Service each year within which we can adopt seasons. The proposed season which you adopted for extended falconry for Rails and Gallinule was off, erroneously, by 1 day, and this Declaration of Emergency would be a measure to correct that error, so with that I ask you to consider this Declaration of Emergency changing the extended falconry for Rails and Gallinule

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

from November 2<sup>nd</sup> through January 31<sup>st</sup> to November 3<sup>rd</sup> through January 31<sup>st</sup> therefore placing that season within that allowable framework by the U.S. Fish and Wildlife Service. Any questions?

Chairman Yakupzack:  
Commissioner Courville?

Commissioner Courville: Run, run that, run those dates again that you're looking for?

Mr. Steve Smith: Okay. That, it would be a change. What was adopted is November 2<sup>nd</sup>

Commissioner Courville: Right.

Mr. Steve Smith: – through January 31, okay? We would change it to November 3<sup>rd</sup> through January 31. It would basically shorten it by 1 day.

Commissioner Courville: Okay the, the DE's saying November 1<sup>st</sup> that I'm reading.

Next Speaker: It's a, I'm sorry, it's effective, it will become effective November 1<sup>st</sup>. DEs are only good for a certain –

Commissioner Courville: Okay.

Mr. Steve Smith: – period of time; therefore, it would have to become effective November 1<sup>st</sup> to carry through January 31.

Commissioner Courville: Okay.

Mr. Steve Smith: But the actual date is November 3<sup>rd</sup>.

Commissioner Courville: Okay.

Mr. Steve Smith: Yes sir.

Chairman Yakupzack: Any other question or discussion? Do we have a motion?

Commissioner Samanie: So Moved.

Chairman Yakupzack: Motion by Commissioner Samanie.

Commissioner Courville: Second.

Chairman Yakupzack: Second by Commissioner Courville. Any public comment on this matter? Seeing no public comment all those in favor?

All: I.

Chairman Yakupzack: Any opposed? Hearing no opposition the motion carries.

Chairman Yakupzack: Thank you Mr. Smith! Agenda Item No. 10<sup>B</sup>, to hear and update on the public comments on the black bass regulations on the Sabine River notice of intent presented May 5, 2016. Presenting is Mr. Alex Perret.

Mr. Alex Perret: Good morning Mr. Chairman, members of the Commission. My name is Alex Perret. I am the operations manager for Inland Fisheries here this morning just to report results of our public comment period that we had which was notice of intent to reduce the large-mouth bass regulations on the Lower Sabine River to 12 inches. We received a total of 2 comments during the public comment period. Both were favorable to the regulation change. One of the comments was made by a local bass tournament organizer and he was very much in favor of the change. He felt like it would allow them to have more events on that section of the river. According to the notice of intent, the secretary has the authority to finalize this rule and that will be our recommendation and I'll take any questions y'all have. That's it.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Chairman Yakupzack: Any questions?  
Seeing no questions, thank you Mr. Perret –

Mr. Alex Perret: Thank you.

Chairman Yakupzack: – for your presentation. Do you have anything? Okay, moving along Agenda Item No. 11, to consider a notice of intent to establish the rules and regulations on the importation of cervid carcasses. Presenting is Mr. Johnathan Bordelon.

Mr. Johnathan Bordelon: Thank you Mr. Chairman, Commission. Today we are proposing for your consideration a cervid carcass importation ban. We define cervids as any animal or of the family cervidy including but not limited to whitetail deer, mule deer, elk, moose, caribou, fallow axis, red and reindeer. The notice actually reads no person shall import, transport or possess any cervid carcass or part of a cervid carcass originating from outside of Louisiana with the following exceptions: Deboned meat, antlers, and clean skull plates with antlers, clean skulls without tissue attached, capes, tanned hides, finished taxidermy products and clean cervid teeth. Approved parts or deboned meat transported from other states must be legally possessed from the state it was taken. Approved parts and deboned meat from other states must contain a possession tag with the hunter's name, out-of-state license number, address, the species, date and location of harvest. Also cervids transported in or through the state in violation of the provisions of the ban shall be seized and disposed of in accordance of Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries rules and regulations. So why propose this. One of the reasons we're proposing this and the primary reason is a disease known as chronic wasting disease. We'll refer to it as

CWD from this point. CWD is a neuro-degenerative disease affecting cervids. There is a small thumb drive that each of you are provided. There's actually some great information on there about chronic wasting disease. Dr. Lacour, Louisiana Partner Wildlife and Fisheries' veterinarian presented that to the Commission in April. Of course some of you here today weren't privy to that presentation so I went ahead and put the supplemental information for you to review at your leisure, but CWD it's basically a neural disease. There's prions basically, mutated proteins that are mis-folded. These proteins are actually shed into the environment and basically what happens with this disease is tiny holes are actually eaten into the brain so the animal at some point's going to become emaciated, it's going to become lethargic and it's going to eventually die, perish. What's so scary about this disease is that it persists in the environment without a host so that makes it very different from other diseases that are transmitted between wildlife. This is something that once it's on the landscape it's there for quite for some time. Environmental conditions are going to determine just how long but it's going to be a number of years. There's been cases where infected animals in captive facilities have been depopulated and the area basically void of captive cervids for some time then the area re-stocked and then after it re -stocked they basically come down with the disease again so we know that it persists in the environment and once we have it we're going to basically have to manage it over time so what we're attempting to do is prevent this and that's the method that we're choosing to employ here. A couple of other facts, 1 or 2 years before animals become symptomatic, so it's a slow progression as mentioned before, it's 100 percent fatal in cervids. Prevention is the only method of defense. There's only postpartum testing at

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

this time which basically means we have to have a dead animal to get a positive or negative test. 23 states and 2 Canadian providences are infected. All of this data comes from the CWD Alliance. The 23, sometimes read 24, there's some debate and argument. There's some states that on their web site aren't included, because they've had maybe just in captive facilities and no further outbreaks outside of that facility but regardless, its 23 states is the accepted number including 2 Canadian provinces. What is LDWF's response to CWD? First we do have a CWD plan. We've had one back since the early 2000s. It was revised in 2016. In addition to that we have an importation ban for captive cervids. These are basically the live animals. That ban was first implemented by the Louisiana Department of Wildlife and Fisheries Commission back in 1998 as a moratorium. It was renewed again in 2002 and in 2005 it was adopted in perpetuity so we basically don't allow live captive cervids in Louisiana. To back that up the Louisiana Department of Agriculture who regulates the captive cervid industry in Louisiana placed a moratorium on importation in 2012 so basically the borders are closed to live deer, lot, or live cervids from entering the state. One of the other things is we've done some diligent testing dating back to 2002, we've tested 7,870 cervids dating back to that time. Early on we were testing pretty much state-wide. We were just trying to determine if the disease was out there. Our sampling now has become much more focused and targeted. Basically we're testing urologic animals, animals that are symptomatic. We're also testing road kills. We're also testing animals in or adjacent to captive facilities since we deemed those to be the greatest threat. So the third thing or the next step is proposing an actual carcass importation ban. So basically what this is going to do is going to prohibit a hunter who

takes a deer from outside of Louisiana from bringing it in unless they meet those exceptions that we mentioned earlier. Arkansas and Texas are the latest states to test positive. Arkansas, their positives came in 2000 and 16, first from a hunter-harvested deer animal that appeared to be healthy. It was an elk in Newton County, Arkansas. It tested positive. Results came in to them in February. Subsequent to that they had a deer then once they found those two hunter-harvested samples, they intensively harvested animals as an agency within those areas and they turned out many more animals in addition to those hunter-harvested animals. The prevalence rate was actually quite high. At a rate so high, pretty comparable to what you see on the landscape when you've had CWD for a decade or so. So it basically just went undetected which is very scary. One thing I'll mention, they had a pretty diligent testing program, too. They had tested over 7,000 animals before they ever got a positive which is very close to what we tested with 7800. So, it's just a matter of finding it in some cases and that was the case in Arkansas. What we're proposing here today, the carcass importation ban, this isn't anything new. We're not the first to bring this to the table. Right now 36 of 50 states have some form of a carcass importation ban. Information in your packet may say 35 and the reason is Mississippi's actually did not go into effect until late last week. So at the time I put the information together, it was a proposal they had and it was actually finalized as of last week. So they are the 36<sup>th</sup> and we're proposing to be the 37<sup>th</sup> state with some form of a carcass importation ban. And it's 23 of 29 eastern states. As mentioned before, CWD, it slowly moves in a wild deer herd. But really the big fear where it hopscotches and jumps across the state is when a live animal is moved and then obviously it's shedding those prions

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

into the environment or a cervid carcass is moved and those prions are disposed into the environment where they then can be up taken by cervids and re-infect a new population. If anyone has any questions, I'd be happy to answer them but there's the information in your packets, includes everything I presented including some supplemental information about chronic wasting disease, in addition to some information on Arkansas.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. Johnathan, is there any kind of way to treat these animals that are infected with CWD?

Johnathan Bordelon.: No, sir. There's actually no treatment for CWD. Once the animals contract the disease, it's going to be fatal. There's not really even an easy decontamination. This is something that you cannot even kill in the environment with bleach. It takes high heat or an alkaline bath, so it's not necessarily a living organism. It's a mutated protein which can be transmitted or taken up by other animals. It's shed into the environment by urine and feces. You know, that's the primary mode at which it's shed into the environment. And you know, obviously it's also going to be part of that carcass so if that carcass is left to decay in the environment then those prions at that point will become part of the environment and they can actually then at that point infect other animals. So there is no treatment for CWD nor is there any type of vaccine or prevention. You know, your only real tool or method for dealing with the disease is simply just trying to prevent it. So, obviously we're just promoting a preventative measure, in hopes to minimize

the risk of deer in our state being infected by the disease.

Commissioner Sunseri: Is there any way to treat an area that's found to be infected?

Johnathan Bordelon: No, sir. There isn't. Once it's in the environment, it's going to be there.

Commissioner Sunseri: And there's no, and is anyone doing any kind of work on trying to see about eliminating it from the environment or –

Johnathan Bordelon: Yes, sir. There's extensive research being done on chronic wasting disease but at this time there's no practical means of eliminating it from the environment. Obviously it can be in a laboratory setting. It can be destroyed under high heat. For instance, a carcass could be burned up at a high temperature in an incinerator and that will actually destroy the prions. But, you know, those methods obviously just can't be applied to the landscape.

Commissioner Sunseri: Thank you.

Johnathan Bordelon: Yes, sir.

Commissioner Sunseri: Thank you, Mr. Chairman.

Commissioner Courville: Mr. Chairman, I –

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Mr. Bordelon, I got a couple of questions if you can bear with me. So in this notice of intent, so will it be department staff who's going to bear the responsibility of inspecting – how, sort of how do you – so if you develop this ban

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

on importation, how do you police it or enforce it? What's that going to look like? Are you going to come to my house? Are you going to go to a taxidermy? How are you going to know?

Johnathan Bordelon: No. Obviously that won't really be a practical approach of enforcing it. We'll have the regulation out there in hopes that the majority of people –

Commissioner Courville: Discourage

Next Speaker: – actually will abide by this rule.

Commissioner Courville Okay.

Johnathan Bordelon: And then if a carcass is observed by our enforcement staff and it doesn't meet any of the provisions listed as far as the tagging requirements, and it's deemed to be a deer from out of state, then they'll have a mean or mechanism for confiscating that animal and removing it, you know, or removing that risk from our landscape or from Louisiana.

Commissioner Courville: So, it, just I sort of playing it out, you would anticipate that a lot of this burden is going to fall on a taxidermist and the taxidermists throughout this state.

Johnathan Bordelon: Certainly.

Commissioner Courville: So an obvious and an easy place to go and sport around and look for this stuff is going to be there. What burden then falls on the taxidermists of this state that if, I'm, and I for some reason go out of state. I shoot a nice deer. I bring it to a taxidermist, whoever. He's got it in his freezer and its sitting' there and maybe I tagged. Maybe I went through the right procedures. Maybe I didn't, but now

it's in his freezer. It's got my tag on it. Does he bear any burden if you will, to ensure that he's not accepting carcasses that will violate the provisions in this new rule that we're considering?

Johnathan Bordelon: And that may be a better question for our legal counsel, or possibly even enforcement but the responsibility would still – I mean, the regulation, would be accepting, if he accepted an intact carcass that didn't meet the exceptions listed, he would be accepting an animal that was basically illegally brought into the state in a violation of Louisiana Department of Wildlife and Fisheries Rules and Regulations.

Commissioner Courville: No, and I don't need an answer today, but it's something as we go through the comment period, we need to be able to answer that because, if I'm a taxidermist, I'm going to want to know that answer.

Johnathan Bordelon: Certainly.

Commissioner Courville: And then beyond that, as an assumed taxidermist, if you will, how am I going to be able to know that, you know, I'm in the business to make money obviously, and I get this kid. I'm assuming these guys are pretty skilled at knowing what isn't parts that would be accepted and parts that wouldn't be accepted, at some point there's going to be some gray area there. Is there going to be any kind of a material where these guys can have a good sense that, yeah, this is one that is in good shape or this is one I need to be a little suspicious of. At some point I think enforcement of this is going to be problematic. I guess I'll disclose where I intend to vote on this thing. I'm in favor of this. I just think there's a lot of tentacles that are going to come with this that we need to

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

flesh out so that we can provide some level of comfort because I know a lot of people, probably some people in this room, will go out of state and harvest a nice deer. And they're going to want to do something with it so either they'd have to get it, establishing some protocols, if you, or some guidance for the hunter that, all right, I go in there. I kill it, maybe I need to go in, and I shoot it in Mississippi. I need to get a pressure washer. You know, some logical things that the everyday hunter can do to make sure he doesn't get himself in a bad position when he brings that animal back into Louisiana would be beneficial to make this work. My other quick questions would be, from a transportation of chronic wasting disease and these prions, is there any other mechanism by which they can come in outside of a live animal or a dead animal into this state? Can some other conduit bring it over? Like if a coyote eats a deer and he brings it over. Can it be transported by those means as well?

Johnathan Bordelon: The prions themselves, the likelihood would obviously come from the methods that you've mentioned. You know, and you talk about shedding those into the environment. It would have to be something that would be loaded up on a trailer and transported.

Commissioner Courville: Okay.

Johnathan Bordelon: So, -

Commissioner Courville: So we're not worried, it's this -

Johnathan Bordelon: Right.

Commissioner Courville: It's mainly about moving deer parts.

Johnathan Bordelon: It's about moving deer, live deer or, in this case, deer parts that could potentially be infected.

Commissioner Courville: And then, maybe my second to last, the sites in Arkansas, were those on sort of public private land or were those in captive pens?

Johnathan Bordelon: No, those were actually free ranging deer.

Commissioner Courville: Free ranging -

Johnathan Bordelon: In Arkansas there is no captive industries.

Commissioner Courville: Okay.

Johnathan Bordelon: So there was deer pen industry or cervid, captive cervid industry in Arkansas.

Commissioner Courville: Same thing in Texas from the sites that tested positive there?

Johnathan Bordelon: Well, Texas was different. Texas was actually captive cervids. So in Texas their positives were actually within pens.

Commissioner Courville: Okay.

Johnathan Bordelon: The scary part with that is the trace-outs from those pens. Some of those, the one particular positive in 2015, there were more than 19 trace-outs. Basically meaning animals from that infected pen that were moved from that pen to other pens and when you looked at the map the scary part is some of those counties were actually very close to our eastern, I mean, our western boundary or the east Texas boundary. So, that's kind of the worry with that. The fact that's in the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

captive herd in Texas to some degree makes it even scarier, because of the movement of those animals across the state and the slow detectability in that. So, certainly, because it's in the captive cervids in Texas doesn't make it any less fearful that what we're seeing in Arkansas.

Commissioner Courville: And then my very last question, captive pens here in Louisiana, they are allowed to move a captive animal within state boundaries, correct?

Johnathan Bordelon: Within the state but you can't transport deer in or out of Louisiana right now.

Commissioner Courville: And the captive trade operation if you will, is overlooked by Department of Ag and Forestry.

Johnathan Bordelon: LA Department of Ag and Forestry.

Commissioner Courville: And what kind of authority does the department have in that regard and how do we get a sense for how well that captive pen is being, the oversight if you will. We could have a sense for how

Johnathan Bordelon: The Department of Ag, obviously, they are the regulatory agency. We do have some oversight into new permits but the participants that are in the program, they're basically just one on one dealing with the Department of Ag. So we're more or less out of the loop with those guys. Where we are in the loop is within the new permits. They basically have to meet certain provisions and we actually inspect those facilities prior to them being permitted. and that's something that dates back that there was even a lawsuit filed by the Louisiana Department of Wildlife and Fisheries against the Department of

Agriculture early on, because of the division or the loss of oversight, but unfortunately you know we weren't successful in that endeavor and right now, Department of Ag is the regulatory agency for the captive cervid industry in Louisiana.

Commissioner Courville: I lied, last question. Is there going to, is there an open exchange currently between the Department of Ag and Forestry and data sharing if you will with Wildlife and Fisheries or is there a bit of a gap? Do we need to bridge that gap?

Johnathan Bordelon: No, we do work with them obviously and it's, you know, it's to our advantage to do so that information obviously is very important and we've attended meetings with them and we do have open dialogue with them. They provide us information upon request, so we do receive information on number of pens, where they're located, all of that information is shared.

Commissioner Courville: Okay.

Johnathan Bordelon: But, but we're out of that regulatory loop with the exception of new proposed pens.

Commissioner Courville: Okay. Thanks.

Johnathan Bordelon: Yes sir.

Chairman Yakupzack: Any other questions? Do we have a motion to –

Audience member: I'm sorry, I didn't fill out a card.

Chairman Yakupzack: But look, let's wait for them to see if the motion is passed please. We have a motion?

Commissioner Courville: Yeah. So Moved

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Commissioner Bill Hogan: Second

Chairman Yakupzack: Okay, so, motion to approve the NOI and second. Any public comment. Sir, would you like to come forward? State your name and address please.

Scott Rainey: Thank you very much. My name is Scott Rainey; I live in Lafayette. My question is really about transportation. If I hunt in Texas I have to be able to prove the sex of the deer that I'm transporting through Texas. A tag by itself is not considered adequate proof; I have to have the skull of the deer. If I cannot carry the skull, how do I comply with laws to transport that animal?

Mr. Johnathan Bordelon: Thank you. And that's a very great question. Very valid, something we've even discussed and was brought up our enforcement section. Within that provision there are certain exceptions. One of the exceptions obviously is the clean skull cap. So you can have the head, you can have the skull cap, you can have the antler, you're just not going to be able to possess the brain, the spinal column, the bone tissue. The only bone exception obviously would be the skull itself. So you would be able to possess a clean skull or a clean skull cap or antlers but you will not be able to possess as this proposal has been mentioned in this form, you will not be able to possess the head intact.

Scott Rainey: Thank you.

Chairman Yakupzack: You have a public comment? I'll let you up this time. Next time we need to make sure we fill out cards but, no, come on up. Come on up. State your name and address please. Public participation is always very important. We

appreciate you all coming, we just got to keep some order going.

Steve Leonard: I understand Mr. Chairman. Steve Leonard, Clinton, Louisiana. I killed my first bull elk last year in Colorado. And do it on my own. That's problematic to get the brains out of that thing if I want to mount that animal and I wish, I hope we can think through this is all I ask. Just to think through this thing. There's going to be some issues of getting stuff back into the state. Thank you.

Chairman Yakupzack: Thank you for your comment and I think that's what the NOI process is about is to encourage more comment and to fully vet the motion and to see if there could use amendment or further thought. Hearing no further public comment, motion is on the table by Commissioner Courville with a second by Commissioner Hogan to approve this NOI. All in favor?

All: I.

Chairman Yakupzack: Any opposed? Hearing no opposition motion passes. Agenda Item No. 12 to consider a notice of intent to prohibit commercial harvest of blue crabs during the 30-day period for the years 2017 through 2019; and restrict the commercial harvest of immature female blue crabs for the years 2017 through 2019. Presenting is biologist Jeff Marx.

Jeff Marx: Thank you Mr. Chairman and Commissioners for some of your time this morning. I'm here to present you guys with a notice of intent for blue crab seasonal closure and some restrictions on harvest of immature females. Basically the problem our 2016 stock assessments completed earlier this year, the data was through the year 2015 so it's the most recent we can get.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

We were very close to the over fishing benchmark established by the department and we had basically crossed an over fish benchmark. So, just a little visual of what that looks like. The last dot on the right, the top is your fishing mortality. That's how many we are removing, how many fish or crabs in this case are being removed; that's your fish immortality. The red lines on both graphs are limits. That's a place you do not want to cross. The yellow lines are our tags; we're okay with bouncing around those lines. For the fish immortality you can see there in the 90s, there was hovering around that what would be our targets for fish immortality. If you look at the bottom graph that is the exploitable biomass; that's how many individuals are out there. That's the millions of pounds of fish out there. We unfortunately crossed our limit in 2015. The red line, that limit comes from the three lowest years, of biomass that we have seen, and we have seen recovery past that. So it's not panic mode but it is something we are concerned about. We don't want to dip down there too low and then have irreversible effects of any kind. And that's that point right there. That's bad. So the policies that we have in place right now. So, I guess 3 or 4 years ago when dealing with our sustainability, blue crab sustainability, we had a policy in act that said should the fish immortality or exploitable biomass exceed the over fish or over-fishing limits. Okay, well, check box No. 1. LDWF will bring to the Commission a series of management options for the commissioners to review and act upon. So, basically those options are for review are going to include provisions for emergency closures, time-based closures, spatial closures, closure basically. The authority that the Commission has to do this is in 56:6, it says that we have the rules and regulations as long as we go through the administrative procedures act, set seasons,

times, places, size limits, quotas, daily take and possession limits based upon biological and technical data. So, the management actions that we are recommending in this notice of intent; basically there will be a closure of the commercial and trap fishery for 30 days beginning on the third Monday in February. I'll get to that in a second, I'll cover why we went with the third Monday. That when we say commercial harvest that means crab traps, which means trawls, basically no harvest, no commercial harvest of blue crabs for that 30 days. We also said the reason with closure of the trap fishery is so that recreational traps have to be removed from the water as well as commercial traps. The second management option that we are presenting to you is the restriction on immature female harvest. Basically you wouldn't be allowed to harvest an immature female blue crab unless it was for the soft shell production basically. It wouldn't be allowed to be sold in the hard crab fishery. Now both of these actions are for three years 2017, 2018, 2019. It's the sunset basically, the input we got from the crab task force from talking to other folks, was that they would like to see a sunset on these provisions and then we can come back and then evaluate what has or hasn't happened as a result of these actions. So what we will be looking at for the effects of a closure. It's a little hard to say but if we look at the last three years average landings has been around 41 million pounds. A 30-day closure basically is looking at a 3 percent immediate reduction in landings or about 1.2 million pounds. Now, that is not exactly true; it's not like if we don't catch those crabs in that 30 days that we won't catch them after the closure is over with. You will probably have an improved product if the crabs are not harvested at that time they have a chance to grow, get bigger; you'll basically increase the yield per recruit in that thing but they're not unavailable basically is what I'm trying

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

to get at. Just because we say we're going to close for 30 days and that 1.2 million pounds harvested is gone basically, it's not really gone. It may be harvested later. But it gives those animals a chance to escape. Now, why we went with the third Monday. It's easier to remember than trying to go with trying to rotate a date around, trying to worry about when Ash Wednesday is, when Lent is, so basically, here's a graph or a table that depicts when Ash Wednesday would be and get how many Lent fishing days there are basically on the right-hand side. You know, in those occurrences in 2017 to 2019 when Ash Wednesday doesn't start 'till March you're really only looking at a couple of weeks in March where you're unable to harvest. 2018, unfortunately it looks like Ash Wednesday's very early, it's on Valentine's Day, February 14 but there are still 17 fishing days within Lent there. Now, of course, within the regulations that we have in place already, the department has the authority through the Commission to close, for a 16-day consecutive period, any time between February 1 and March 31 for derelict crab trap cleanups. And at that point we are actually able to remove traps during that period, that 16 day period. So what would some effects be from the immature female harvest? Basically it's some of the numbers that we've looked at through our bycatch studies, things like that, is that approximately reduced landings 5 percent, or 2 million pounds; this isn't going to have an effect on busters, peelers that the soft shell industry is still allowed to harvest them just like they are at this point for undersized crabs. You know, if you can have an allowance of that if it's white line or later in the soft shell process. Crabs would still be available. Again, it's not like these immature crabs won't ever become mature female crabs. They will eventually get to maturity. The thing is that we're allowing them a greater chance to get to maturity and

to perhaps get offshore and become a little harder to get and get contribute to our spawning stock of female blue crabs. That's the quick, the dirty there of what you have before you, but, if you have any questions I'd be glad to take them.

Chairman Yakupzack: Any questions or discussion?

Commissioner Courville: Mr. Chairman –

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: If we could, maybe we could hear from the public in advance. I think we have a lot of people who want to comment.

Chairman Yakupzack: I've got three comment cards.

Commissioner Courville: Let's hear from those guys and then give them another opportunity after, if we decide to move forward on that.

Chairman Yakupzack: I'm happy to offer public comment before a motion is made. First card I have here, would like to speak, in person, indicates that they are against the proposal, Mr. Whitney Curole, you want to come forward? Please, state your name and address.

Whitney Curole: Yes, my name is Whitney Curole, 245 Highway 631, Des Allemands, Louisiana. Alright, I'm just against it, man, and the reason I'm against it is I started fishing when I was a kid man, and now I buy crabs, I box crabs, I also have a retail business in Baton Rouge and, closing at 30 days would put a real lick on me. I have, right now I have eight people employed and, I mean, I don't really know, I guess that

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

would put us all in the unemployment line, you know. As far as the virgin female crabs, we've caught them our whole life and, you say that's not going to change anything because it's good for the busters, but required, and when you get checked by wildlife and fisheries in the boat, it's got to, there's got to be more busters on the box. And, I mean, you know, to be in reality with the law, you could put 20 boxes in your boat, write busters on them, and they could be legal. I've been stopped many times by Wildlife and Fisheries and they don't actually know what a buster is. So, I mean, you could put 20 crates on the boat that say busters on it and legally still be good with the law that they're proposing. I'm just against it, I'm against closing the season; it would hurt my business out and I'm against taking the female, not taking, closing the female crabs also.

Chairman Yakupzack: Okay. Thank you for your comment.

Whitney Curole: Yes sir.

Chairman Yakupzack: Next comment card is Mr. George Jackson. Please state your name and address. We're going to take a second during this pause to remind everyone if you wish to speak on any of these remaining items, and please fill out a white card and get it Ms. Wendy over here at the end of the table. Thank you. Mr. Jackson.

Mr. George Jackson: George Jackson, 618 Floresaint, St. Bernard Parish. I'm for getting rid of the maiden crab, but I'm against the closure because I think it's going to hurt the industry; because, they're going to go look somewhere else for product, while its closed, it's going to fall in the Lent season, and, that, and I was for closing it at a different time of the year but I don't think they want it that way. Like right now, the

prices of the crabs is going down. I figured it would have been better for September and October but they don't feel like its better this time of the year. And that's about all I got to say about it.

Chairman Yakupzack: Thank you Mr. Jackson. A final comment card, from the representing Louisiana Crab Task Force, Mr. Pete Gerica. Gerica, I'm sorry. You're handwriting's about like mine.

Mr. Pete Gerica: Yes. Yeah, Pete Gerica, New Orleans, Louisiana. I been fishing for my whole life. I'm 63 years old. The task force, you know, we talked about things that we have to do and we all see that there's something has to be done. I mean, you know, when you get to a point where you got so many traps in the water, because that seemed to be the answer to getting more crabs is not producing more crabs but putting more traps in the water and just clean out what you got. So that's why we're in a problem we in right now. So, you know, we had a couple of votes on the thing and it was always like, you know, 7 to 4, and then maybe 2 abstained or 1 abstained. So, I mean, it seems to be we have to start somewhere, this is the best place to start it; we're only going to do it for three years with a sunset. My experience is whenever we had closures that was nature closes, like with Hurricane Katrina and any of the storms, if you laid off of them for a month or so, you always came back with better production. I mean, it's just common sense. If you get another month of growth you're going to make more money because you have more pounds there. So, I appreciate everybody voting' for it.

Commissioner Bobby Samanie: Of course if, Mr. Gerica, were there any other options that y'all looked at while on the crab task force and what were they?

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

Pete Gerica: We've been looking' at different things. I mean, you know, everybody'd like to see less traps in the water but we haven't come up with a concrete way of doing that. I mean, you know, how's enforcement do it, how do you, how do you know what, how many traps a man has in the water? We talked to people from Virginia and other places and they really haven't got a handle on, you know, how do you limit the number of traps in the water. We also talked about changing sizes. If you moved up to 5 1/2-inch crab, you'd probably get a lot-better yield, you know? Now some people say it would be bad for the picking houses but I know pickers in Alabama and, you know, throughout the different areas that they have pickers and, you know, they want a better yield. I mean you know, if they can get a better yield out of the crab, they can get a better price for them, you know? So, you know, we need to do something and there's just so many options we have that we can take at this time. You know, nobody's in favor of limiting people, you know, so if you're not limiting the people, you're not limiting the traps, you've got to limit some time. It's the only way I know how to manage the system.

Chairman Yakupzack: Okay, thank you

Pete Gerica: Thank you.

Chairman Yakupzack: Any other questions? Discussion? Commissioner Sunseri?

Commissioner Al Sunseri: Mr. Chairman, I'd like to move this favorably.

Chairman Bart Yakupzack: Motion to approve the notice of intent as proposed by Mr. Marx?

Commissioner Courville: Second.

Chairman Yakupzack: A second by Commissioner Courville. Note that the motion was by Commissioner Sunseri. We held public comment first. Is there any additional public comment? Seeing none, all those in favor?

Commissioner Al Sunseri: Mr. Chairman, if I just may say, I, have difficulty with limiting you know, putting so many years on it. And I understand it, the task, the crab task force went through this. There's a lot of people that, that had opportunities to talk. The vote was, you know, almost, unanimous, and with it being that, that said, I, you know, I just feel that there's been a lot of scrutiny over this situation and, and something needs to be done according to those people within the industry. So, I just wanted to make that clear to the public out here as well as to the commissioners and the department. I got concerns about 3 years. I'd rather see less than that but, this is what they chose to do. So, I'd like to move that favorably. Thank you.

Chairman Yakupzack: Thank you. The motion is, is, is made and seconded. All those in favor?

All Commissioners: Aye.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion carries.

Mr. Jeff Marx: Thank you.

Chairman Yakupzack: Agenda item Number 13, to hear a presentation on information relating to the management of red snapper and related costs. Presenting is assistant secretary Mr. Patrick Banks.

Mr. Patrick Banks: Thank you, thank you

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Mr. Chairman. Appreciate the opportunity. This is the first time I've been able to address the Commission since I was put into this position and I'll tell you, it's been an interesting 5 months. And if I look older, it's because I am. What you guys requested that we provide some information this past Friday on the, the related costs of red snapper management in the gulf. Certainly this has been a big topic of conversation for quite some time; several proposals for regional management for red snapper to be given to the states. Over the years it, it hadn't seemed to make it through either Congress or the Gulf Council so far. And we're still pressing forward with trying to do something for regional management at the council level. And, apparently that has, certainly had the topic back in front of everybody and, and back on everybody's radar. And so I appreciate the off, the opportunity to come and give you some of the, the cost-related information that we feel would be necessary if the authority for red snapper management came to the state and would remove federal funding from that equation. So these costs have to do with, with the state management of that species with no involvement from the federal government whatsoever. So when you manage a species, as y'all well know, it's not just about one piece of the management pie, which is any number of those listed above. We certainly have Fisheries-dependent data that must be collected when we manage a species. And the La Creel program that's in place right now is a fully funded program. It was funded through an act of the legislature a few years ago, to increase the salt water license fees by \$7.50 and that generated all the money we need to run La Creel. Now La Creel is a Fisheries-dependent piece of data that's collected for on our charter for hire as well as our private anglers. That's not how we collect Fisheries-dependent data on commercial catches. So we would have,

that would be another piece of Fisheries-dependent data that we would have to fund. And we do that through the trip ticket program and that's funded through the federal government. Our other piece of information that we would need from a management stand point in order to manage a species, any species including red snapper, would be our Fisheries-independent data. So think about your scientific sampling that it takes. When we go out and sample the, the animals in the, in the nature; determine sizes, determine the reproductive ability of those animals, sample different habitats; try to get a biomass estimate basically, the number of fish that're in the water. An, another big part of, of this particular species management that's performed by the federal government, is an understanding of juvenile mortality that's created through our shrimp trawl fishery. So we would have to replace that sampling as well, as part of our in, independent sampling and have to perform shrimp trawl by-catch studies. And that's a big part of of that Fisheries-independent cost estimate of the \$6 million. Of course all this data comes in. Right now all of that data comes in and is, and is managed by the federal government. We collect some of it for them but we send it to them, they manage it. We would, we would take over management of all of that, and we have an estimate, estimated cost for that in Year 1. Another big thing that the federal government does is, they have a stock assessment team that, that does stock assessments on red snapper, grouper, and all, all different kinds of species. We would have to have a team to do that as well. So it, it takes a team of scientists, you know, a lot of time and effort to work on a stock assessment, a true stock assessment of fin fish. And so we estimate about \$300,000.00 there for the stock assessment team to work on all of this data. And then of course we have some administrative support functions

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

that would be required and so we're looking at a biological total of about \$9 million in Year 1, if you add enforcement in there, which was estimated at about a million dollars to enforce out to 200 miles, you're looking at an overall Year 1 cost of about \$10 million. Now certainly in Years 2 through 5, that cost will be lowered. We're, would anticipate only needing to do a stock assessment every 3 to 5 years. We're, we're estimating every 5 years right here as, as the bare minimum. So a large portion of the fisheries-independent data collection would not have to be done in those interim years, but then it would have to be repeated in, in Year 6. So, yeah, this is the Year 1 cost. Just recognize that in Years 2 through 5, it'll be a little-bit less and that's the estimate that we came up with over the last, whatever, 72 hours since you guys instructed us to, to put this information together. And I'll be happy to answer any questions before we move on to the next portion of the presentation.

Chairman Yakupzack: Commissioner Sunseri?

Chairman Sunseri: You said this is Year 1. What would 2 and 3, have y'all gone that far – to see what that would be?

Mr. Banks: Yeah, year, Year 2 would end up being about, well in the biological, now enforcement is the same no matter, no matter what –

Chairman Sunseri: Right.

Mr. Banks: – year it is. But biological total, we would be down in about the \$4 million range on Years 2 through 5.

Chairman Sunseri: Thank you  
Mr. Chairman.

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: Mr. Chairman, in the spirit of what we did on the last agenda item, perhaps we have some people in the public who want –

Chairman Yakupzack: OK.

Commissioner Courville: – to comment on this or are we not there yet?

Chairman Yakupzack: Well, –

Chairman Yakupzack: Yeah, he's not quite done with his presentation.

Chairman Yakupzack: Okay

Commissioner Courville: Well then I have, in, in that regard then, I do have a couple of questions.

Chairman Yakupzack: Okay.

Commissioner Courville: how much do the feds spend now on this issue? Do we have a handle on it? Is it 10-point –

Mr. Banks: I, –

Commissioner Courville: – something million?

Mr. Banks: – I do not

Commissioner Courville: Do you have a sense on what it costs them?

Mr. Banks: No, unfortunately, I don't have an idea of what they spend. They, they send a boat out and they sample all species, of course, and red snapper being one of them. Or they hire us to go out and say, and sample all species, red snapper being one of

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

them. So I don't know that they know how much they would spend on just red snapper if they just had to do red snapper. Certainly the bill that's before Congress right now does not have a CBO score; that would be very helpful for us to know what, what they would spend on managing just red snapper but unfortunately we don't have that estimate right now.

Commissioner Courville: Is it, is it safe to assume that in the event this were to come down and, and be our responsibility that the feds are going continue to sample everything else that they're currently sampling though, correct?

Mr. Banks: As I understand from, from speaking with them, they would still send their ships out to go and, and sample way offshore like they're –

Commissioner Courville: They just close –

Mr. Banks: they're doing now.

Commissioner Courville: their eyes when they saw snapper.

Mr. Banks: That's, that's the best guess they can give me

Mr. Banks: And, and they – and so they would not be able to provide us any of that information.

Commissioner Courville: You mentioned the shrimp trawl by-catch, I assume they're not only looking at snapper during that effort, is, is that, is that a fair assessment?

Mr. Banks: That's right, they're –

Commissioner Courville: So –

Mr. Banks: – they're –

Commissioner Courville: – is it safe to assume they would continue to collect that data?

Mr. Banks: Our hope would be that they would collect that and we could request it.

Commissioner Courville: But under a Freedom of Information Act.

Mr. Banks: Right, and say, "Well, we're not going to use it for snapper so that we could still get it" and they wouldn't, they wouldn't be violating the, the, you know, no funds are spent on snapper mandate, you know, and so, you know, but we can't, we can't assume that at this point so that's why that \$6.4 million includes if we had to go out and do that shrimp survey ourselves.

Commissioner Courville: Okay, and then, I think maybe my last question is, do we have a, a, a sense for how much we currently spend, managing snapper out to 9 miles in our current budget?

Mr. Banks: In our current budget we spent – what'd we do for snapper right now is Fisheries dependent data through La Creel and, and that's –

Commissioner Courville: So we're spending about 1.8 million.

Mr. Banks: Well, 1.7 is what we've spent on La Creel in this past fiscal year.

Commissioner Courville: But –

Mr. Banks: So remember that Fisheries dependent is La Creel and, and other Fisheries dependent data collections which brings it up to 1.8.

Commissioner Courville: And we're not doing any data management, I would

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

assume the administrative support would be somewhat similar although expanded and then we're obviously enforcing it too, so, but we don't, is that sort of all in there, uh? The, I guess where I'm going with it, Patrick, and you know what it is, is how much incremental money are we sort of considering and maybe we're not there yet, uh –

Mr. Banks: Well, a, a lot of this would be – now I can't speak for enforcement – but a lot of this would be extra work that we would have to do. For example, Fisheries independent data collection, if we can't get that data from the federal government, we have to hire a ship, put our people onboard and we have to go out and take that data, and we have to bring it back and we have to crunch it, we have to analyze it. So, you know, that's, that's new efforts that we would have to put together to go and do that, that work if we had to do a, a, a brand new stock assessment.

Commissioner Courville: okay, but, I mean, anybody can ask anybody for anything these days –

Mr. Banks: Yeah well maybe so –

Commissioner Courville: – unless we've switched our form of government to some other form outside of democracy it, and it'd be nice to know what, what they spend if we can figure that out at some point.

Mr. Banks: Yeah, that, we, we're hoping to have a, a CBO score of the bill which would help us understand that.

Commissioner Courville: Um –

Chairman Yakupzack: 'Cause –

Commissioner Courville: – and, and just to clarify, you, you sort of, obviously you've been working to develop these numbers, but you mentioned that you had about, you've sort of settled on this in the most, in about 72 hours plus or minus?

Mr. Banks: Right and that, which was a group of about five people working almost around the clock trying to put this all together. Lots of conversations amongst staff, amongst different sections of our Fisheries on how much it costs to go offshore, how much work we do, calls to the feds about what they do, how they do it, what we would have to replace, things like that, so it was a –

Commissioner Courville: Okay.

Mr. Banks: – it was a –

Commissioner Courville: Okay, thanks.

Mr. Banks: – a large effort.

Commissioner Courville: That's all I have for now.

Chairman Yakupzack: Yeah and I'll, I know you – got a thick packet here and you got plenty of present, presenting to do, you got more to talk about but just since that's come up now three times about the 72 hours, I think it's important to recognize for this commission that the questions about related costs started on the, the 21<sup>st</sup> when the Commission, the Commission, no, I began receiving calls from commissioners on that day and so thank you very much for working very hard over the last 72 hours to prepare this for presentation, but we, we, we've, this has all been a topic for now nearly 3 weeks and, and to, to receive the agenda on Thursday and for it not to have a presentation of any sort about this was a

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

little surprising and I got call after call from, from these guys saying we weren't going to hear about this and so that's why at their request the agenda it was add, was, item was added. So, I certainly appreciate your hard work and sorry that your, your holiday was, was compromised but I do want to, did want to recognize that point.

Mr. Banks: Well I, I'll tell you, my holiday was not compromised, thank goodness, but you're, you're right, we, we have been talking about calls for several weeks now and we were able to put together a rough cost estimate several weeks ago but this, to present it to you guys, we knew we had to have every bit of meat on the bone that we could possibly get at this time and, and that's the difference between the general cost back-of-the-napkin type effort we did a few weeks ago and this one and, you know, I knew that y'all would have a lot more questions at this point.

Secretary Melancon: Yeah, and, and if I might, um –

Chairman Yakupzack: Secretary

Secretary Melancon: – back on the 20<sup>th</sup> we had put some rough cost estimates but everyone kept challenging our cost estimates, so we finally after asking the, finance and management group to try to give us numbers, they kept trying to figure out where they were coded, where they came from, what the actual numbers were, we came to the conclusion that we weren't really going to have solid numbers to give you or didn't really have, other than "we think this is what it is", so it wasn't that it just got put together in 72 hours ago, it was, because we didn't want to come here and have questioned the numbers that we had, we wanted to try and give you something

that we thought we could basically put out solid and say "here's the numbers", so.

Chairman Yakupzack: Thank you.

Mr. McClinton: Chairman, commissioners, Bryan McClinton, Undersecretary Wildlife and Fisheries, I was asked part of this presentation to kinda give a, a fiscal update on, as part of this, on the cost and how it impacted the department. A couple of you have, have, we've discussed this in the past so this is not going to be new information to everybody but I'm talking about the conservation fund. The conservation fund is the largest funding source at 63 percent of kinda the department's expenditures, it's what can be expended that, that doesn't have a statutory dedicated or a federal nexus on it to where it, it has to be spent on certain things so that's the majority of enforcement, the majority if anything doesn't fit within something else, so it, the, the assumption is without, the federal dollars, that's where the brunt of it, the additional costs that would come in would, would impact the conservation fund – and I'm trying to see how I get this thing to scroll, sorry. This is a very brief projection of the conservation fund. You'll see 15/16 still projected; that's, because we're still receiving invoices and some of those are grant related, we'll draw that federal dollars down so revenues may go up, expenditures may go up, that's kinda where we're at right now. You can see as we project out, I'm currently projecting and - , when you see your presentation to me for the new commissioners, always do this as well, at 20-21, we look like we're going to be needing general fund to exist which is a 4-year, 4-year out projection. So, and the question, also I'd like to know, I'm on this page at bottom, is reductions that have occurred, usually mid-year budget reductions, because the state's at a deficit and they're allowed to take 5 percent of our

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

statutory dedicated funding so that's what some of those reductions are at the bottom. You can see, I'm not projecting any of that but I'm going to address it a little bit later. The, this is the conservation revenue. The top line is total department, the total revenue within the conservation fund. That secondary line that's right below it that has a very similar shape is our mineral revenue. The third line down is recreational hunting and fishing licenses. The bottom two lines are commercial and fishing licenses. The majority, please note the majority of that funding goes to commercial, to commercial interested, statutory dedications, that's why there's not a huge amount that goes to the conservation fund and the other is boat registration and other permits and things that are sold. The reason I wanted to show you this to show how dependent we are on a mineral revenue and one of the reasons that we're currently in the situation we're in, that you say "well I haven't heard about this", prior to that is the \$35 million cut we've taken from last year, year-end and, again, I know we're still projected but we're pretty close to where we're going to be revenue-wise this year, it's about a \$35 million less in revenue on mineral, mineral royalties that are generated on a WMA. you couple that with these are the, the reductions that we've had from the last 8 years, these are mid-year budget reductions or fund sweeps or us purchasing different things and we've, that we've been, through different, either acts or, or executive orders, if they've given up about \$15 million in conservation fund. there's also some other obligations for the past several years we've been funding the \*\*\*\* libation program at DNR, we've been giving the mineral board at DNR to collect our mineral revenues; we've never done that in the past but twice we now, we've, we've supported them, you can see that's a little over \$2 million and then we've had our, a lot of our functions in Office of Management

Finance has been consolidated first at DNR and then the division administration, that's \$7 million. If we had that in-house we would still have to pay for those functions, I'm not trying to make this look, you know, inflated that's another \$7 million but there is some cost savings because we do pay a premium we do pay an overhead which we wouldn't have if they were in-house but I just wanted to say that does add to why we're currently in the \$3 million deficit, the for 20-21. And this last slide is some, some release mineral revenue that we've, that's been collected on our behalf that we did not receive, the state hasn't given us. We, we've argued it with the entities that are involved and we've gotten some payment back but there's still 6½ million and we've been told that it's unlikely that we receive that money so I just kinda wanted to show you that, you know, the department, when we had money, we've been looked to and required to help out other agencies, help out through executive orders and things, and we, and I don't begrudge doing it but projections, I guess, my wrap up, I got a \$3 million deficit in 20-21, I got a \$35 million increase, decrease in mineral revenues from the prior year, we got additional costs. I do not have that consolidated functions in that 24 million because I didn't think that was fair, and, but we do have concerns, because the currently the state's budget's not real healthy, K through 12 is not funded, you know, some of the hospitals aren't funded. I'm anticipating us to have to go through another mid-year reduction, they come and take another 5 percent, so I just wanted to kinda give you all an update for those who haven't seen it, on kinda where we are financially. Thank you.

Chairman Yakupzack: Thank you.

Secretary Melancon: Mr. Chairman, members of the Commission, let me start by

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

saying that. Since I've been at the agency, I have said and I continue to say, that with regards to red snapper, my goal was to provide a larger Creel limit and more days of fishing and that still is my goal and that still what I have told the, the staff and the biologists for this agency that we want to do. If you, the man, the federal government as people say, is not managing the fisheries, the Gulf Council manages the fisheries. The Gulf Council is made up of 17 people; one is a federal official, the rest are five state directors, representatives of the commercial, recreational sport fishing and charter fishing sectors. Those 16 people are the Gulf Council. The proposal to establish a new bureaucracy to replace the Gulf Council would be additional revenue, because the feds are not going to fund it and I'll talk to that in a few minutes. The problem is that we've got citizens and stakeholders that are involved that some want it their way or no way and they can't seem to come to the realization that you got to give some. The Gulf Council saved the red snapper. Does that sound like an organization that can't do something when it wants to do it?

The red snapper, it was at about 3 percent estimated left in the Gulf of Mexico. It is now up to about 65 percent. In the last 4 years the quotas or the allotments have doubled for the different groups. Now, Magnuson Stevenson was put in law for a reason, because people were fighting over the fish rather than discussing how to make sure that we conserve the fish. We as an agency, the Council, NOAA, Magnuson Stevens, is all about conservation and it may not be that we're happy with the number of fish we're getting right now, and we're not, particular when you go offshore in Louisiana and you see the quantity of fish that are out there. When you go offshore in Florida and Alabama, not so, but they've got the fishermen. So, to set up a Gulf Council

or a new entity still doesn't solve the problem of how you going to share the fish, it's still problematic and it's going to be problematic. If you divide it to the east and the west and you do the new proposal, there's going to be five guys running this whole thing; no public input like you allow, no stakeholders' input, it's not provided for. Five guys. So let's say Texas and Louisiana decide that we're going have our Fisheries and do whatever we want to do from the Mississippi River or from the Mississippi line going west. There's three votes on the other side that may decide they don't want to let us do that without public input, without stakeholder input, without any kind of input. So from the standpoint of are we being regulated by the feds, no, we are the Gulf Council. The five states run the Gulf Council, make the decisions, cast the votes and for some reason we can't seem to get where we want to go even though and one of the things, and I think you're going to cover some more viable about what we've done, yeah, what we've done, let me speak to, and let me go straight to my notes so I can make sure that I'm not misquoted, because there was an article that said - was written that said that Charlie Melancon was against state management of the Fisheries and that is a lie, I mean it's just blatantly not correct. I felt that the resolution passed by the Commission in April obligated this department to pursue one of several options, only one of several options, related to a very complex and contentious issue. The resolution passed essentially prohibited myself or any of the Fisheries' management and biologists within this department from exploring all options to accomplish the goal of providing recreational anglers longer seasons and increased daily bag limits. Nevertheless, and putting aside the questions of with whom the authority lies to make decisions related to federal Fisheries' management, I respected this Commission's

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

wishes and followed their direction. On numerous occasions I was requested to express concerns in opposition to Congressman's Graves' bill, HR 3094 and I didn't, I stayed quiet. Congressman Graves himself stated during congressional mark up on HR 3094 that this bill is endorsed by all of the Gulf states and if in fact this department or I would have opposed it, Congressman Graves would certainly not have knowingly provided false information to the committee. Two days before that vote, I received a call from a former senator that's a friend of mine who lobbies for and we didn't even get into the question who she lobbies for, but she asked what was the position of the department and I said that a position, as far as I knew, was to support the Graves bill and asked me if I was going to do anything and my comment was "no, one way or another for or against, my hands were tied, stay at home, don't get involved." That was basically as I interpreted the resolution. Chairman Bishop, however, during the congressional markup, Chairman Bishop authored and passed an amendment. That amendment was basically to gut the bill. It's a poison pill amendment. It's how chairmen that don't want something to come out will kill a bill by letting you get a bill passed out of the committee. His quote, "This removes any of the federal funding from the authority, one of the things I think significant." Then ranking member Grahald just to ratify it, and if you look, if you go to the web site, you can see this committee in action, and Representative Grahald, who's the ranking member says, "This amendment makes sure the states get all the responsibility but none of the federal funding, the very definition of an unfunded mandate." That was in the committee hearing. You can see that online anytime. The Wildlife and Fisheries Commission resolution should, said "Gulf States red snapper management authority should prove

to, to not be viable, then the Louisiana Wildlife and Fisheries Commission will work diligently in conjunction with Louisiana Wildlife and Fisheries Department toward a resolution for successful management of the resources for the betterment of the Fisheries. Without any federal funding associated with this mandate, along with the proposed role of the U.S. Secretary of Com, Commerce, without the new authority that would be established" – and by the way, it's a new, it's a whole new administration bureaucracy which I think most people that I know are against establishing more government, but it basically provides that there would, that U.S. Secretary of Commerce which includes NOAA, includes the Council, includes any government money would not be allowed to use the federal funding to provide to any of the states or entities of the state in the management of the red snapper. so that's where, and I'll get to how I came about making this statement actually it was about 5 days after the committee, I'd still not ever said anything and found it kinda strange that a press person from Louisiana hadn't called to say what I thought but I did get a question from a reporter out of Texas. We were on the road, we were over at the Gulf going to the Gulf Council and this reporter, we asked him to put his question in writing so the question we received is "If asked by legislators whether Louisiana Wildlife and Fisheries would favor the Garrett Graves Bill to allow for state snapper management but without federal funding how would the department respond if asked by state legislators?" My answer: "HR 3094 would transfer to the Gulf states the management authority and responsibility" – and this is after it's passed with the killer amendment – "to the states, the management authority and responsibility for scientific data collection for the red snapper resource in state and federal waters off their respective coast.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

However HR 3094 as recently amended by Congressman Bishop would not transfer any federal funding to the states to conduct necessary stock assessment, research data collection or enforcement. Without federal funding Louisiana could potentially lack the proper resources to manage the red snapper fishery. HR 3094 would not be a viable option for the Louisiana Department of Wildlife and Fisheries. It would be fiscally irresponsible for the department to support any mandate that would result in the unknown amount of fish, of fiscal burden placed on the State of Louisiana for the management of a single species of fish. As a department we are charged with managing our Fisheries, our fishery resources for optimum yield and the same applies to our fiscal resources. The department is committed to responsibly managing our fishery resources, and we understand some of our user groups are frustrated with the current federal management of red snapper under the authority of NOAA Fisheries and the Gulf of Mexico Fishery Management Council. We remain committed to working with NOAA Fisheries, the Council and its members and all interested stakeholders to ensure optimum utilization of the fair and equitable access to the red snapper resources. The department's, department's goal is to, to begin a collaborative dialogue with our state and federal partners to find a durable solution to these issues concerning management of the red snapper resources of, for the public good" and that was my quote. Never a word about state management where this thing got all blown out of proportion. Now, the reality, you've seen the numbers. We're facing a half a billion dollar deficit this fiscal year. There are people, old people, young people, that can't get medical treatment at the hospitals, because we've cut, had to cut the budget. K through 12 has been cut drastically. The

university's got a few dollars back, but that won't even give them 1 percent of what they needed to get back. We as an agency since the day I got here have been looking at every contract, we have proposed through the process that we need to, the legislature, to reorganize this department. We found that we have a whole lot more chiefs than we had Indians, and that's not supposed to happen. There is guidelines of how you structure your organizations. So we, I think in the first 2½ months we found somewhere in the neighborhood of I think 2½ or \$3 million of much of contracts that we could go to and get out of, and basically I said we will stay with those that are needs and meet the core mission of this agency and those that we, or wants, let's go and ask, see if we can get outa those things. And we've done some of that, and there's more to be done. As you know we have been going through an audit. Consumption of time has been spent more in responding to those audit requests, than I would've liked and would've liked to have a whole lot more time in actual policy, politics, in terms of trying to make sure that we had a smoother ride on things, with, with the commission, with the stakeholders that are out there. One of the things that I said when I got here, in the first couple of weeks, was that when I saw what was going on with the red snapper fisheries that it would behoove us to try and put all the stakeholders into a room as they do at the Gulf Council and see if we can hammer out at least in one state the differences that exist. And if that's the case, then maybe we can meld that in and get other states to sit down and do the same thing to where we can get this resolved. What I see for Mr. Graves' bill, and I served in Congress and I know what the actions are and I can tell you when a committee chairman puts a bill that takes the funding out of the bill, it is a killer amendment. It is not intended to be a friendly amendment, although I can tell

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

you and I've been in position where the chairman says either you can bring the bill and you get it passed but I'm going put a killer amendment, whatever it's going to be, and you have that gentlemen's agreement, if you feel that you've still have to move the bill. So what I saw on that day is I believe what transpired, but the fact is if you look at the legislation, in Section 505 Prohibition on Federal Funding, no federal funding shall be appropriated or used for the GSRMSA or its members to carry out management actions of red snapper in the Gulf of Mexico, period, end of sentence, next section starts. Happy to answer questions, my staff is happy to answer questions. I have never been in a position where I'm against anything. I have always tried to find resolve to an issue, and as I tell people that's the blue dog in me. That's the Billy Tauzins, the John Breauxs the people we all know, about trying to sit down and find resolution. Some people may not want resolution, and for that I can't do anything. But as in a person that has served in public office, that is now here at the department, trying to use what skills and what, the errors I made in the past to try and make sure that I do a better job in the future. It's all about trying to find a resolve to an issue that has been festering for too long. But people have to talk and people have to give, and one of the things that I have learned, I learned it in a marriage. I'll be 44 years this month. If you don't give in somewhere and, and give some, then it won't work. Business deals are the same way, mitigation in lawsuits are the same way. Sometimes you have to give some to get some. So when everybody gets up from the table, if nobody is truly happy with what they've done, the chances are it's a good deal. If one side gets up happy and the other side gets up mad, then you can bet somebody came out on the short end. Now, back to where we started. Do I want and does this department want more fish in the

Creel and more days to fish? The answer is absolutely emphatically yes, and it has been since the day I got here. So all the accusations, all the running around, is about one article that was written that if you look at the headlines and then you look at the first paragraph you would believe that I said that I'm not for state management. I'm for state rights, always have been. I've also always been against mandated, unfunded mandates as a public official. Voting record, you can check it if you like. That's the person I am, but I'm all about trying to find resolve. So with that, I'm happy to answer any questions, my staff is happy to answer any questions. They know, and I've told them since the day I arrived here, this is about making things better and not about stirring controversy, and I'm sorry that some people misinterpret the fact that the fiscal irresponsible thing is the easy way out. To say that the state can't afford millions and millions of dollars, this agency included, is not, I mean, that's, it is what it is. So I put that before you. If we were flushed with money we could maybe find it, but if I've have to go find money within this department, because I doubt very seriously the legislature's going to be giving me any money. But if I got to go find money then who do I take it from, the shrimpers, the crabbers? How 'bout the duck people and the deer people? I'm going to have to rob a pot somewhere to get the money. And so I want to try and make this agency solid for as long as I'm here and further into the future after I'm gone, and that's basically what I'm going to try and do. So I thank you for the opportunity to visit with you and, be happy to answer any questions, me or the staff. I think Patrick has a little bit more information. Starting the Monday at the Gulf Council when I felt like the bill was unviable, I sat down with Patrick and Myron and we started talking about what can we do now, because I felt like I was, I had the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

ability to have conversations finally about do we have any options. So we wanted to try and start back up the conversations in the Gulf Council about a recreation fishing, whether it's regional, whether it's state, any options to put on the table to try and solve the problem. And we had discussions about trying to increase the limit, we may have to shrink the day, because of the quota, but increase the limit so those boats that are going offshore they can maybe get more fish, and Patrick will talk to that because that was a conversation I felt that the scientists need to have and it wasn't just for a layperson like myself to be involved. Questions, or would y'all like to let Patrick finish up?

Chairman Yakupzack: Let's hear from Patrick.

Secretary Melancon: Okay. Thank you

Commissioner Courville: Thank you.

Audience: Applause

Mr. Banks: I don't have any more of a presentation. We all prepared to present some information about the state red snapper season to you all, and it would give you an idea of how many fish have been harvested so far, how many, how much longer we think we can leave that open, maybe is there some opportunity in the future possibly to request an increase in bag limit, things of that sort. I would recommend that you allow us to give that presentation so that you know where we stand in terms of the season and how many fish have been caught, and then we can get into more in-depth questions, but I'll follow your lead.

Commissioner Courville: Mr. Chair –

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: I was thinking you were going to talk about something else. So if you would oblige me, I've got a couple of questions and I appreciate the clarification by Secretary Melancon, so I'll direct this at whoever wants to take a stab at it. I thought you were going to talk about the amendment that was moved forward at the Gulf Council meeting and –

Mr. Banks: I can if you would like.

Commissioner Courville: Yeah. I read it and I'd like somebody to explain to me what I just read!

Mr. Banks: Yeah. Well, it's a little bit difficult to explain, because it was a lengthy debate.

Commissioner Sunseri: Wait.

Mr. Banks: Sorry.

Commissioner Sunseri: I need to hear the amendment.

Commissioner Courville: Okay. You have it?

Mr. Banks: I don't have it in front of me.

Commissioner Courville: Should I just read the little excerpt I have? "Gulf of Mexico Fisheries Management Council motion introduced by council member Patrick Banks on behalf of the State of Louisiana June 23<sup>rd</sup>, 2016. Motion to direct staff to create a new amendment for management of red snapper for the private recreational fishery in the Gulf of Mexico considering all options including regional management with input from the ad hoc private recreational

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

advisory panel. Motion carried by a vote of 9 to 6 with one abstention.” What does that mean?

Mr. Banks: Well, I'll do my best to explain it. As Secretary Melancon indicated when the funding issue became a concern we got together and said how can we do what the Commission ask us to do if we don't believe this is the red snapper authority is going to be viable. So how can we still move down that road and try to do what the Commission wanted us to do? And at that point we felt like there was no way we could bring back full regional management in front of the council. That which clearly didn't work before. So we said well, why we don't try to start looking at just the private recreational anglers and see if we can get a regional management approach or some sort of a framework for that type of management through the council as a starting point to try to do what you guys wanted us to do. So my thought was well, the commercial side of the council has always been very skeptical of us, so I need to do what I need to do with them to try to convince them that we're not trying to pull anything over on them. So I talked to each of them, talked to them about what we're trying to do, what we're hoping to do, that we were not trying to change the management process for the commercial sector. We were not trying to change the management process for the charter for hire sector. This was strictly for recreational private angling only. And after a lot of conversations we got a lot of support. Unfortunately, we didn't get the support of the recreational members or three of the other four Gulf state directors. But that amendment, the original motion, was to develop a new amendment to develop regional management for the private recreational angling community. That was the original motion. A lot of discussion took place at the council. One of the other state

directors was concerned about the context of regional management, I can't remember all what she said, but I offered to change the wording of the motion, and then another comment maybe from another director, I can't remember, wanted to make sure that we waited until we got input from this ad hoc, private recreational advisory panel that was being put together. I said fine, we want input from everybody, you know? Certainly input is not bad. And I welcome from that group from any group. So that's how the motion got changed up and got somewhat confusing in the end, but the gist of the motion is to try to get an amendment started through the council to develop a regional management plan or some other management framework for the private recreational community.

Commissioner Courville: Okay. So based on that, what gives us any sense that all of a sudden they've developed an interest in doing this when it doesn't appear, and granted I'm reasonably new coming into this deal, but they've had a lot of interest in that in the past. Why all of a sudden, why the change –

Mr. Banks: Yeah.

Chairman Courville: – of heart? That's –.

Mr. Banks: It's a valid question and I'm, and I'm new to the process as well and, and the other state directors told me I was being naïve. But all I heard at the council for the two meetings that I've been there is this council can do nothing, we can get nothing accomplished here. Everybody seemed frustrated, but yet nobody wants to stand up and actually do anything. This I felt moved us down the road. I mean, how, how can we, if we're just going to sit there and not take a step forward, because we don't believe that we can walk, well, then we will

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

never try. And so, so I felt like that we got a lot of support for trying to move this down the road. Unfortunately, and it was somewhat surprising to me that the recreational community did not support it. They, they, they wanted us to go about it a different way, and that's something that we're going to talk to you about in a minute you know, the season and trying to increase bag limits. But, but we got a lot of support at the council. I mean, it said 9 to 6, it was actually a 10 to 6 vote. I mean, that's, that's unheard of from what I've been told at the council. Everything that's controversial is 9 to 8. You know, it either passes unanimously or it's 9 to 8. The fact that we got ten votes to push this forward, people are telling me that we've got a new, a new feeling at the council that Louisiana's work, is working again with the feds, working again with the majority of the council, and it, it just feels like to me we can make some progress. Now, this new amendment may, may come through the council and it may be something that we can't, we can't support in the end, and that's very possible. I think that's what happened to Amendment 39. I think the previous administration moved that forward and it was a very good amendment to start with, but in the end it just got to a spot that they just couldn't support in the end and they, they voted along with other state directors to table it or postpone it indefinitely or whatever, and that may happen in this amendment. And you're, you're right, Commissioner we, we may be in the same spot, but to say we're not going to try ever again I just don't, I don't, I don't see how we can do for you guys what, what we're asked to do and push forward with regional management if we just sit on our hands. So, you know, if that's not the way y'all want us to do I, I'll gladly, you know, take your all's lead and Secretary Melancon's lead, but I feel like that we just

had to do something and we got a lot of strong support.

Chairman Yakupzack: Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. I, you know, I'm a solutions-type person and you know, you know this Patrick, a lot of people, you know, in the audience know me as well. And it's, you try to come together so that you can meet a happy medium and no one ever gets what they want but you have to come to a solution. If you don't, you always have this back and forth, back and forth, and that is not going, that is not a successful way to own any show. I mean, I'm a businessman and there's a lot of hard decisions I've had to make as a businessman, especially over these last 6 years since the deep water horizon disaster, and a lot of them were good, they're fun, but you know, it was what needed to be done to be able to make it work. So I'm hopeful no matter what goes on that we look at this in a solution manner trying to, to fix whatever's wrong. I don't know what's wrong, you know, but I'm looking forward to learning what, what the issues are on, on this, and hopefully we can, you know, reach some kinda solution to whatever management issues we got. Thank you, Mr. Chairman.

Commissioner Courville: Mr. Chairman, I'm Commissioner Courville. I have a follow-up question, and it may be better directed at Secretary Melancon, but I'll let whoever wants to dive into it give it a shot. Based on, on the secretary's comments earlier, do we have more faith that the resolution to this issue lies in the Gulf Council or in state-based management?

Secretary Melancon: Well, what we put into the amendment – an amendment is basically

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

a bill in the council lingo – what we've put in there is that we put all options on the table and have the open discussion. If it's state management, if it's regional management, if it's gulf-wide management. I still have a problem trying to, to figure out, and I think I've told you this before, we've got biomass in Louisiana. They don't have the biomass over in Florida and Alabama but they damn well have more fishermen than we'll ever have. So the problem is how you get the fish from the bi, in the biomass state to the fish in the fishermen's state. It doesn't change it no matter where you're trying to make the deal. You still have the same problem. But to take it and put it in a bureaucracy that's got five people who are not elected. Appointed. That would be one would be me. Do you want to entrust five people that you don't know with no public input, no stakeholder input to make decisions on the life of the fish that we want to preserve and conserve for not just, you know, this generation but others?

Look, I remember when we went to three-duck limit and I know that, that, that the hunter right there, Mr. Courville, understands ducks. There was some very angry people in this state but you know at the time, Ducks Unlimited had a lot, had biologist and scientists and our state agency biologists and scientists and U.S. Fish and Wildlife biologists and scientists says you need to do it. It has to be done if we're going to conserve. If we're going to make sure that there's going be ducks for the future. So everybody pulled together and did it. Now right now, and I'm not going to get into the biology, but there's a whole lot more fish probably being thrown back into the, into the gulf rather than taken in, because their bladder has come out that can be brought home or should be brought home and the council should address those culled fish and should try and find some ways to

find a solution to it. It's a matter of having the guts to sit down and have an honest conversation about it. What I found about the council and I tried to get a person appointed to that at-large seat. I was unsuccessful. I thought I had a good shot at it. But as I told the people with NOAA and the people with the Department of Commerce, when I talked with them about giving Louisiana that, that at-large seat, that I found that's what happening at the council is that you've got round pegs, square pegs and triangle pegs. If you ever had a peg board, you know what I'm talking about. And what happens is as soon as it gets controversial, every peg goes to their appropriate holes and sit there and they don't do a thing. Which means they lock up. But it's not the feds. It's the people from the five states. They partner up, they lock up and make deals. I don't know. One thing that I told the guys that sit for Louisiana when they asked what I wanted them to do, I've told them all. I want you to do the right thing. We are the people that are responsible for the conservation of this species and every other species. And what you need to do is make sure that whatever we're doing is for the best interest of the species so that we will have the enjoyment and pleasure of them into the future, so our children and our grandchildren have them. We may have to pay the price in the short term by being limited by what we can catch. And I know that's frustrating. But there's been things that've been established in law, in the council, by rule, been through the court cases, have been fought out. The rec sector is the only sector, the rec to private sector is the only sector that hasn't resolved its problem. The commercial has an allotment. They know how they can fish, when they can fish, where they can fish. The charter people the same thing. Like it or not, they've got it. It's done. So do we start dismantling legs that are working

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

already to fix one that isn't working yet?  
No. We got to be able to figure it out. And remember, in 4 – what is it – 4 years, I think we've doubled the quota that's been allowed for the Fisheries, for the entire Fisheries of red snapper. I think our bigger issues are going to be about who, how you get those fish from where they are in Louisiana to other places.

Mr. Banks: Commissioner Courville, I'll, I'll try to answer as best I can your question. Do I believe the, the congressional act is –

Commissioner Courville: That's my question.

Mr. Banks: – State's management or do I think the council's - the answers. I don't know which one. But, and that's why I think it's critical that we, we operate with as many options on the table as we can. You know, I don't know a lot about politics. Thank goodness Secretary Melançon does. But, but when I hear things about Congress and, and the difficulty of getting a bill through and certainly in an election year, I, I look at that and say we need to be, we need to be working another option, you know, as best we can. And it doesn't mean that we're, we don't think that's a good option. That's a good road that'll get us, get us to the finish line. This is a road that we need to explore to see if it gets to the finish line and whatever other option we can come up with at this point. And so, that's the short is I don't know which one is the best option but I feel like, because of that, we have to explore them all.

Commissioner Courville: Well, then let me rephrase my question. Do we have a sense that we are exploring them all, because I, you know, in, in my judgment, you know, I've seen your budget and I appreciate as, as Bart mentioned, Commissioner Yakupzack

mentioned, I, there's, that, that big Fisheries' independent data thing that's out there that we think might or might not be done, that changes the game a lot. That's a big component to this, this budget, and without knowing if we can get that I think I agree. All options are on the table. Me, personally, I sure would love to hear and I intend to attend a gulf council meeting to find out if we can get a sense that these guys have had a change of heart. However, call me cynical, call me whatever you want it, I – let me back up. So is it fair to say, based on, on the comments heard here today, that we're putting a little bit more faith in the gulf council route than, any other route? Is that, is that a fair statement?

Mr. Banks: I don't think that's a fair statement. I don't know how much faith to put into either one of them, Commissioner Courville. The thing is to sit back, we just felt like, we were sitting at the council a couple weeks ago and to sit back and put all our faith in, in one route when it looks sort of bad, we felt like we needed to start forging another route. And, so that we had that option on the table as well. And if, and if the congressional instrument makes it, then we're set. We can, we can withdraw that amendment from the gulf council and, we won't need to do anything, thing else. But, you know, I don't have a good sense of which one is, is preferred.

Commissioner Courville: Sure.

Mr. Banks: I will say that the gulf council has been in operation for a long time. And it's done good work. Now, yeah, it's not perfect, just like anybody's not perfect. And we may disagree with how many days we get and I'm not happy with that either. But the fact is, that council, the man, the management scheme that it's utilized, has brought a fish back from the brink.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Commissioner Courville: Sure. Absolutely.

Mr. Banks: So know, so we may not like the access that we're getting but, but it's, it's, it's done its job. It has managed that species and conserved that species. Now we need to fight to get greater access to it.

Commissioner Courville: Let me, let me back up one time and I hate to bogart the floor here but this, this may be my, the declining part of questions, do we have a sense of what the other four states, that we were at one time sort of partners with, if you will, do we know their positions on this same bill and theoretical unfunded mandate?

Mr. Banks: I don't know their position on the unfunded mandate. I know that they were, like we were, in support of the bill or in support of state management. I don't know that they put out a statement about the bill itself. And they're certainly in favor of state-based or regional management. They voted against my motion. All but one voted against my motion at the council. They were concerned about the timing. They were, Texas, was concerned that it didn't include the charter-for-hire industry that that's the only way they could support it is, is if, if we brought in the charter-for-hire industry into the motion. And, so there were, there were various reasons. But they all spoke eloquently in front of the council about the need for regional management. So I think we're all in the same page there. They just, they spoke about the need for regional management and they support regional management but they couldn't support my motion. And Florida abstained, so anyway.

Commissioner Courville: Okay. I'll take a breath and let somebody else chime in if they care to.

Chairman Yakupzack: And I, I'd like to follow up since you just made a comment about it, the Texas position, with regard to your amendment about where Texas would support it if the charter-for-hire were included in your amendment. What's the department's position on that?

Mr. Banks: Well, my feeling is right now, Mr. Chairman, is that certainly charter-for-hire traditionally and private angling is all one recreational sector, and that was the way I think Amendment 39 started out, but then when that sector, separation occurred, you know, pulled the charter out from there, from the private angling, that, that issue was controversial. But it, it has stuck. It has been challenged in court and it has stuck, so the feeling I have is, is yes, traditionally it is part of the recreational sector, but we've got a charter-for-hire sector that's working through the council process, building their framework for management; they're not quite sure about it yet, but they wanted some more time to continue to explore it. I felt like it was fair to give them more time, so I didn't feel like it was fair to try to pull them into this, while they're working on their management framework, at least, at least the folks that are there and talked to us seem to be happy with it, and they want to try to see if that framework works. Now if we, if we do something with the private angling community that works, and is really, really good, I think it would be easy for that group to come back, you know? But to dismantle the commercial side and, and the charter-for-hire that seem to be working, just to get this done, I well it wouldn't have made it. It wouldn't have even passed the council had I included that, so, so I didn't, I didn't feel like it was a, it was a motion that could make it, if I accepted what Texas asked me to do.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

Chairman Yakupzack: Okay, will you put back up your chart, please, with your costs, for a second? And, and again, I'm just, I'm following up on what Commissioner Courville asked because I know I will receive calls on it and, and as Chairman, I've been very careful with that. I've received a bunch of calls in the last 15 days, and I've, I've deferred. I've not given public comments and I think that that's my place as Chairman, but being that it's an open Commission meeting, I, the, Courville's, Commissioner Courville pointed out the \$6 million number that is, is, sort of, grows that number tremendously there, because we all recognize that the 1.8 is already here and, so what I'm interested in clarification on is the Fisheries' independent number of \$6 million and the enforcement number of \$1 million. Can you itemize the Fisheries' independent number?

Mr. Banks: Sure, sure. So to do the necessary Fisheries' independent sampling for reef fish, there's several different types of sampling that occurs within that management program. You have to take ground fish samples. You have to bottom long-line samples. You have to do vertical-line samples. You have to do plankton samples. And then you have to, to estimate the shrimp by-catch, shrimp effort, to determine your by-catch mortality on the juveniles. So those are your, your main components within Fisheries independent. So ground fish is about \$650,000.00. Bottom long-line, is about \$532,000.00. Vertical line is about \$460,000.00. Plankton is about \$550,000.00. The shrimp effort can range, but it can range anywhere from a couple million to \$4 million, depending on the level of sampling you have to do. And so, so if you remove that \$4 million, then you're down to, to, to \$2½ million for that first year. But, and we can, and we can remove that and, and in years 2 through 5,

but we really have to get that number. That's a, the shrimp effort survey determines the juvenile mortality within the stock assessment model that you use. And it's a huge driver of that model. It's a critical piece of information, as I'm told, of the model for the stock assessment of, of re-fish, and so to remove that piece of data from the model, almost makes the model useless. So it, it's a critical piece of information that we have to get. It's also the most expensive, from what I understand, our biologists talking to the NOAA biologists; it's the most expensive part of their survey. Likewise, it, it would be the most expensive part of ours.

Chairman Yakupzack: And so that, with regard to the shrimp surveys, the \$2 to \$4 million, that's just for off the coast of Louisiana?

Mr. Banks: That's right.

Chairman Yakupzack: The, um –

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: In the middle of that, and so, kind of follow-up to my earlier question, how much of that, do we, of the ones you just listed, do we anticipate that the feds will have to do anyway, in the event you were to transfer snapper management to the state? Is it just the shrimp by-catch or is it all the plankton sample, the vertical long-line and the other things that you mentioned?

Mr. Banks: Well, I would anticipate they would still have to do all of this sampling, okay? It's just a matter of they wouldn't be able to put any kind of federal funds towards this, this effort, so as we appreciate it, in talking to, to them, they wouldn't be able to share the information with us. They

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

wouldn't be able to provide the information to us, as we appreciate.

Commissioner Courville: They, they told you that, we cannot share this information?

Mr. Banks: No, they didn't say we cannot. They just said as we appreciate the –

Commissioner Courville: They're not going to.

Mr. Banks: – the directive of the legislation is that we would not be able to provide that information to you. So we have to assume that we would have to go out and replicate all of this.

Commissioner Courville: Wow. Okay.

Mr. Banks: So, that's how we arrived at these numbers.

Chairman Yakupzack: No, that's okay and this, the follow-up to that question is, is, is we all appreciate it and I think you've said earlier that the NOAA currently does a stock assessment for the entire gulf?

Mr. Banks: That's right.

Chairman Yakupzack: – on red snapper, and it, as I appreciated it, this department has a contract with NOAA, where NOAA pays this department to gather the stock-assessment data off the Coast of Louisiana –

Mr. Banks: A portion of it.

Chairman Yakupzack: – to, to contribute?

Mr. Banks: You're right, a portion of it.

Chairman Yakupzack: Right, a portion, and so that, that's my question, what, what is the amount of that contract and if we did our

own stock assessment, how much would, how much more would we have to have, would we have to spend more than we're currently being paid by the feds –

Mr. Banks: Oh, absolutely.

Chairman Yakupzack: – to do it?

Mr. Banks: Absolutely.

Mr. Banks: Myron, can you give us an idea of what they pay us, currently, to do the, the closer-end samples, as part of their survey?

Myron: Thank you, thank you for letting me address the Commission. For the fishery independent work, the states, the five states do take part in the sampling regime. In the case of plankton, as an example, there's 101 stations off Louisiana, but we only do seven of those stations and we do the seven closest to Grand Isle. To do an assessment, we would have to do all the stations twice a year, and some of the other sampling regimes, we do a much higher percentage, but, the numbers, you know, the numbers posted would be for us to arrive at the same data for the Louisiana stock assessment. And a percentage of what we do for ground fish, for I think there's 93, 91 or 93 stations for ground fish and this year we're doing 14 of them, so if we took over the full data collection, we would have to do all 93 stations. So, to answer your question, we get 400, we were at \$447,000.00 where we're funded, and through time, through the last few years, we were cut down to 391. We're up to 398 this year.

Commissioner Courville: Mr., Mr. Chairman,

Chairman Yakupzack: Commissioner Courville

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Commissioner Courville: So, so you're, you're, make sure I understand this because I'm way out of my element here, you're saying' that currently, all of these samples are snapper-exclusive? There is absolutely no other species that's out there that you're looking' at?

Myron: No sir. The, but –

Commissioner Courville: So what do you do, so let me, okay I thought that was the answer, so what are you going do with all the other species that you're looking' out, at, out there? You going to just stop that?

Myron: Well, the major expense is going to sea to get the data, so I'm certain all the data would at least be going into our data-management system, which is up there, and what happens politically, after that, could be out of my hands.

Commissioner Courville: So, conceptually, if we're going' out there, we're collecting, we're now collecting' that data?

Myron: Right:

Commissioner Courville: Can we send an invoice to the feds for all the other species that we've gathered data on?

Myron: If we wouldn't have a grant for it –

Commissioner Courville: Hell, we might make money on this.

Myron: Right, right, if we wouldn't have a grant –

Commissioner Courville: We can do it cheaper than they can do it.

Myron: But if they would pay us for it, I'm sure we'd happily take their money.

Secretary Melancon: If, let me answer that. I think I'm on the third time. Absolutely no funding from Commerce, NOAA, Council or anybody; that's the killer pill amendment. That's what the Chairman did it for. You don't get any money. You can do whatever you want and I, you know we've talked about well, are they still going to collect data? Yeah; they're still going to collect data. And will it be public knowledge? Yeah; at the end of the year you can get it. It doesn't do you any good all during those 12, those months before they publish it and put it out. So it may be 14 months before whatever data they collect comes out, for you to get to it, but they, the, the answer about the spending, about the funding is it's, is, as Mr. Grahada said, this is an unfunded, mandate and the perfect example of the definition.

Chairman Yakupzack: Thank you, Secretary. I, just to be clear, I, we, we're, this Commission is, as I think we're going to hear, I got a stack of white cards here an inch thick, we're going to hear from people that this Commission's been hearing from, over the last 3 weeks, and the, these questions that at least I'm asking, are, are from a perspective to give me the ability to answer some of these questions. And the questions are along the lines of we've got a Fisheries budget of, of nearly \$80 million, or so, and so if, if, what is it truly going to cost, and can that money come from other pots within the Fisheries Department, and that's the, that's the questions that are being' asked and so, to me, so that's why I'm trying' to fully understand these numbers. And, and I asked very pointed questions about the first set of numbers that we got 3 weeks ago, and that's all we're doing' now, is trying' to refine these numbers to understand, to be able to answer questions to the constituents, for, that, that call this Commission. So, that,

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

that, I, I, I appreciate the answers there, Patrick, on that one and, and the next one is on enforcement. We see that there's a million dollars added for enforcement. Do, do, do, Colonel Broussard, do you want to take that one?

Colonel Broussard: Yes, Mr. Chairman and members of the Commission, that million dollars is for man hours and up to 50 percent of it can actually be used for equipment acquisitions, to do saltwater enforcement.

Chairman Yakupzack: And do, do, and will you please just explain for the, for the public, what saltwater enforcement you currently do, and under what, what arrangements do you, do you handle that?

Colonel Broussard: We currently have a joint enforcement agreement with NOAA, where we put man out on the Gulf to patrol in the EEZ out to 200 miles. And that covers all saltwater fisheries.

Chairman Yakupzack: Do you know the amount of that annual contract?

Colonel Broussard: Right now it is right at a million dollars.

Chairman Yakupzack: So, so in order, if, if, if somehow that was amended to remove the red snapper component out of it, it would, it would cost an additional million a year?

Colonel Broussard: Exactly.

Chairman Yakupzack: Okay.

Chairman Yakupzack: –

Chairman Yakupzack: Commissioner Courville?

Commissioner Courville: Let me, let me make sure I understood that right. So currently, the feds pay us a million dollars to patrol, and you're looking' at all species –

Colonel Broussard: That's correct.

Commissioner Courville: – of fish?

Colonel Broussard: That is correct.

Commissioner Courville: So under this unfunded mandate, what are they going to do with all the other fish in, in patrolling? I mean, are they just going to say they're on their own? I mean, are they going to stop patrol, I, I don't, I'm, I'm having' trouble. I get the unfunded mandate part of this, you know, I get that. But that sounds fine in concept, but in application you can't just close your eyes to one fish.

Secretary Melancon: Well, the only thing that I can assume, when you get no money, that's us. They're still getting their money. They'll get all the money that's supposed to come to us, but the law now says that any group associated with the Gulf Red Snapper Management Authority, will get no money, okay? So that money will just be re-budgeted and I would suspect they'll contract somebody to go and do those fisheries for me. They cannot spend it with any of the five states.

Commissioner Courville: The, so that's the way that, that you guys interpret this –

Secretary Melancon: Well that, that's the way that, that basically, when I've had discussions when I was in Congress about how these amendments work, in particular, because I've seen this amendment that withdraws funding, and there's actually an Unfunded Mandate Act, and so finally, maybe we'll get a number from the federal

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

government of what that number is going to be, to the states. I would have wished I would had it out there, before we ever got to this point, but still in all, that Unfunded Mandate Act triggers actions by the Congress and staff, to produce some documents that we can all take a look at. So the Governor, myself, you, the public, CCA, everybody will get the chance to see that, at some point in time. But right now, based upon what the amendment says and does, is that no monies from NOAA can be shared with any of the five states associated with the Management Authority.

Commissioner Courville: Of red snapper? That's the way I read it.

Secretary Melancon: Management Authority, state or the Management Authority. So it doesn't matter whether it's another fish or not. They're not going to send the money. That's the intent of the amendment, is to kill the bill.

Commissioner Courville: Okay, I, I, and I interpret it a little bit differently, that's fine.

Secretary Melancon: Maybe we can get a reporter to call and talk to a parliamentarian, or maybe talk to Chairman Bishop, or Representative Young from Alaska or two other ones, Grahada from Arizona and Dingell from Michigan, because they all were opposed to it. And one of the problems with the bill is in the bill, every time it says Magnuson Stevens, and it was, the bill originally said we were going to be getting the federal funding, and when the Chairman said no you won't, Mr. Young then came in and says I would like to see Magnuson Stevens, the words completely taken out of this bill, to make sure that they don't dismantle Magnuson Stevens.

Commissioner Courville: Did that pass or fail?

Secretary Melancon: What?

Commissioner Courville: His –

Secretary Melancon: No he withdrew it - Mr. Graves would work with him, but he didn't see how he was going to be able to achieve that. Mr. Graves agreed to the same, so, you know, that's going to be problematic. You take Magnuson Stevens out of that bill and, basically, you don't have a bill. You might want to look at, I want to say for entertainment and enjoyment, but you might want to take a look at the meeting, I think it was the 15<sup>th</sup>, if I remember correctly of June, and when you get to the hearing, it starts around a Minute 33 or 34, I believe.

Commissioner Courville: Thank you, thank you, sir.

Chairman Yakupzack: Any other question or discussion from the Commission, at this time? With considering' we'll move forward. We got, we have quite a few public comments here. I'll start with the ones that do not wish to speak, I have a comment from a Ben Graham of Baton Rouge. He does not wish to speak. Says he supports state management of red snapper. Say again? Okay. You get, you get put in a bigger stack. So, next comment, does not want to, wish to speak, Mr. Scott Rainey from Lafayette, his comment is that he wants the state to manage red snapper. Next comment, Mr. Carlos Vega, I support state regulated, state-regulated snapper season, Lafayette, Louisiana. And the final comment not wishing to speak is a Mr. Charles Cheramie of 210 Ladane Lane, Lot 1. The city's not listed and he checked the box that says I am against the proposal.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

I'm not, I'm not sure, clarity. All right, so first up for public comments verbally, we'll start with Mr. Graham and, as he heads up here I'm going to let you know we used to have a giant 3-foot-diameter clock back there on the wall that we could use to help regulate this. I don't know what, maybe, if that went –

LDWF Employee: I'll see if I can get maintenance -

Chairman Yakupzack: That went out with the, with the, with our funding or what, but in any case, I'm going to pull out my phone, not to be rude, just to, to keep a time and to, kinda, keep this flowing'. I think considering' this stack of folks, we ought to limit to 3 minutes, the best we can. If you're right in the middle of a thought, I'm going to let you roll through it, but I'll have to interrupt you, too much longer than that. So, Mr. Graham, state your name and your address and have at it.

Mr. Ben Graham: My name is Ben Graham. My address is 425 Leeward Drive, Baton Rouge, Louisiana and I appreciate your time, Commissioner and Secretary. I appreciate you guys being' here today. I'm a recreational fisherman. I fish out of Grand Isle. I've got a couple of kids I try to take fishing', but no kids-know-how-to-fish week. Get hooks everywhere, except in the fish's mouth. I just wanted to go over a few things. I've been following' this deal for a while, because you guys know, there's plenty of red snapper off the Coast of Louisiana and the Secretary brought up, you know, there's plenty here, but there's not enough in Florida. And that's been that way for a long time. We've tried to work through regional management and the Council, and it has never passed. It's never gone anywhere, you know, for whatever reason, which is, in my opinion, why the, the Graves Bill has come

up the way it has. There are plenty of fish in Louisiana. There are plenty of fish in Texas. West, east of the river, there's not quite as many fish and we know that, which, you know, we shouldn't be concerned with trying' to move the fish from here to there, but it would make logical sense to split it up and try to manage it more locally, to achieve the goal of conservation of the resources and the best solution for all user groups. And really, you know, I, I just, I want to see us have access to the fish. I want to be able to continue to make memories, my kids and my family, takin' them fishing', and at the same time being' mindful of the resource and not, you know, not over-fishing it. I just feel like, you know, the, the issue keeps coming' up about the Council wanting' to have a recreational advisory committee. Well, part of the reason that I see issue with that is, there was a snapper advisory committee that was formed, and I think 3 or 4 years ago, maybe longer. Those guys put a, and I know two guys who were on the, on that committee, they put a bunch of time in, came up with a bunch of ideas, communicated those to the Council and they all went in the garbage. They didn't do anything with any of 'them, didn't act on any of 'them. So it's kinda hard to convince somebody to go and, and I've been to probably ten Council meetings, and I was at one of them and they said well, would you be willing to serve on this committee? And my response to 'them was, yes I would, but if you're going to do the same thing you did the ideas last time, then what's the point of anybody being' on the committee. If you already have a predetermined notion of what you want to do, we're not, I mean, I took off work to come here today, and I do that when I go the Council meetings, same thing. You know, if you, I'm not going to put my time in and expect other people to do that, if you already have an idea of what you're going to achieve. But, I do support state

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

management of red snapper. I think it's the right thing to do. I think it's the right thing for the people of Louisiana. You know, the sportsmen here, as well as the, you know, the communities along the coast. I appreciate your time and, hopefully we'll see you again soon.

Chairman Yakupzack: Thank you. Next up, Mr. Drew Ballard. State your name and address, please?

Mr. Drew Ballard: My name's Drew Ballard, Grand Isle, Louisiana, 104 Orleans Avenue, anyway, I, I don't support the, the Graves Bill at all. I'm a young, commercial fisherman and it could kill off commercial fishing, in general, so I, I don't support it. And I just wanted to be, let that be known. I don't really have much else to say on it keep it short and sweet, but I wanted it to be known that I don't support it. Okay.

Chairman Yakupzack: Thank you, Mr. Ballard.

Mr. Ballard: Thank you for your time.

Chairman Yakupzack: Next up, Mr. Buddy Guidon, is that right?

Buddy Guidon: Guidon, close enough.

Chairman Yakupzack: Guidon, sorry. Again, the same handwritten' quality as myself. Representing Gulf of Mexico Re-Fish Shareholders Alliance. Will you state your address, please?

Buddy Guidon: Yes, 1902 Wharf Road, Galveston, Texas. I represent commercial fishermen from Key West Florida, Brownsville, Texas and the Graves Amendment is nothing more than a fish grab. The Coastal Conservation Association and recreational fishing organizations have

been trying to take fish away from commercial fishermen and charter boat fishermen for years. They haven't been able to accomplish that through the Council process, so now they want state management, because then they can get out from underneath Magnuson Stevens, and it actually gives commercial fishermen and charter boat fishermen protection. It keeps us in the business of fishing. As it states in the Graves Amendment, or Graves Bill that they'd be able to take 10 percent of the commercial fishery. They could take 100 percent of the commercial fishery and give it to the purely recreational fishermen. It will not give them a year-round fish. It will not give them a big bag limit. What we have to do is work out a management system for the purely recreational fishermen. Forget about trying to take fish away from the 98 percent of the people in this country that deserve access to the fish of the commercial fishery and the rides on charter boats. You have to get away from that idea and start working on a management system. The only ones that haven't come to the table to work on a management system is the pure recs. I understand they have jobs. They need to go. They need to force their representation, like the Coastal Conservation Association, to start acting instead of fundraising, on an issue that's very important to the people in these coastal communities. With that said, we have an issue of a lot of fish off the Texas coast, a lot of fish off Louisiana, a lot of fishermen over in the eastern Gulf. That's something you could address, but in essence, your Council votes aren't going to let you do that, , because there's three states that have very little fish and two states that have a lot of fish. So I think working on just a management plan for pure-rec fishermen, give them a tag where they can fish year-found. They want year-round access, a tag. You hold onto it. Instead of a derby fishery that forces people to go fish when the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

government tells them to, give them a tag, let them go fish when they want. Then the pressure that you create by having a, a very short season would go away, kinda like it does with your state season. It's much longer. You don't have the pressure for people go out in the state's -, because they have lots of time to get it done. So instead of looking for solutions and, and you, you have a great representation in Louisiana now on, on, on the Council. They're finally starting to move issues forward, where in the past, we've had deadlock. Nothing gets done, eight/nine votes. It's very frustrating for someone that's in a family business. I buy 500,000 pounds of red snapper out of Grand Isle, Louisiana commercially, to be distributed in Louisiana, Texas. That's my business. It's very frustrating to keep going to these Council meetings and seeing nothing getting done and, and since Louisiana has had a change in administration, there's actually things happening. And I think if you went with trying' to find a solution to this problem, it, instead of rebuilding it, when you take state management and divide it up five ways, you still have to figure out a way to bring that together. So that's another added cost you're going to have. Bringing all five states together to figure out the, what, what we do as a total and, and you're going to have other management shortcomings', like, like they're going to require that you have observer coverage on your commercial boats. They're going to require that you either have cameras or, or observer coverage, so not all of the costs have even been looked at. So, if you're looking' at the feds are, they're going to take all the money away from anything that touches red snapper, in the Graves Bill. So we need to forget about the Graves Bill. We need to move on to finding a solution in the recreational fishery that'll work for the fishermen. Thank you.

Chairman Yakupzack: Thank you. Mr. Scott Hickman, representing Charter Fishermen's Association.

Mr. Scott Hickman: Good afternoon, ladies and gentlemen of the Commission. Thanks for letting' me, come over here and speak today. First off, I'd like to say I'm a, a founding Board member of the Charter Fishermen's Association. We're the largest federally permitted charter boat association in the Gulf of Mexico. I'm a 30-year participant in the charter boat and a new participant in commercial fishery, out of Galveston, Texas. I have hunting ranches all over Texas. We run about 2,500 people throughout our ranches and our boats every year. My wife runs the business and one of our popular trips that she books is what we call our, our south Louisiana and Louisiana tuna fishing' experience. And it's a lot of our deer hunters and stuff that come to Texas. She sets these trips to come to Venice and fish with your federally permitted boats over here. Y'all got a great resource and we appreciate it. I enjoy it myself a few times a year, as well. First off, I'm here to speak about the Graves Amendment, HR3094. Our association's adamantly against the Graves Amendment. The charter boats want no part of it. The commercial folks want no part of it. It's obvious that the plan is about taking 99 percent of America's access away from them. 99 percent of the people in Louisiana don't own offshore boats. They access the fishery through the great restaurants here in Baton Rouge and New Orleans. People come from all over the world to eat in those restaurants. Same thing with the charter boats. Charter boats offer access to this fishery to 99 percent of the population of the country that don't have these private boats, or have access to these private boats. It, it's pretty obvious that this is a fish-ground, like Mr. Gwinden said, and, you know, going'

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

back, y'all talked about sector separation issues earlier, uh. The Texas charter boat captains started working', or were approached by some of the Florida captains, back about 10 years ago, and being', you know, the good Texans we were, we reached out to our friends at CCA National in Houston. Over about a year-and-a-half period of time, we asked for multiple meetings to set down with our federally permitted charter boat fleet and the folks at CCA. Not one time would they accept our invitation to set down and come up with solutions. So, that's how the Charter Fishermen's Association, kind of, got going'. It grew, and grew and grew, to where over the majority of the guys in the Gulf now, ladies, that are federally permitted, have joined the Association. Other associations have joined the Association and we have worked with the Gulf Council to find real solutions to these problems, and we, we've come a long way. We got two amendments working' through the process right now. We got electronic logbooks on, on fleets all over the Gulf right now. La Greel doing' a great job here and I think that solutions are the way to go. And the Gulf Council can do a great job. We're appreciative to have Patrick Banks on the Gulf Council now and make this new motion to fix things for the private recreational folks. They deserve the same great, sustainable, accountable access that the commercial fleet now enjoys, and that the charter boat fleet hopes to enjoy pretty soon, too. So if anything else, I just, you know, list, listen to your folks that are on that Gulf Council. I think they, they represent this Commission very well and they're going to find a, a good solution for your anglers and I, you know, right now people keep talking' about not having' access. Here in Texas we got 365 days a year, in state waters, so a lot of that Texas access is coming through state waters, for the private recreational folks. I don't know

what y'all's season's going to be in state waters this year, but I think it's close to 300 or 250 days, or something' like that, so there's, there's a lot of that access is happening' through state waters. You know, I know that the federal season would be much, much longer if we did away with the state water seasons around the Gulf, so it's not just the problem of the federal agencies that are managing these fisheries. We've all got to come together and fix the problem and, once again, I applaud Patrick Banks and his folks at the Council for, finally, getting' a motion to fix this, so thank you very much.

Chairman Yakupzack: Thank you. Next up, Mr. Shane Cantrell, Charter Fishermen's Association, or was that you? No, that's another one, Charter Fishermen's Association. Sorry. State your name and address, please?

Captain Shane Cantrell: Captain Shane Cantrell, 4424 Avenue L, Galveston, Texas. I'm the Executive Director of the Charter Fishermen's Association. We're a gulf-wide charter organization. We're the largest federally permitted charter boat association in the Gulf of Mexico. We've got members all over, from all five Gulf States. I just wanted to point out a couple things on the Graves Bill. It creates more government bureaucracy. It's not creating a smaller government. It's creating a much, much larger government. We're going to have five different plans going' five different directions, none of which have the funding to be able to do that as we, we recently found got cut. So that, that's going to create a, even a bigger hurdle than, than what we had before. The private anglers are the ones getting' caught in the middle of this. It, it's not, not going to give them anymore access. Being able to, to have these five, five Gulf states fighting over which, which direction

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

to go and what to do with commercial fishery, it's not going to solve anything. What is working is through the Gulf Council. The commercial industry's gotten their house in order. The charter boats have, have got a season for the non-boat-owned public. We're developing a management system for the charter boats and the head boats and I applaud Patrick and, and the Secretary for getting the ball rolling for the private anglers, to be able to come to the Gulf Council and get something' working that, that's going to be developed from the Private Angler Advisory Panel, made up of strictly private anglers, to get the best thing that's going to work for them, instead of the same thing we, we've had for year after year, meeting after meeting, to the Gulf Council and, and pushing' from the federal government, of nothing getting done. Nothing's getting done, because the recreational representation on that Council has made it that way. It's not, because nothing can get done, it's, because they've continually voted against it. We need to get something new on there and I, I really believe the State of Louisiana's going to take the lead on that and, and step forward.

Chairman Yakupzack: Thank you Mr. Cantrell. Next up, Mr. Johnathan Walker. Johnathan Walker not here? Not at the moment, at least. Mr. Steve Leonard. Yes sir.

Steve Leonard: Steve Leonard, Clinton, Louisiana. I'm a recreational fisherman. I'm in favor of the Graves Bill. I'm astounded by the own words of the commercial fishermen, 500,000 pounds from Grand Isle, is that what I heard? Did I hear that correctly?

Chairman Yakupzack: Yes sir.

Steve Leonard: That was purchased? That's 10-pound fish, that's 50,000 fish, and we're actually having' a discussion here about recreational fishermen over-harvesting or are we worried about that? I, I'm just, I, I am so in favor of getting away from whoever is telling us that we are catching so many fish in 9 days that we're endangering the recreation of the total harvest of red snapper. And I would just like you to please consider the recreational fishermen. I'm a \$15.00-an-hour guy. I am not a rich guy, okay? I, I work for every dime I have and I, I'm glad to get out, just a little bit and enjoy this recreational harvest, but golly guys, we're hurting'. We, we're hurting' here, because we, we get 9 days in the federal waters and, and by the grace of the government, we get a 1-year 9-mile limit. I, I mean, I just don't get that. I don't understand that. Thank you.

Chairman Yakupzack: Thank you, Mr. Leonard. Mr. Joshua Duhon, you, you wish to speak?

Mr. Joshua Duhon: No sir. I, I put no.

Chairman Yakupzack: Okay, no you put, actually, must've meant to put no. You put yes, but you say other. His, his comment is that he supports state management of red snapper.

Mr. Joshua Duhon: Sir? Okay. Good afternoon, gentlemen. My name is Joshua Duhon. I'm from Youngsville, Louisiana. I'm from the Vermillion Bay area and all year long we get a 9-day season, and most of the people that I know and, and talk to on a daily basis have regular jobs and, and can't take off during' those 9 days, and can, maybe, only fish the weekend. But if you looked at the weather this year and the storm, and everything that occurred, I didn't get to make it out there. I have a family that

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

loves to fish and we didn't get to fish. So, I'm here today to say I do support state management of red fishing, because of, red snapper fishing, excuse me, because of the fact that we don't get to enjoy the, the 9 miles and the statewide season that most people get to enjoy in the east, because if we live in the Bay area, we have further runs to get to state red snapper grounds. So I understand with everybody, you know, wanting' to work together and everything else, but, you know, with seeing' what the Gulf Council's accomplished for recreational fishermen, I think it, it's time for the state to step up and do something', to help all the, the average people that pay each and every year to go fishing', get their license, their boats, everything else, so thank you for your time.

Chairman Yakupzack: Thank you, Mr. Duhon. Mr. James Bruce? State your name and address, please?

Mr. James Bruce: James Bruce, Cutoff, Louisiana, third generation commercial fisherman. I'm again' the Graves Bill, because it won't fix nothing'. First of all, y'all got to fix the state. The states keep it open year-round, and it goes to the TAC, it goes to the quota. So if y'all get the states in order, and follow the federal laws, then y'all get more days to fish. We don't get many days. I get maybe 10 days a year as a commercial fisherman, but we went from, we got cut in half, when we went in 2007 to this system, and we didn't hear no, no complaining' from the commercial, because the fuel was \$4.00 a gallon. Now we doubled in our quota, and now in the last 9 years, how much more licenses are y'all selling'? So how big the pie is going to be? Not everybody can go kill a polar bear, you know? You got to have tags and all. Y'all got to get this, the recreational side straight. It's nothing' to do with the commercial.

Stop trying' to take our fish. We feed people. And if somebody could tell me why the states are open so long, I'd like to know. And they all get a long, longer season, instead of 9 days. So they got to have a meeting somewhere, instead of trying' to take the fish, get y'all house in order, the recreational. Thank you.

Chairman Yakupzack: Thank you. Mr. Russell Bellard?

Mr. Russell Bellard: My name's Russell Bellard. I'm from Lafayette, Louisiana. Let's talk some numbers, just a minute. 9 days, yes, the recreational length is 9 days, that to catch 406, 460,000 fish. In the Gulf of Mexico, from Florida to Brownsville, Texas, the catch, our share of the tack at two fish per man, two 10-pound fish, in 9 days, that means we would have to have 23,000 recreational anglers go out from Florida to Brownsville, and take off of work, have great weather, calm seas and each man would catch two 10-pound fish, for 9 consecutive days. Now you tell me those numbers make sense. Are there 23,000 recreational anglers going' from Florida to Brownsville to do this? Heck no. That is the numbers you get from the Gulf Management Regional Council and from the federal government. So when you want to go make camps with the feds, this is what you get. Look what the hell's going' on in Washington today. You know all the upside-down, tipsy-turvy things that are happening'. So, I'm trying' to stay brief, the federal data's flawed. Every, every number they come out with flawed. They, they, these numbers prove they're flawed. The state went out of compliance, as Texas had done in 2006, I think, I was, I was very proud of our state for finally stepping' up to the plate and telling' the feds where they could stick it. Then Florida joined us, Alabama joined us, Mississippi joined us

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

and now us pushing' for state management. You can't take red snapper from the rocks and move them to the Florida rocks. This, they're not a pelagic fish. You can't put them in a boat and transport, port them over there. You have to manage what we have and our state can take care of our business; not Florida's business, our business. Texas take care of your business, Louisiana will take care of our business. All I heard is how we can't do it, how we can't raise money. Well, why do you have to spend a million dollars to go out 40 miles and check red snapper fishermen, and spend all of that money? Why don't you just stay right there by the ports? I got to come back to my port. I got to go home. You got to come back to every one of our ports, so why does the Wildlife and Fisheries have to run 40 and 50 miles out looking' for red snapper fishing', burning' all that fuel and all that money, to check just a few people, when you could check every person? Whether it's the speckled trout fishermen safety violations, you can check everything staying' close in your home ports. What about a red snapper stamp? I'm going' to lobster in' in Florida. I have to buy a lobster stamp. I know every one of us rec, recreational fishermen would contribute monies because it costs us a lot of money to go fishing'. Conclusion, Mr. Melancon, you said we get some, give some, well we been given' a lot, my friend, and we been getting' a lot and, and it hadn't been very nice. And, I think it is impossible to work with the feds. I, I've come to that conclusion. I'm 67 years old. I have ten grandchildren. I would love to take them snapper fishing'. I cannot do it right now, in 9 days I cannot do it. It's impossible, almost impossible for me to do it. I, obviously support state management of this fishery and I think our people are accountable to us, in each state, and they will do a job for it. I am very disappointed that our state seems to be wavering on such

hard work that all five states have come together to push forward. Thank you for, uh.

Chairman Yakupzack: Thank you. Mr. Wayne Werner?

Mr. Wayne Werner: Wayne Werner, 16731 Northwest Avenue, 73<sup>rd</sup> Terrace, Alachua, Florida. I've been running' my fishing' operation out of Leesville, Louisiana since 1985. 80 percent of the fish that I bring to the dock are sold right here, in Baton Rouge, New Orleans. And you know me, I'm proud to be a commercial fisherman and I'm proud that we help support the tourism here. And I think that, you know, a lot of people don't understand the whole concept. The Graves Bill, I stand against it, but it also has a statement to Magnuson Stevens. You cannot take the state and just run your state. You still have to run it with the other four states. And, you know, the reason why they wanted to drop the ball on regional management be, before Patrick got there, was real simple. They couldn't come to an agreement on how many, who got how many fish. Everybody wanted more fish. They couldn't do it. I agree. The, the state should run the private recreational angler. I just don't think it should be under the Graves Amendment. Now, as far as this costs, I have to say something' about it, because in your fishery independent data, that fishery service requires checks and balances, and part of the checks and balances on this is going to be, the observer programs, or video monitoring. They're expensive systems to run. But it's part of the checks and balances that have to go with fisheries' dependent data. The other thing that hasn't been mentioned here is, every action that's happened with the red snapper, has resulted in a lawsuit. So you might as well put that into your cost analysis, because if you think, because the state's going to run it, the, the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

lawsuits are going to stop, it's not going to happen. And, you know, I watched this Council, kind of, degrade into the situation, and I think I see a little light at the end of the tunnel, because I'm the only person I know that's attended over 100 Gulf Council meetings. And, you know, having done that you're going to see a lot of stuff happening, and I think what I see happening' now is I see a shift where we, you know, you're going to have to go in that direction. And it's pretty simple, you know, just like some of the people said, you get 46 days, if you shut down all the states from, if they all went compliant, they get the same amount days as the charter boats; 46, but that's probably not going to happen in this day and age. So, you know, I just wanted to and I'm glad that you gave me the time to come and talk to you today. Thank you.

Chairman Yakupzack: Thank you, Mr. Werner. Mr. Ed Pitre?

Mr. Ed Pitre: My name's Ed Pitre, 18716 Highway 3235, Galliano. I'm a fourth-generation commercial fisherman, and charter fisherman, and I run a couple of boats out of Fourchon and Gynal. I'm against the Graves Bill. I don't think the state should get a hold of it, because the feds are doing' a pretty good job. 12-14 years ago, I seen a decrease in red snapper. It's hard to catch your limit out there. Whatever the feds did over this time, they made it happen, and so I say why throw a wrench in the spokes. Leave them, leave them do their thing. They're doing' a good job. Thank you y'all, guys.

Chairman Yakupzack: Thank you, Mr. Pitre. Mr. Steve Tomany?

Mr. Steve Tomany: I'm Steve Tomany. My address is 119 Constantine Drive in Port Fourchon, Louisiana. I grew up here in

Baton Rouge. I've been in the charter fishing business, I think I incorporated my business in 1982. I started working' on boats in the '70s. I'm also a commercial red snapper fisherman and I have been living this red snapper management, whatever you want to call it, it's been a up-and-down system, but I have seen this, this thing, as much as it's cost me over the years. I had, I used to have four boats. We used to run 150 trips a year on four boats, takin' 15-20 people at a time. I'm down to Ed that just spoke, is buying' one of my boats. I have another boat, but we had to really taper down, because of cutbacks. My business was really built real strong and squarely on red snapper fishing'. I've had to cut back, and I'm not saying' that as a complaint. I think it had to happen. We were killing' a lot of red snapper. I was about, you know, 15 years ago, about getting' ulcers about where I was going to catch the next one, for these groups of people. Everybody has big expectations, when they go on your boat and it was really tough to come back with a good, a basket or two of red snapper. That's all changed, so red snapper management has worked. Who gets what is always the thorny question, and it still is, and I started going' to Council meetings', I've always, I went to some way back in the, way back years, but I started going' 9 or 10 years ago, and I've only missed two since. That's about five a year. I go, a lot of my personal time and, and, and expense to, to go to these things and witness them, try to influence what I can influence, and I told Mr. Melancon on the first time I met him, I said I'm, I'm really tired of going' to these meetings where my state representative has his hand up against everything that we were trying' to do, in the commercial industry and the charter industry. It's really frustrating to see no follow up, no help from anybody in Louisiana. These are our businesses, this is how we make a living. Like I said, at one

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

July 7, 2016

time I had four or five crews working' for me, I had a dozen people working' for me. I've shaved it on down, you know? But it, it, it had to go this way. I have been a proponent of some kind of tag system and I know nobody likes me telling' the recreational guys what they need to have, but one man was talking' about he couldn't go in June. If they get some kind of tag system you'll be able to plan your, your day. This is what we've been working for in the charter industry. We've got, we work for, and it took us 9 years to get sector separation. We have a quota of fish and we have a bunch of permitted, federal permitted charter boats and we're, you know, we tease about you're going to have to throw us in a room and take all the knives and guns away and we'll come out with how we're going to divide amongst ourselves but at least the industry's working through this council process to get it done for ourselves instead of having somebody from up above just tell us how it's going to be. At least I have input and, and it's important and sometimes we get ignored just like, you know, you don't always vote the way that everybody tells you to up here. It's, it's perfectly understandable but, but we also, our input helps, in the long run it starts helping'. And we have just seen kind of a no movement situation in the recreational fishery. And it'll happen sooner or later but there's a lot of us that put a lot of our time and our businesses depend on what we've been able to gain in the fisheries process in the council and we're very pleased to have Secretary Melancon and calling' some of the shots for us. I appreciate it.

Chairman Yakupzack: Thank you. Mr. Scott Rainey, Lafayette.

Mr. Scott Rainey: My name's Scott Rainey, I live at 113 La Port Circle, Lafayette, Louisiana. I'd like to thank the Commission

for the opportunity to speak again. I've got a couple of questions and refer to these points, first thing council's not working, council get, can't get anything done, and why would we create another bureaucracy? If this is not working, why wouldn't we create another bureaucracy? What you guys are doing' doesn't work so let's stop doing it. There, there's no point to continue down a path that doesn't lead anywhere. Regional management is not funded, we need \$10 million. Do a \$10.00 tag, it's funded. We paid for it. It's a very simple solution. How many recreational licenses are there out there? I mean this is a number we can easily measure, figure out what it would cost to, to fund this management system. I heard that the quota's been doubled; where did those fish go? We didn't catch them as recreational fishers. We've got 9 days to do it and I can guarantee you I'm not catching more than 4 fish a year. Is the fishery model even accurate? You know 2 years ago we were saying there are no red snapper, we got to keep it at 2 fish, the snapper population isn't increasing, and anybody that goes out there can tell you there are red snapper everywhere in Louisiana. So I, I would like to know, is the model we're using even accurate? Does this sampling that we do truly represent what's out there? The second thing or I guess the last think I want to say is, you know, and Secretary Melancon mentioned this, he said that to have a compromise, you know, nobody can walk away happy. Well the only people who are unhappy are the recreational fishermen. The commercial fishermen want to keep the system as is because you're winning. I would suggest that this is not a compromise, this is not a fish grab from the recreational side, and the quota is not going to change if we go to state management, as I understand it. So, you know, there are things that can be done; what we're doing now is not working. Thanks.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Chairman Yakupzack: Thank you. Mr. Gunner Waldman of Abbeville?

Mr. Gunner Waldman: Good afternoon Commission Members and Mr. Secretary, thank y'all for the time to allow me to speak today. I've been red snapper fishing' out of Vermillion Bay, trout fishing, been a saltwater fisherman since I was about 4 years old. As most of you, we're all Cajuns, it's a way of life with us. So, I've saw the lean years growing' up back in the, early '60s and '70s and I've seen the good years. And first off, I also I, I've worked for this department as a game warden in Vermillion Patch for 13 years so I'm, I'm very versed and respected. I have much respect for this department and the Commission. But anyway, I think Magnuson Stevens, the way that the red snapper assessment, stock assessments is 30 years old. The first thing is I think it's broken. I think the, the formulations are bad, I think there are way more red snapper than, than is being' formulated and, so with that said I'd like to see Senator, I mean Gary Graves' bill go forward and pass and also I'm for the bill and for our regional and state management of red snapper. Second is something, if we don't do anything I now make my living' as a safety consultant out in the gas field. I've seen hundreds and hundreds and hundreds of platforms being' removed with thousands of pounds of red snapper being' decimated; where do they go? Most of the time in olden days they blew up a platform, they're doing less of that now but those fish are dead. We don't have scuba divers going' down there and shewing away the red snapper, all fish. And lastly I am a scuba diver and spear fisherman. I can take any one of you on my boat, actually bring you videos from YouTube that we film our dives. We can't shoot amber jack during amber jack season because sometimes the red snapper are

getting in the way. We spend way more time trying', we spend a whole tank, 50 minutes down on the bottom trying to shoot one amber jack because there are just sometimes when you go to take a shot you got to small red snapper getting' in your way. So – But to get back to my original thing, the, the, the framework in which red snapper, stock assessments are done is, is flawed. We are using old formulation and that needs to be fixed in Magnuson Stevens. And if that's done then everybody would, I think would be happy and we would get more of a sustainable stock in red snapper and be able to harvest more. Thank you for your time.

Chairman Yakupzack: Thank you. Next I have David Cresson, CCA

David Cresson: Good afternoon, commissioners. We got here in the morning but its afternoon now. Thank you for having me, my name is David Cresson, I am the executive director of the Coastal Conservation Association. And, it's a pleasure to be with you this morning'. Commissioner Courville, you mentioned earlier that you're going to have to go to a Gulf Council meeting sometime soon, well don't bother because you've got one going' on here right now, you've got, you know our friends from Texas and Florida who are here giving' the same speeches that they give every time at the Gulf Council, so you just assume that everything you hear here today is, is what's been scripted and they've talked about a thousand times before, so, it feels a lot like a Gulf Council meeting today. You know one thing that's clear to me in listening to everything that I've heard is how few people have actually read Congressman Graves' bill. If anybody anywhere thinks that Congressman Graves would do anything to purposefully injure the commercial fisheries in Louisiana or

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

anywhere else, they just simply don't know Congressman Graves or what his motives are. I should also mention that his bill has 40 some-odd co-authors from both sides of the aisle including all but one I believe of the Louisiana delegates as a co-author. So, this is not some fly by the seat of our pants, throw something' together bill, this has been worked on for years now. Even before Congressman Graves was a congressman well this is sort of the culmination. One other thing, and I want to comment on something' the secretary said earlier and, and he mentioned that the Gulf Council save, saved red snapper. I don't believe that's true. I think Gulf, Gulf red snapper were in a lot of trouble until this, the Gulf Council was sued by conservationists, including CCA, and that turned the management of red snapper to a, toward a positive direction. So, as Mr. Tomeny said, 15 years ago it was hard to find them; they got sued, they were held to, to the proper management styles and then snapper turned around. So they were failing it, got sued and now it's made a recovery. I, too much on my paper to comment on, there's too many comments made, too many corrections to try and make so I, I really just want to talk about frustration. I've been at GCA 9 years and with all due respect to our friends at the department, and they are friends, most of them have been to 2 meetings. We have been down this road, we have been asking for better management for 9 years now. The system has failed. It has failed us miserably. The secretary mentioned something about the quota nearly doubling and it has gone up but we're stuck at 9 days. So that's not working'. So after these years and years and years of frustration you can understand why it was time for congressional action. You know, an act of Congress is what they say when something' is really hard, you need an act of Congress. Well, that's what we needed; well, we got one. And

Congressman Graves stepped up, put this together, and worked with all the user groups in doing so got a lot of feedback from all of them. If anybody denies that they're just not telling' the truth, he worked with all of them to put this together and came out with HR-3094. We were thrilled, we were thrilled when Governor Edwards pledged his support to the 5-state management plan and we were thrilled to hear the secretary and so forth say the same things leading up to where we are now. You can imagine our frustration upon hearing that the department was not on board with the commission's resolution from earlier that month, and I expressed this to the secretary and I must admit I, I would say the secretary and I have a very open and honest dialogue back and forth, I told him we were disappointed about this, he explained the reasons he thought they had to be where they were. But it occurred to me that the announcement that was made was made before the commission knew that it was going to be made. It was made before any of the user groups like ours knew that it was going to be made. It was made before the governor knew it was going to be made. The only people that knew about it besides the department were some anti-recreational groups who were floating around like it was a, a, like an e-high 5, running' around in the internet world. So that was frustrating. We talked about that and understood that we just moved forward. it's also frustrating that the concerns that were, were expressed about the bill were not expressed to the congressman before they were made public, and they were not expressed to us, they were not expressed really to anybody until they were expressed to some reporter in Texas. So you can understand the frustrations that, that we feel. We have the final frustration; there's several more obviously but the final frustration is to hear that the preferred alternative is to go back to the Gulf Council.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

We've been there already; like on four members said earlier when the committees put together recommendations and the Gulf Council doesn't like them, they just ignore them. So I think in the amendment that's been put forth by the department it talks about the recreational ad hoc committee that's going to be put together; it doesn't matter what that committee says, if it doesn't fit with what the Gulf Council thinks they're going to vote it down. So, Mr. Banks mentioned that the vote for that amendment was 9 to 6 and that's strong support. Well, had Louisiana voted how they had been voting in previous it was have been 8 to 7 and it would have been one of those close votes just like it always had been. So, you know, I, I found it interesting to see how many times CCA was mentioned in the comments earlier and I think anybody would recognize that we've taken a wait and see approach on this. We've, we met with the secretary, and I talked to him the day of the announcement. We've, we've got a good rapport. We met with him and the governor later that week. We are committed to try and find a good solution to make this work. And we're going to continue to do that. But going back to square one, really, which is where we would be with the Gulf Council is just not something' that any of us can afford to stomach. I mean you're talking' years and years of frustration. Amendment 39 was a good looking' piece of work when it first came out. After the Gulf Council got their hands on it for 5 years it, it was no good, it couldn't, and it was unviable. So, I could go on and on, I know I'm against the clock, my paper is filled with things I would like to say but I'll reserve those for a later day. Again, I thank you for your comments, we do very much look forward to working' with the department, we've got a great relationship with them in a number of ways, and we hope we can work through this one as well. Thank you.

Chairman Yakupzack: Thank you. Second call for Johnathan Walker. Okay. That concludes the public comments on Agenda Items 13, a couple of these comments are strictly for, are, are also include 14 which, is Mr. Blanchet going to come up and complete that part now? So I'll formally read it. Agenda Item 14 is to hear an update on the red snapper season. Presenting, Mr. Harry Blanchet.

Mr. Harry Blanchet: Good morning, Mr. Chairman, members of the Commission. Let's see if I can get this thing working. Okay, that's the right one. Hmm, I show it here, I don't see it up there.

Mr. Harry Blanchet: There we go. Okay. You just have to push the button hard. This is a relatively brief update, we've had a recreational season that has been open since early in the year. This year was a little bit different because the feds actually agreed that we've got 9 miles off shore which is a nice benefit to some people, not so much as some people have pointed out in the western part of the state. So a little bit, I'm sorry for the spaghetti but I could not, I wanted to show as much detail as possible, where we are. This actually is through the 26<sup>th</sup> of June, so these are, these data have, include the information from the red snapper recreational private boat season. I don't know if this is going to show up or not, no, it's not. This year, the, the federal season typically is a time when we have our, most productive week. This year was not as productive as many other years has been. There was a lot of rough weather. It wasn't that people could not catch their two fish, it was that there weren't that many people that really wanted to buck that weather and go get those two fish. So as a result what you have there is the data for 2014 in the black, 2015 in the, I guess that's green and the red

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

is 2016 and each of those numbers is the pounds landed by recreational fishermen through the same date. And, the two then go forward. So trying to estimate where we might be relative to where historically, we would normally be, this is our historic fraction of the overall recreational, allowable harvest. And so at 545,000 pounds through the 26<sup>th</sup>, you can see we're relatively close to our overall, average. For the, for our sector, they have been following very closely with where they were last year, when they also had an extended season. There's two more weeks of their season to go, they've run through, oh, I'm sorry, there's three more weeks of their season to go, they run through Week 28. And so our projections are that they will do a little bit better than they did last year, I'm sorry, not as good as they did last year. Oh, no, a little better than they did last year. And then we have, so that's our projection of that basically through the end of the year. I put them all together and here's where we stand compared to, the prior 2 years. The main difference for 2014 of course is that much smaller, charter season and, but you can see that even so this year we're falling, we're a little bit behind both the other years. And this is, I will say that what we have here is one projection but depending upon what kind of, parameters you might put into your model, this is very much like showing just one model of the hurricane centers, projections where, you know, you really have a spaghetti and so I would say that unless, I would not put a whole lot of faith in the, total harvest being at exactly 1.116 million pounds on, at the middle of October. But we will be able to continue monitoring this, as we, as we progress forward and I'll be glad to take any questions.

Chairman Yakupzack: Harry, thank you for your presentation. Just as a point of clarity I

have a question, I note that the, the numbers are different, in the, in the packet that was sent to us, Tuesday than, than are in the packet that we were given today.

Mr. Harry Blanchet: Correct.

Chairman Yakupzack: Did, did anything change other than you've got an additional –

Mr. Harry Blanchet: We actually –

Chairman Yakupzack: – week worth of data?

Mr. Harry Blanchet: – added one week's data.

Chairman Yakupzack: Okay. Thank you.

Commissioner Courville: Yes, Mr. Chairman, before we leave this, sir, I sort of viewed 13 and 14 together. I, I do have a couple of follow-up questions and, and it's really just a request more than, more than questions. Mr. Banks, at some point can we get sort of some clarification of what that independent data, looks like in your, in your budget estimate, and then to, to go again with my, question earlier, if we can find out perhaps even through a, a freedom of information request from the feds what they're currently spending on, on snapper. I'd also like a, you know, we heard some things today, perhaps, I know you guys have a full plate to deal with but, I would be interested in an analysis by whomever is the appropriate party, to get an analysis of what the Graves bill will, will do, potentially to the commercial and the for-hire industry. and then my last question, I think, actually no, I've got a couple, but my last request would be how soon will we see, a draft, if you will, of what this amendment at the Gulf Council's going to look like as far as a solution for the recreational snapper issue. I'd like to put a, yeah, the, the amendment

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

was, open-ended, if you will, and open-ended amendments to me look like placeholders as opposed to, to tasks. I would like to know, and I'm not asking' you today to give me a number, I'd like to know how soon, perhaps maybe even at the next Commission meeting how soon will we see, that language, that it's going to look, and then what is it going to look like? ideally, and again, I know you guys, have a lot to do, I know this thing has a long sordid history, but I, I think, if, if inevitably we, we go that route, which I'm not suggesting one way or the other, it'd be good to know if it's an option then we need to know what it's going to look like. I would, I would be in favor of that. and, and then I heard today and, and maybe this isn't the setting for that but I heard a lot of tag discussion for the recreational folks, and perhaps we could have an update on what a tag system might look like, for the recreational folks if that's what it, what it appears that the commercial sector is in favor of. I'd like for the public to have a chance to get their handle, and myself for that matter on what a tag program would actually look like. I've got my my thoughts on it and, I'm all over the place but, somebody with some experience can, can share with us and the public what a tag program would actually look like. and I, I guess my last question is, we've heard a lot of statements by a lot of folks, the money fell from heaven tomorrow, to manage snapper, would that change this current department position? If it wasn't an unfunded mandate.

Secretary Melancon: If –

Chairman Yakupzack: Let's say, let's say Mr., Mr., the Honorable Mr. Bishop, I can't remember if he's a congressman or a senator so –

Secretary Melancon: He's, he's a congressman.

Chairman Yakupzack: – I don't want to mislabel him. If he said, no, I was just kidding', here's your money. Would that change, um how, how we view Congressman Graves' bill?

Secretary Melancon: If the Congress passed a law and it was put into effect and the money fell from the sky then that's what we would do because that would be the law.

Commissioner Courville: Okay. So I, I'm not asking' for answers on all those other questions, Patrick, Mr. Mr. Banks, sorry, maybe, maybe next month, or something' like that. I didn't give you obviously adequate time to prepare for any of those.

Patrick Banks: Thank you.

Commissioner Sunseri: Thank you, Mr. Chairman.

Chairman Yakupzack: Commissioner Sunseri?

Commissioner Sunseri: Thank, thank you, Mr. Chairman. I, I was wondering', I know this is no action item or anything but I'm wondering' if we could ask the department to maybe try to do something' in maybe trying' to get the groups together, the commercial fishing, the recreational fishing, the charter fishing people together, the department biologists and everything and get them in a room and see what might be able to come out of that, that could be good to go to the council with. I, I, you know, I, I premise this by saying' I'm a solutions guy and, I, I think that there's something' that could be hammered out where we could go to the council and make it happen. But you need to get the people in a room to go ahead

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

and, and make it happen, and make, make this, because we don't have this Graves bill thing in hand. We got the council, that's who we've got to work with right now. So get the Louisiana guys in a room, along with whatever commissioners want to participate and, see, see what can come out of it that can be useful and to bring forward to the, the Gulf, Commission. That, that's a suggestion. Thank you, Mr. Chairman.

Chairman Yakupzack: Thank you. Any other, question or discussion on Agenda Item No. 14? Moving' forward we have Agenda Item 15, to set the November 2016 meeting date. Looks like the first Thursday of the month is, November 3<sup>rd</sup>. Is that, appear to be fine for everyone? Okay, so moving' forward we're, we're going to let the minutes reflect that we're going to have the meeting on November 3<sup>rd</sup>, that's the first Thursday of the month. We now have, Agenda Item No. 16, to receive public comment. I would like to remind you, that those of you who are going to leave early to, to please exit quietly so we can finish up this agenda. First up for public comment I've got Mr. Barry Rogers from Terrebonne Parish.

Mr. Barry Rogers: Good afternoon, Secretary, Commission members. I'm here to express concerns on the appointment of Bob Samanie to the Commission Board. He is the vice president of Lafitte Frozen Foods which has been known to import frozen shrimp and repack in Louisiana boxes. Louisiana, Louisiana Wildlife and Fisheries and the Seafood Promotion Board has spent millions of dollars on promoting authentic Louisiana shrimp. I see a conflict of interest between someone that imports shrimp and the State of Louisiana which is trying to promote our business. I've also had comments and meetings with you and spoke with you and you have spoken to me as a

fisherman from a processor that you hold my head down under water till I almost drown, you let me up for a breath of air.

Commissioner Samanie: *muffled noise*

Mr. Barry Rogers: Yes, you have.

Commissioner Samanie: No, I haven't.

Mr. Barry Rogers: Yes, you have. You might not remember but yes, you have. We are drowning. The shrimping' industry is drowning. We have went through the worst year of brown shrimp season in history. We do not need someone like you on this Board that imports shrimp and puts it in Louisiana boxes. I'm not here to argue with you, I just have concerns.

Commissioner Samanie: Well, do you have any proof or documentation –

Mr. Barry Rogers: The man that works on the back deck –

Commissioner Samanie: You're making' slanderous statements –

Mr. Barry Rogers: I'm not making' a – The man that works the back deck of my boat used to work your dock.

Commissioner Samanie: You'll have to prove this one.

Chairman Yakupzack: Come on, let's do it.

Commissioner Samanie: Yeah.

Mr. Barry Rogers: I'm sorry, it's just the way I feel. I have concerns. Thank you.

Chairman Yakupzack: Thank you, Mr. Rogers. Louisiana Shrimp Association,

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Acy Cooper. Again, we're going to limit comments to still on our 3 minute time.

Acy Cooper: How you doing'? Acy Cooper, Louisiana Shrimp Association. I have a lot, a lot of people calling' me and like I have to do what I have to do. A lot of fishermen are worried about which way ya'll going to vote when it comes time to open and close seasons. Last year we had a problem with open earlier, close late and they wanted the season open early and, later. And the processors wanted to open early. So, and they kinda feel that, and I aren't got nothing' against you personally, Mr. Bobby, that with that influence on the panel it may lean a certain way. So hopefully the rest of ya'll take everybody's in account when we ask, the fishermen come up and ask about a later date, take it into account. Just don't let one may sway ya'll vote one way or the other. And that's the main concern that they have. That last year we did have a big problem, they all wanted it closed, the fishermen wanted to go longer, the processors wanted to open early because of the smaller shrimp. They held it back, that did it good and it worked out right. So that's the main thing that we're concerned about. It doesn't sway ya'll vote and lean towards the wrong way. Thank ya'll.

Chairman Yakupzack: Thank you, Mr. Cooper. Next up, Dean Blanchard. Dean Blanchard? Next up, Warren Delacroix. State your name and address please.

Warren Delacroix: Warren Delacroix, 1012 Helois, Louisiana. I happen to be – Mr. Melancon, secretary and Members of the Commission, thank ya'll for letting' me speak. I happen to be a member of the Louisiana Crab Task Force, I'd like to put a comment on a couple of different issues. First off, while Mr. Cresson is still here, if he's still present with the CCA we've had

some different discussions as ya'll know with the Crab Task Force and, and issues about over fishing' and the stock assessment. I'd like to open Wildlife and Fisheries and the secretary and Mr. Cresson to give us some type, and even you, Mr. Sunseri with the Oyster Fisheries some type of fin, finfish fishery, drum or sheepshead via trammel net or haul seine and I'm not asking' for it immediately but just get the Commission to come on board and have a group conversation. You said you are, you are, you know, you, you're trying', you'd like to get everybody to get along but that's an issue that needs to be resolved for your industry, especially with the oyster fishermen and especially our industry with the crab fishermen. Another thing I want to bring up is the recent appointment of Mr. Samanie to the Commission. He works for Lafitte Frozen Foods, Mr. Paul Poon who has been in violation several times of repacking' processed, foreign shrimp in domestic boxes. He was basically run out of Lafitte, now he's in Lafitte in Saint Bernard Parish doing' the same thing and I don't think it's a, it's a good deal for the State of Louisiana for this Board or the commercial fishermen or anybody in here to have somebody like that represent our industry and the fishermen of the state of Louisiana. Thank you.

Secretary Melancon: Mister, Mr. Chairman?

Chairman Yakupzack: Secretary Melancon,

Secretary Melancon: I've had reports of, such comments would be made this week and I made several calls around to people to ask about what was being alleged. I found that it seems that the, the accusations came from a, one source, the industry has been bifurcated or worse over the years. Unless somebody brings some documents that are notarized to attest to what the accusations

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

are I, I'll have to just say that I did not get a bad report. I did find out from one shrimp processor and their competitor that Mr., Samanie's company was one of the largest shrimp processors in the state of Louisiana, if not on the Gulf Coast, was heavily involved in, dollar wise, in funding the anti-dumping suits in the years past. It kinda, I guess the question that I, that it puts in my mind is how would a person who's putting money to defend importation, against im, illegal importations or why would it be putting money into defending themselves if they're doing the opposite? But I, I think that, it's, it's a sad day that, this kind of thing comes to the Commission but at the same time, if there's documentation, I think that needs to be presented and Mr. Samanie at some point in time will be able to, have a clear, clear, clear chance at serving if i 's just alleged rumors. Thank you.

Commissioner Samanie: Thank you, Mr. Melancon.

Chairman Yakupzack: The final card that I have here, unless, I, Mr. Blanchard appears to be gone, I don't see him in the crowd, the final card I have is Ron, Mr. Ronald Coco from Moreauville, Louisiana with regard to Spring, Spring Bayou Wildlife Management Area –

Mr. Ronald Coco: Yeah. Secretary, Commissioners.

Chairman Yakupzack: You got 3 minutes. You're the last one.

Mr. Ronald Coco: I'm going to cut it short, I'm going to cut it short. Spring Bayou has a team of, Spring Bayou Restoration Team that was formed in 2007. None of ya'll was on the Commission at that time. This is a varied group of people that get involved and they're very involved in Spring Bayou.

When Spring Bayou was going' down after the high water of '73 they got involved with it. First then they came Wildlife and Fish, they wanted to do draw downs. They were actually organized as a group of citizens against the draw down program. They came over here and challenged Wildlife and Fisheries to put grass carp. They worked with them, they still got denied, and they kept comin' back until grass carps were finally put into Spring Bayou. At the present date over 60,000 grass carps have been put in Spring Bayou. The sprain' has continually gone and it has actually opened up the whole complex. There's 12, over 12,000 acres of land, over 40 percent in the summertime is usually water. In the wintertime, spring it's actually more. The problem now is alligators... People are fishin' in there. In the last 3 years the area has developed a lot. Years ago there was at least 25 bass tournaments on the lake, on the whole complex. It went down to one. The National Guard was the only one that's stayed with Spring Bayou. This year we went up to six tournaments. The fishin' was excellent in there, people were fishin' bass, brim, the Wildlife and Fisheries have actually stocked it with bass and brim also. But the problem is now the alligator population has spread all over this thing. People are going' fishing', if you're going to cast your line out there you better draw it in quick if you got a fish on the end of it because it won't get back to your boat. Just like you do with the alligators nowadays, these alligators are friendly. They'll come up right against the boat and stay there. I think at the present time, how many times you been, how many times you get them? Probably a hundred tags. People open frog season and go out there, they stop their boats, wait a few minutes, turn the light on, they count as many as 40 to 50 alligators in one little search, so it's very over populated. And they would like to see if the Wildlife

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

and Fisheries could go in there and even make an estimate. They did call and told 'me that no surveys had ever been made in the area, all surveys are made down south. So this doesn't have nothing' to do with the coast, this has to do with Central Louisiana and they would like to see if the season could be extended or give more tags out. Actually by the first week of the season people are limited out over there. That's how big the population is. Now these people will be coming to the meeting. I was asked – They had a meeting last night and I was asked to come and bring this before ya'll. They will be coming' and, they are a determined group of people, they're not going to give up. So I mean the season's over with right now, it's something' to start thinking' about, something' needs to be done with this, population of alligators in this area. And so I mean ya'll got plenty of time to think about it and it'll be coming', like I said, they'll be coming' over here and coming' before the Commission to talk more about it.

Chairman Yakupzack: Thank you Mr. –

Mr. Ronald Coco: And, and another thing, Johnathan brought up was the chronic chronic waste disease, we working' to have a meeting' in Avoyelles Parish at the Ag Building on Highway 1. And we work with LSU and the Department of Wildlife and Fisheries and any other people that want to get involved in it. There was one held in Alexandria but it was held like 2:00 in the afternoon, people couldn't attend. So this one will be scheduled for a nighttime meeting. And it'll be targeted for Central Louisiana people to come in so to tell the people more about the diseases and hog control and everything also. And I will be letting you know and tell everyone about it and if ya'll want to come to it ya'll more than welcome to come to it, also.

Chairman Yakupzack: Thank you, Mr. Coco, I think Commissioner Courville has –

Commissioner Courville: Mr. Chairman, uh –

Chairman Yakupzack: – more questions.

Commissioner Courville: – I might weigh in on your, alligator, request, have you made a formal request of the department for a, a, a consideration –

Mr. Ronald Cocoa: They called –

Mr. Ronald Cocoa: for an alligator –

Mr. Ronald Cocoa: several people, they were transferred back and forth to several different people in Wildlife and Fisheries.

Commissioner Courville: Let me, let me make a suggestion, obviously you've got staff here that can do a fine job of it as well but I would, so tag allocations occurring currently –

Mr. Ronald Cocoa: Mm hmm.

Commissioner Courville: so if you have a desire to increase your tag allocation in that region it needs to be done now.

Mr. Ronald Cocoa: Now? Okay.

Commissioner Courville: I would recommend that if you, have a chance to maybe visit with Mr. Edmond Mouton –

Mr. Ronald Cocoa: Yeah.

Commissioner Courville: and then he can direct you –

Mr. Ronald Cocoa: We did, we did talk to Mr. Mouton.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

Commissioner Courville: He's in New Iberia but, if you wait till August, the August Commission meeting you, you might be a little bit behind schedule so, uh –

Mr. Ronald Cocoa: They're waiting' for me to call them back to give them some kind of a response because, I mean they rang me twice since I've been here.

Commissioner Courville: I would, I would recommend that you make a move on it now.

Mr. Ronald Cocoa: Okay, I'll get with them on that.

Commissioner Courville: Because August will probably be too late because –

Mr. Ronald Cocoa: Okay.

Commissioner Courville: those tags will have already been allocated and assigned and it's a, it can be a challenge.

Mr. Ronald Cocoa: They, they started a kayak program in the thing, they have, one, it goes up to 15 mile kayak trips on the, on the whole complex. When they first started people were going' in, kids were going' in and now the people are pulling' out, it's too many alligators in the complex.

Commissioner Courville: One, one –

Mr. Ronald Cocoa: They don't want to bring their kids up in there with the alligators, with the size of the alligators they got up in there.

Commissioner Courville: One thing I do want to comment on and applaud the department, for their response in a lot of, in an increase in alligator, nuisance calls if

you will based on some, you know, obvious, the obvious activities that have occurred in the news. Fortunately, for Louisianans we've learned how to sort of adapt and live – Because we live in the midst of a lot of alligator habitat and there's a lot of folks that are making' a lot of, knee jerk type reactions. They see one and, and they, they all of a sudden are fearing' for their lives. The department has done a, an excellent job and if I'm not mistaken recently put out a press release on how to deal with alligator encounters.

That said, and I'm not saying' I'm advocating for or against it, but, a re-evaluation of, of the alligator population in the Spring Bayou area would probably be appropriate. Um –

Mr. Ronald Cocoa: Well, well that's what they wanted. If they could have somebody come in there and make an estimate of the alligators and study –

Commissioner Courville: And –

Mr. Ronald Cocoa: study the situation and see what the problem is.

Commissioner Courville: And, and it may or may not result in an increase –

Mr. Ronald Cocoa: Yeah.

Commissioner Courville: in tag allocation but what I would hope the department would not do, and I've got the utmost confidence that they won't do it, is have a, a knee jerk type reaction, and have these incredible tag increases, the alligator recovery is a success story. Are there some nuisance ones? Absolutely. Or some inappropriate behaviors by individuals, almost taming them? Absolutely that happens. So we've got to find that balance. But at a minimum I have the utmost confidence that the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES  
July 7, 2016

department's staff will do a fair assessment and it may or may not result in a tag increase.

Mr. Ronald Cocoa: But they just, they just, uh –

Commissioner Courville: But you need to do it now.

Mr. Ronald Cocoa: Well they just harvested one or killed one, 11-1/2 foot in a man's front yard.

Commissioner Courville: There is a good nuisance program in addition to –

Mr. Ronald Cocoa: Yeah.

Commissioner Courville: to potential increase in tag allocation. So, like I said, I think the department has the tools to address safety concerns of, of human life. But it, it, if you're going to make a move, you need to do it now.

Mr. Ronald Cocoa: It has to be now because August is coming' up.

Commissioner Courville: You, you're going to, you won't have time if you wait till the August –

Mr. Ronald Cocoa: I know.

Mr. Ronald Cocoa: Commission,

Mr. Ronald Cocoa: I mean –

Mr. Ronald Cocoa: I, I would do it now.

Mr. Ronald Cocoa: Okay. All right. Thank you.

Chairman Yakupzack: Thank you, Mr. Co, Coco. Any further comment? With that I'll take a motion to adjourn.

Captain Samanie: So moved.

Chairman Yakupzack: Motion moved by Captain Samanie.

Commissioner Sunseri: Seconded.

Chairman Yakupzack: Meeting adjourned.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

**CALL TO ORDER**

Chairman Yakupzack: Good morning. Call to order this August 4, 2016, Department of Wildlife and Fisheries Commission Meeting. Will you please join me in the Pledge?

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands. One nation, under God, indivisible, with liberty and justice for all.

Ms. Brogdon, will you please call the roll?

Ms. Brogdon: Bart Yakupzack.

Chairman Yakupzack: Here.

Ms. Brogdon: Chad Courville.

Commissioner Courville: Here.

Ms. Brogdon: Bill Hogan.

Commissioner Hogan: Here.

Ms. Brogdon: Pat Manuel.

Commissioner Manuel: Here.

Ms. Brogdon: Bobby Samanie.

Commissioner Samanie: Here.

Ms. Brogdon: Jerri Smitko.

Commissioner Smitko: Here.

Ms. Brogdon: Al Sunseri.

Commissioner Sunseri: Here.

Ms. Brogdon: Mr. Chairman, there are 7 commissioners in attendance. We have

a quorum. Secretary Melancon is also present today.

Chairman Yakupzack: Thank you. Agenda Item No. 4: Approval of the July 7, 2016 Commission Meeting Minutes.<sup>1</sup>

Commissioner Courville: Mr. Chairman, I looked at them. It looks like it might be missing some of the supporting presentations that were in there so maybe we can pass on these today and consider them at next month's meeting if it would be ok to do that.

Commissioner Manuel: Mr. Chairman, can I ask a question or do I have to wait until next meeting?

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: There's some stuff on that CWD in here, I think, that's backwards. I wasn't here at the meeting but I listened and watched y'all. I got some questions. Should I just wait until your presentation, John?

Chairman Yakupzack: On that issue?

Commissioner Manuel: Yeah.

Chairman Yakupzack: I think that would be appropriate. We'll ask Ms. Brogdon to check those minutes on that matter before they're called for approval in September.

Commissioner Manuel: Ok.

<sup>1</sup> Attached hereto and made a part hereof for reference and for all other purposes as Exhibit I

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: If that's the pleasure of this Commission? So, we'll take action. We have a motion by Commissioner Courville to pass the minutes for consideration in September upon completion. And a second by Captain Samani. Any public comment? All those in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion passes. Agenda Item No. 5: Commission Special Announcements and Personal Privilege. I'd like to turn the floor over to Secretary Melancon to introduce a new commissioner.

Secretary Melancon: Thank you, Mr. Chairman. It's an honor. I'd like to extend on behalf of the Wildlife and Fisheries Agency of Louisiana a welcome to Jerri Smitko from Houma, Louisiana. Jerri is an attorney and the owner of Smitko Law, APLC in Houma. She is a graduate of Nichols University and Tulane Law School. She has one son, Maxwell. Among the many positions held since graduating Tulane Law in 1986, Ms. Smitko is Chair of the Louisiana Indigent Defense Assistance Board from 2006 to 2009, was on the Board of Directors for the Terrebonne Parish Indigent Defenders

Office from 2000 to 2006 and on the Board of Commissioners for the Terrebonne General Hospital Service District No. 1 from 1997 to 2009. Ms. Smitko has been a commercial fisherman for over ten years and owns her own shrimp boat. She was also special legal counsel to Terrebonne Parish Consolidated Government from 1992 to 1998, Assistant Parish Attorney for the same body from 1988 to 1992. Ms. Smitko is a member of the American Bar Association, Louisiana and Terrebonne Parish Bar Associations, the Association of Trial Lawyers of America. She served in the Louisiana Army National Guard, in the U.S. Army Reserves until her honorable discharge in 1985. Welcome aboard, Ms. Smitko.

Commissioner Smitko: Thank you.

Secretary Melancon: Mr. Chairman, I don't have my Agenda. Do we have anything about The Conservationist on the Agenda?

Chairman Yakupzack: No.

Secretary Melancon: Alright. This will be another portion. I would like to announce today to the Commission and to the people of the State of Louisiana that we at the agency have made a conscience decision that it was time for The Louisiana Conservationist to return

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

to the people of the State. Those of you that are my age and some younger and older will remember this great magazine and the contents of such. It not only promotes the things that we as an agency do, but it promotes the industries that we oversee and it allows for, will allow for, people, biologists, people that are doctors and masters that need to publish in a place that possibly help them and to share the information better or as much as possible with the people of the state of Louisiana. This will be passed around for you to take a look. This is the cover that is proposed and I'd like to thank the technical staff that is here at the Department for the great job and work that they are doing to help us get this thing off the ground. I'm excited about it. I grew up reading The Conservationist from front to back as a kid. Some of the stuff that the scientists put I didn't understand, but that's ok. I knew it was something in times I gleaned information where I may not have fully understood. I'm excited about it. I have yet to talk to anybody that was familiar with The Conservationist that wasn't excited or isn't excited about it. We're going to try. Our plans for The Conservationist are to print 5,000 copies, get those out to

the public libraries and the schools in the state for starters. Then we'll work on circulation and making sure that people of the state of Louisiana, the licensed hunters, the sportsmen, whoever get their Louisiana Conservationist. So with that, gentlemen, I hope that as members of the Commission at this time in history that this would be one of the things that you will be remembered for doing, for resurrecting, bringing back something that's an icon. Not only within the state but outside of the state of Louisiana.

Chairman Yakupzack: Commissioner Manuel

Commissioner Manuel: Do we need a motion to approve that? Because I think it's a good idea. I've been hearing it quite a bit.

Chairman Yakupzack: If you would like to do a motion that says

Commissioner Manuel: We could do a resolution. Whereas, we support bringing back The Louisiana Conservationist magazine. I move.

Chairman Yakupzack: A motion by Commissioner Manuel to issue a Resolution of support of this Department and working towards bringing back The Louisiana Conservationist publication. Do I have a second?

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Commissioner Hogan: Second.

Chairman Yakupzack: Second by

Commissioner Hogan. Any public comment? All those in favor?

All: Yea.

Ms. Brogdon: {Audio Inaudible}

Chairman Yakupzack: I believe we will. I mean, it'd be silly of us not to ask the Chief his way.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion carries. Secretary Melancon, do you have additional items for personal privilege?

Secretary Melancon: Yes, sir, Mr.

Chairman. Thank you so much. I would like to say I made clear in the first statement this Department issued relative to management of red snapper, to remind those who have had the opportunity to review the statement and read in part. The Department's goal is to begin a collaborative dialogue with our State and Federal partners, to find a durable solution to these issues concerning management of the red snapper resources for the public good. Concurrently I'd directed the Louisiana Department of Wildlife and Fisheries staff to develop a comprehensive plan to test how we can use new technology and the best available science to provide our anglers

with more access to red snapper. In addition, as I've stated before, the Department is already working through the Gulf of Mexico Fishery Management Council to set up a new management system for our private anglers, one that will give Louisiana the power to manage our fishery as we see best. Once this plan is fully developed, I plan on hosting a meeting which involves all interested stake holders to discuss in proprietary input on the items included in this plan. Again, my hope is for these stake holders to reach some sort of compromised position, that we can all go forward together with and finally bring to an end this long and protracted fight. I also ask for the Commission's support and cooperation with this undertaking, as well. Finally, I encourage all Commission members to attend the meeting of the Gulf Council so that you may have a better understanding of that process. Fortunately the next Gulf Council meeting will be held in New Orleans August 15 - 18 at the Astor Crowne Plaza Hotel. As soon as a specific agenda is published, I will pass it along to you. While I understand your schedules may not allow to attend the entire time, my experience is that

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Wednesday and Thursday are the most substantive days where the public comment is allowed and the policy issues are thoroughly discussed. Should any of you need accommodations in New Orleans to attend the Council Meeting, please contact Amy in my office and the Department will take care of this for you. Again I would like to thank the Chairman for this opportunity to address you this morning and I look forward to working with the Commission going forward on all issues that affect this Department. The red snapper issue is obviously a very contentious and complex issue. I want to begin by reminding everyone how blessed we are to have such incredible natural resource. It is our duty to protect that resource for the next generation. Along with the private recreational fishery that has a significant economic impact on the state, we are also fortunate to have a multi-million dollar restaurant industry where world class seafood is served every day, thanks to our hard working commercial fisherman. Finally we are blessed to have a charter for hire fleet in Louisiana who provide an invaluable opportunity for those who otherwise lack the financial resources to enjoy the benefits

of our natural resource. While the regional management system may be working for the commercial and charter for hire sector, it is badly failing our private recreational fisherman. A 9 day federal season is punitive and unacceptable. I think the Department of Wildlife and Fisheries can do better, contrary to inaccurate assertions made by some in the media. Let me be clear. I am and I will remain in favor of state management of the private recreational fishery. This is why we are currently moving forward at the Gulf Council to provide state management for the private recreational fishery. As I mentioned earlier, this is an extremely complex issue and with the number of technical and procedural questions from members from this Commission, it is my intent to set up an educational symposium for the Commission members and bring in those individuals who know the most about the issues and hold a one or two day educational symposium on red snapper management. This would be extremely beneficial to all members of the Commission. Not just the new members. While we do hold a new Commission member orientation to discuss the business operations of the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Department and the Commission, I believe we need a more focused educational symposium on red snapper specific. I ask the Commission's support and cooperation towards this endeavor. With that, Mr. Chairman, I'm finished.

Chairman Yakupzack: Thank you, Secretary Melancon. Any additional personal privilege or special announcements by Commissioners?

Commissioner Manuel: Mr. Chairman?

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: I got a question. I get emails directly to me from a guy, Toby Gascon. Is that how you say it?

Secretary Melancon: Yeah.

Commissioner Manuel: What's the deal? Give me the background. Is he Special Assistant to the Secretary or is he an Assistant Secretary?

Secretary Melancon: Toby is a Special Assistant to me. I brought Toby in when the auditors and the Inspector General showed up because of the demands for information that were going to need to be provided as we went through the process of the, not the internal, but the external audits that were going on. The audits are finished but there's some other items that the Inspector General is pursuing. Toby's

charge when he first got here was to do that.

Commissioner Manuel: But he will continue on?

Secretary Melancon: Yes, sir.

Commissioner Manuel: I've never met him. I don't know if any other members of the Commission have. I'd like to see who he is at some point.

Secretary Melancon: Toby, would you stand up? I assume he's in here. He went upstairs? Ok.

Commissioner Manuel: Ok. Good deal. I'd just like to know who he is.

Secretary Melancon: Toby works, my first experience - there's Toby. Toby, Mr. Manuel says -

Commissioner Manuel: There's the ghost.

Secretary Melancon: I want to introduce y'all. This is Toby Gascon.

Commissioner Manuel: Alright. We know him now.

Secretary Melancon: I was a State Representative from District 60 which included Iberville, West Baton Rouge and Assumption Parishes and a portion of Ascension Parish back in the 80's. I got to know Toby's father back in those days and his brother and his family. Toby then became, for me more with the sugar industry as Toby worked on fishery issues, we worked on fishery

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

issues for Congressman Billy Tauzin during the tenure when he was a Democrat and a Republican. Toby worked in the fisheries industry for several years, working for the Menhaden Industry. Then the last several years working as an assistant to Senator Norby Chabert in the State Senate.

Commissioner Manuel: I was just trying to find out. I hadn't met him then I see emails. He sends us emails. I thought he was a ghost. But I understand he's not a ghost now.

Secretary Melancon: That was my alias, Mr. Manuel.

Commissioner Manuel: That's it for me.

Chairman Yakupzack: Ok. Any other Commission Special Announcements, Personal Privilege? Thank you. Moving on. Agenda Item No. 6: To Hear Enforcement Reports for July, 2016. Captain Skena. Welcome.

Captain Skena: Morning, Mr. Chairman. Members of the Commission. For the month of July, we had 27 boating incidents, 22 with injury, 5 fatalities. A case report, we had 879 written citations, 520 written warnings and 27 public assists. Inside your folder there are several news releases for some noteworthy cases that were made last

month. Here are a synopsis of those cases. Enforcement agents received a complaint about closed season shrimping near Caillou Boca in Terrebonne Parish. Agents responded and cited two subjects for using skimmer nets during the closed season. 1,713 pounds of shrimp were seized and sold at the dock. While escorting the vessel and the subjects back to the dock, the agents observed another vessel without navigation lights. When the agents made contact with this vessel, they observed three subjects with what appeared to be stolen items. The items were verified as stolen through the Terrebonne Parish Sheriff's Office and the subjects were arrested. Additionally the operator was cited for several boating safety violations as well as outstanding warrants. Two St. Bernard Parish residents were cited for taking oysters from a polluted area, unlawfully taking oysters off of a private lease and failing to have written permission. One of the subjects was also cited for a log book violation. Agents were responding to complaints about fisherman taking oysters in polluted areas in several locations around St. Bernard Parish when they observed the subjects actively dredging for oysters in a polluted area.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

The illegally taken oysters were returned to the water. Agents seized the dredge and the vessel was seized on a Department seizure order. If convicted, the subjects could have their oyster harvester license revoked for up to one year, required to perform 40 hours of community service and only allowed to harvest oysters from a vessel equipped with a vessel monitoring device for up to one year. Responding to complaints to illegal shrimping in Bayou Little Caillou in Terrebonne Parish, agents cited 2 subjects for taking commercial fish without a commercial license, failing to comply with bait dealer permit regulations and using skimmers in a closed season. Another subject was cited in connection with this investigation for allowing an unlicensed fisherman to use a vessel license and gear license and failing to comply with bait dealer permit regulations. During the stop the subjects produced a bait dealer permit, commercial gear license and a vessel license belonging to another fisherman. Neither subject was able to provide the required commercial fishing license. Agents found that the subjects were well over the allotted two gallons of dead shrimp allowed to be possessed by a live bait vessel. Agents

seized and sold 628 pounds of shrimp. If convicted, each subject faces 40 hours of community service, criminal fines, possible incarceration, forfeiture of seized assets, one year of license revocation and only allowed to harvest shrimp from a vessel equipment with a vessel monitoring system. This concludes the Enforcement Report, unless there are any questions.

Chairman Yakupzack: Any questions for Captain Skena?

Audience Member: Can I ask a question?

Chairman Yakupzack: Sure. Will you come up and state your name for the minutes, please?

Roxanne Sevin: Roxanne Sevin. I'm the owner of RCP Seafood in Cocodrie and I'm owner of a live bait permit for probably the last 30, 35 years. I've just remembered about the monitoring system. As of three years ago we, I, myself and my brother, has a license and we had to put a monitoring system on the live bait boat to actually catch bait at night. So I'm just wondering if maybe somebody can let me know if there's, what is the law pertaining to the monitoring system. And I know this particular vessel he's talking about didn't have one and they were catching the bait at night.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: I see Mr. Martin come up. I'll let him address your question.

Col. Martin: I can answer it.

Chairman Yakupzack: Ok.

Col. Martin: The VMS requirement is still there if you're going to know what's; With a bait permit, if you're going to do it during daytime hours you are not required to have VMS, but anytime you are going to operate at night they still required to have VMS. The vessel that we caught in this particular case, they have gotten with the District Attorney's office and they have added that additional charge for them not having the VMS on that particular vessel.

Roxanne Sevin: Ok. I just wanted to be sure because it's cost us \$3,500 plus the \$60 a month that we pay for it. So I just want to be sure. Thank you.

Chairman Yakupzack: Thank you, Ms. Sevin.

Chairman Yakupzack: Agenda Item No. 7: To Recognize the National Archery and Schools Program National and World Champions, Mr. Robert Strode.

Robert Strode: Thank you Mr. Chairman, members of the Commission, Mr. Secretary. Thank you for allowing me some time this morning. Real quickly, I want to run through a few things. I know we have several new commission members since the last time that I spoke

to many of you about a year ago at this same time. Real quickly for those of you in the public, as well as commission members, that aren't aware we run our Archery in Louisiana Schools Program here, which is a portion of the National Archery in the Schools Program. It's a program that introduces students in grades 4-12 an international target style archery. This is taught as part of their in-school curriculum, which means they are getting it normally, as part of their PE class. So instead of going and playing dodge ball or basketball, they are going in and learning how to shoot target archery as part of their school day. This program has been a great success, not only nationwide, but also here in Louisiana. A big part of its success is that it is safe and fun and our administrators and our parents and our coaches love it because it teaches our students focus and discipline and helps build self-confidence. All those are attributes that we encourage in our youth today. I just want to real quick look at some numbers because although this program is here and pretty prevalent in the state there's a lot of numbers that people don't realize just how big this program is. The national archery in the schools program has 47 states in the

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

United States, as well as 8 Canadian Provinces, 4 African Countries, as well as Australia, New Zealand, Mongolia and the U.K. are now involved in the Program. So it's even extended beyond the borders of North American to involve several other countries with more coming on board each year. Currently in the U.S., there are over 14,400 schools that are participating in this program, which sounds like a lot of schools but what you don't realize is that is less than 10% of the schools in the U.S. So that's really when you look at the next statistic, that tells you about the number of students that we can impact. Currently, this past year 2.4 million students received the archery in the schools program. As a comparison you can see those next two numbers. Last year 2.4 million youth were in Boy Scouts as well as 2.4 million in Little League Baseball, so this program really is on a grand scale. It's not a small program. Currently here in the state of Louisiana, we have 164 of what we consider active schools teaching the program which equates to just about 20,000 students here in the state of Louisiana receiving this curriculum. Each year we are able to provide schools with assistance to get

the program started as funding is often the biggest hurdle. We are able to give out 20 equipment grants each year to these schools who need a little bit of help to get the program there. So far over the past 3 years we've distributed 51 total of these grants which is an estimated \$88,400.00 of equipment that we are assisting these schools to get. The way these grants work is basically we provide half of the equipment and they are required to come up with the money to provide the other half. Therefore the school has a buy-in and we're not just giving them equipment without them having some investment in the program. Couple of photos, these are a couple of schools that received equipment this past year. And there's many more out there like these schools. They range from rural schools with K-12 to schools that are in large urban populations that are elementary, middle school or high school level. In order to run this program in the state, we train what we call basic archery instructors who go through an 8 hour certification. Currently we have 840 certified based archery instructors here in the state of Louisiana, with 120 of those being certified already this year in

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

2016. In comparison, last year we certified 169. We'll easily surpass that number this year. Our program is in a state of very strong growth. Last year we were awarded as the top gain in percentage of the number of schools in the U.S. This year we were third in the U.S. behind New Mexico and Iowa in the greatest percentage of growth. Each year the Department of Wildlife and Fisheries hosts 3 tournaments. These are sanctioned NASP tournaments and they allow students to qualify to go to the national and the world tournament. This past year we had 584 participants at our South Regional, that's held in Alexandria, and 510 at our North Regional, that's held in Shreveport. Those statistics show that we are growing in all categories as far as individual participants as well as schools, with a respective of 22 schools at each regional, which is right at what we want. We want an even distribution of those schools. Another thing that we can highlight on this slide is really the gender participation. The great thing about archery and what's so many schools and school administrators like about it is it's not a male sport, it's not a female sport. It's a pretty close divide of both male and female students that are

participating in this program. At our 2016 State Tournament, which was held in Alexandria this past year, we had 822 participants. Again the breakdown of male and female you can see is a little bit more segregated towards the males but it's pretty close there in the center, and we had 37 schools attend that tournament. This year was our first year we added a 3-D element to the State Tournament which was a big deal. This is getting kids that had just been shooting at bulls-eye targets in their PE classes, now they are shooting at 3-D animal targets. This is a secondary portion of the NASP Program that was introduced by IBO, International Bow-hunters Organization. We think it's a great way to help students make that transition from target archery to getting out there and hopefully either becoming 3-D shooters or, more than likely a lot of them transitioning in to bow-hunting or hunting in general. Two hundred eighty-one of those same participants that participated in the bulls eye shot in our 3-D, and this is just a photo of how that 3-D tournament so you can see that they're shooting realistic 3-D animal targets. It is still indoors and it uses all the same protocols for safety as the bulls eye portion does. Since inception of this

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

program we've been working to build the ability to give away scholarships to these great young athletes who are participating. This year we were able to bump that scholarship level. This year at state tournament we gave away \$17,500.00 of scholarships and some of those scholarship recipients are going to be here today and we'll be introducing them. The top 3 male and female shooters in bulls-eye each received a scholarship. These are cash scholarships that are donated by sponsors of the program. These are outside organizations that see the benefit of what this program does for our youth and they're donating those funds to give back to the students. We also gave away \$2,500.00 on the 3-D side which was great to be able to do the first 3-D tournament and already be giving away scholarship money. Both the top male and female each received the \$1,250.00 scholarship. Here is some of our scholarship winners. Again some of those you're going to see here in person today. And some additional award winners from our State Tournament. After completing the State Tournament, teams and individuals can qualify to then move on to the National Tournament. The NASP National

Tournament is held each May in Louisville, Kentucky. That tournament the participation there also has continued to grow. This year at the National Tournament there was nearly 13,000 students who participated. Those students came from 41 states, as well as the District of Columbia. They also host the 3-D tournament there with just under 3,500 students participating there. We sent a strong contingent from here in Louisiana to National Tournament. One hundred ninety-eight of our students from 14 different schools in Louisiana took students to the National Tournament. One hundred ten of those also chose to participate in the 3-D. After competing in Nationals, students who qualify high enough may continue on to the World Tournament. This year the World Tournament was held in Myrtle Beach, South Carolina. Not a bad vacation, either. We had 4135 as far as participation for the bulls-eye tournament at NASP and 1120 in 3-D. Of those 103 participants from Louisiana participated from 6 schools and 75 in the 3-D from 5 different schools. So what we're seeing is Louisiana although our program is much

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

smaller than a lot of states in the Program, especially those surrounding us, we travel well. And there's a reason we travel well, we shoot well. These are some photos from the National Tournament of some hardware that our students brought home. I get a lot of questions we just had our coordinators conference last week and I get a lot of questions "What are they doing down there in Louisiana? What's in the water? What makes those kids so good down there?" And those are all questions that I can't answer. Those are questions for the coaches and for the kids. But I can tell you that these students are very dedicated for what they are doing. They take a lot of time, a lot of time that a lot of other kids are spending playing video games or hanging out with their friends or texting or playing Pokemon Go. And they are out there with a bow and arrow, honing their skills. We not only have teams that are placing at our National Tournaments, but we also have individuals that are scoring very high. Our National Tournament, Benton Middle School were National Champions in the Bulls-Eye. This is the first time that we've ever had a National Champion from the State of

Louisiana. We've had World Champions before but this is the first time for Nationals. Benton Elementary brought home a National Championship in the 3-D Element. We also had two individual award winners at the National Tournament, Madeline Lowry and Eden Old. They placed second and third place, respectively, in the Elementary Division of 3-D. Worlds Tournament, we brought home even more hardware. And I say we as them. We've got Benton Middle School who are the World Champions in Bulls-Eye and 3-D, in both categories they were World Champions in the Middle School Division. Second Place, Benton Elementary in 3-D and Third Place, Kingston Elementary. Which is pretty amazing this is their first year in the Program and they're already bringing home awards at the World Tournament. We also had 4 individuals that received awards, individual awards at the World Tournament. Miss Emma Bunch is the World Champion Middle School at 3-D. Kaitlyn Misenheimer, Third Place Middle School 3-D. Aidan Haire, Third Place Middle School 3-D, and Kennedy Halsel from Kingston Elementary, Fourth Place in Elementary for 3-D. So out of those kids that we're

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

sending we see that they're bringing home a good chunk of that hardware. I got some more photos to drive that point home. I want to take some time, we've got some of those students and their coaches here today. I'd like to bring them up and give them the recognition that they deserve. Like I said, they spend a lot of time when a lot of other kids aren't worried about being disciplined and being focused. And this is just a small portion today of this 20,000 students here in Louisiana that are getting the benefits of archery through this program. We really want to make sure that they are able to continue their growth, not only as archers but as the youth of our next generation. That they can continue to develop these skills and work on those. If I could, I'd ask these individuals to come up if they are present here. Miss Madeline Lowry, she is here. And Eden Old. Miss Eden. We got each of the students receiving a cup that has laser engraved the year of their accomplishment and what their accomplishment was. As you can see, she's got a stack of medals on. These kids have so many awards, so many trophies and so many medals that we wanted to give them something that they can use every day. So we hope that

they'll take this with them and have it as a reminder of their accomplishments. So we just wanted to say congratulations.

{Applause}

Miss Emma Bunch, I don't think she's present today. Aidan Haire. Kaitlyn Misenheimer. Is Miss Kennedy here?

{Mr. Strodé continues to call up students and hand out laser engraved cups}

At this time I also want to recognize Benton Elementary as a team, as well as Benton Middle School. All of you that are here today, if you'll all come up. We want to recognize those participants as a team. Come on up. Each of these schools will receive, as well as this banner they can hang in their gymnasium, a pretty long list of accomplishments on that banner, they also will receive a target that they can use to help grow their program in their school.

{Applause}

Chairman Yakupzack: Excuse me,

Robert. Before you all take your goods and sit back down, since this is probably one of the larger groups to come up, can we get everybody to come up and I'll ask Secretary Melancon, if you'll come up. And the Commission if you don't mind. Let's take a minute and all

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

surround these wonderful kids and document this incredible program and take a picture. If we can turn the lights back on.

{All Commission Members, Secretary Melancon, Students and Members of National Archery Schools Program gather at the front of the conference room for a group photo}

Robert Strode: And of course, it wouldn't be a complete presentation if I hadn't forgot someone. I skipped over Miss Abbie Rutledge, if she'd come up. She placed Fourth Middle School Girls at World.

{Applause}

Just in closing, I again want to thank the Commission for allowing me some time. I really do think that this program and what it's doing for our youth is really a great thing and I hope it continues to grow. We are adding new schools all the time and I really want to ask anybody, members of the public, members of the Commission, employees of Wildlife and Fisheries, if you know of a school or you have children or grandchildren, nieces and nephews who you think that this program would be really good for them, please reach out to us and we will reach out to their school. We would love to see that every school in the state of Louisiana have this program because some of the stories that

these coaches and these parents could tell you about what this program has done for their students, they'll make the hair on the back of your neck stand up, give you goose bumps and sometimes bring you to tears. This program really is something that I feel like we can do not only to help us here as sportsmen, as a wildlife agency, but also just as a society that we can give our students this opportunity to develop these life skills, that confidence, that focus that's really gonna help them for the rest of their lives and throughout their careers and their futures, whatever they go on to do. Last thing, we've got some tournament dates up there. All of our tournaments are open to the public. We would love to have any of you there, whether you have students shooting or if you'd just like to see it. We'll have two Regionals and our State Tournament again here in Louisiana as well as the National and World Tournament. Louisville, Kentucky and Orlando, Florida. We have some brochures on the back table, contact information on the back. Please do not hesitate to contact us. Again, thank you Commissioners. Mr. Chairman and the Commission.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: Thank you Robert. I'll take a second on behalf of the Commission to commend you, the rest of your team and especially the administration for continued support of this wonderful program. Congratulations to you, as well and again to all of you here today. Agenda Item No. 8: To Consider a Declaration of Emergency Setting the 2016 Fall Inshore Shrimp Season. Mr. Jeff Marx.<sup>2</sup>

Jeff Marx: Thank you Mr. Chairman and Commissioners for a little bit of your time this morning. What we have for you this morning is to consider the dates for setting the fall shrimp season. So basically the Declaration that you have in front of you will set the opening date for the fall inshore shrimp season. It also gives the authority to the Secretary to delay or advance openings dates if biological or technical data indicate the need to do so. It also allows closure of inside waters to protect small white shrimp if enforcement problems develop. And it also gives the Secretary the authority to open any area, re-open any closed area and to open and close any special shrimp seasons that may be

necessary. Just a little background, this is the 2015 shrimp landings. You can see, we are in August. The majority of harvest of shrimp from August to the end of the year is primarily white shrimp. This is just a breakdown of our estuary basins, basically, and we have offices located in many of these places that go take samples basically throughout all of this. And just a big thanks to those guys. They go out and get the samples for us. It's an important job and it does not go unappreciated. The landings by basin, if you are working from west to east, there's Calcasieu, Vermilion, A chafalaya have some small landings of white shrimp. The main bulk of landings are in Terrebonne and Barataria Basins. There's a little bit of landings there in Mississippi and Pontchartrain, as well. This is just a state wide glance at all the sample shrimp that were taken and measured through July 25th through the 28th, that's when samples were taken. So last week. The two highlighted areas of course is a 50 count highlight there and there is a basically a hundred count shrimp highlight. So you can see there is a good many that are below, but what we are going to do is breakdown each basin that goes towards

---

<sup>2</sup> Attached hereto and made a part hereof for reference and for all other purposes as Exhibit 2

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

this statewide graph and I'm going to break it down by basin and sort of show you where some of these cross over dates are. If you look at the bottom so the top graph is in the Pontchartrain Basin, that is all the shrimp that were sampled in that basin, you can see the distribution of shrimp there. That's in count per pound. The bottom slide basically shows you the percentage of the, there's two lines. There's a hundred count line. That's tracking the percentage of shrimp that are bigger than a hundred count. According to these samples taken last week so we know how fast shrimp go so we project it, we walk them forward that growth and then we can see basically when they crossed. The green line is a 50 percent, that's where 50 percent is. The red line is a 50 count shrimp, ok. So we went to the Shrimp Task Force, their last meeting in July. We requested some input from them on what they would like to see. Generally we use a hundred count during the spring season. We also use it in the fall because any shrimp, white shrimp under a hundred count are illegal to possess basically. If your count is under a hundred, smaller than a hundred count as a whole, with mostly white shrimp you are not allowed to

harvest those. So basically we are looking at Pontchartrain. As of Monday, they had 50 percent of their shrimp were larger than one hundred count. So that means half of them. That doesn't mean they are averaging a hundred count. That just means that half of them are bigger than a hundred count. If we look at the red line, that's when we project that 50 percent will be over 50 count, or bigger than 50 count, would be in the middle of the week of August the 15th, which would be 2 weeks from, a week and a half from now. So you're looking at the 50 count line would be August the 16th or 17th. Half of their shrimp will be bigger than 50 count. Moving on to Barataria. You can see Barataria as of August 1st, walking these graphs forward that their distribution of shrimp is a little bit toward the bigger side. The good thing that you do like to see, if you look to the left of the graph on top is some small ones, that means that we have recruitment. You are gonna have these waves of recruitment throughout the fall til you start getting some hard cold fronts that sort of halt that. But you can see the bottom graph, they are already at 75 percent or so above a hundred count. Their 50 count line,

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

their red line, they would be crossing it probably today. That's again walking those shrimp forward. We're talking August the 4th or 5th when their 50 percent will be larger than 50 count. Terrebonne, same thing. We see a little recruitment there at the back but mainly they're already above the hundred count line. They're 70 percent larger than a hundred count. We're right now, as of Monday the first, only 20 percent were above 50 count. But you can see if we're walking those shrimp forward you're getting basically a cross-over, when they cross-over that 50 count line will be August the 9th or 10th probably when they would cross the 50 count, 50 percent larger than 50 count. Now we have a little, some water quality issues, things like that. A lot of rain over towards the west. Vermilion has a big number of small shrimp, you can see through that graph, a big large. They have a few shrimp that are getting up in size but not a whole lot. They're currently, as of Monday, at 30 percent over a hundred count. So they're still small. They cross over about the 19th of August, for a hundred count. You can look at the 50 count. If you use the 50 count for them, may not be until September if you wait that

long. Same thing for Calcasieu. Big numbers of smaller shrimp. They don't cross over until actually the 27th. So 50 percent of their shrimp will be bigger than a hundred count on the 22nd. Now that doesn't mean there aren't any big ones. You can see that graph and do it towards the right, they do have some that are 26/30, 21/25. But the majority are smaller, new recruits. We always like to have this graph to look at, as far as when the tidal cycle falls. The middle of the tidal cycle before the full moon is the 15<sup>th</sup>. That would be not next Monday but the next, and the 22nd is in between tidal cycles. Now looking at the blue graphs and sort of putting it into a percentage number. Looking at these graphs by basin. If you look at the Calcasieu Basin as of when these samples were taken, only 38 percent were larger than a hundred count. In Calcasieu, 9 percent were bigger than 50 count. So you're talking about a pretty small shrimp. That's last week numbers, correct. Vermilion, same thing. 31 percent were larger than a hundred count and 4 percent were above 50 count. Those are illegal. You can't possess those shrimp. If you were to take your trawl at that time, you'd be illegal. You'd have a possible

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

citation. In the Terrebonne Bay system, 71 percent are above a hundred count and 21 percent are above 50 count. So that was up, that was as of last week when the samples were taken. Same thing with Barataria, 76 percent larger than a hundred count, 42 percent larger than a 50 count. And then lastly Pontchartrain, 53 percent were above a hundred count, so they just made the criteria, and 17 percent were above, larger than 50 count. So taking all of that in to consideration the recommendation from us would be to open the eastern part of the state, so from the Louisiana - Mississippi line, westward to the Atchafalaya River on August 15th at 6:00 pm. Then we would open the western part of the state from the Atchafalaya River westward to the Louisiana - Texas line on August 22nd the following Monday, at 6:00 am. With that, I'll take any questions that you might have.

Chairman Yakupzack: Any questions from Commissioners for Mr. Marx? Ok.

Commissioner Samanie: Do you want to hear public comments then we make motions?

Chairman Yakupzack: Absolutely. I was about to go there. As it's become custom on issues like the setting of shrimp season

we like to hear from the public before a motion is made. So at the request of Captain Samanie, we will hear from the public at this time. I have a few comment cards of folks that would like to speak. It's not an overwhelming amount. So we'll limit the time. We'll shoot for about 4 or 5 minutes each, if necessary. I'd like to ask you all to focus your comments on this agenda item and on the dates and how you feel about setting the dates. Keep your comments focused on that at the pleasure of the Commission. First up to speak is Mr. Barry Rogers of Terrebonne Parish. Mr. Rogers, come up. State your name and address.

Barry Rogers: Barry Rogers from Terrebonne Parish. 223 Wimberly Way, Houma, Louisiana. We totally agree with what Jeff says on the dates and times. Totally think it's the appropriate thing to do right now. I'd like to first, forgot, tell Mr. Melancon, good morning. Commission members, good morning. Sorry about that. Totally agree on it. Think it's the appropriate thing at this time and date and what's going on right now. Totally agree on it. Give thanks to Jeff and his crew for what they do for us. Thank you.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: Thank you Mr.

Rogers. Mr. David Chauvin.

David Chauvin: Good morning. My name is David Chauvin. I live at 5248 Briarside Drive and I own and operate a shrimp company in Dulac, Louisiana. A lot of fisherman wanted to be here this morning. Some of them are out on the water, a lot of them were getting ready to get back out on the water. But myself and a lot of fishermen from my area would fully support Mr. Jeff Marx's recommendations. I think it's an appropriate date and we thank you for his time and his effort that he put forth in preparing his presentation. Thank you.

Chairman Yakupzack: Thank you Mr.

Chauvin. Mr. Al Marmande.

Al Marmande: Al Marmande. 840 Vice Road, Houma, Louisiana. I'm here to thank Mr. Secretary Melancon for letting us know in a more timely fashion when they are going to open and close shrimp season. As a processor I feel that it's important that we know this, and shrimpers, so we can prepare our boats, have ice, fuel, get everything ready. Get our ducks in a row. Also would like to congratulate Ms. Smitko for her appointment. Once again I'd like to thank the Secretary. I know he loves

Louisiana as much as me, and we want to keep Louisiana number one. I thank you, Charlie. Thank y'all.

Chairman Yakupzack: Thank you Mr.

Marmande. Mr. Craig Authemente.

Commissioner Manuel: Mr. Chairman, does that fellow shrimp in those clothes?

Craig Authemente: Craig Authemente. 105 Pecan Court, Houma. Owner of {Audio Inaudible} Shrimp Dock in Cocadrie. I go with Mr. Jeff's recommendation also. Especially with the 6:00 pm on the 15<sup>th</sup> and I think it's good.

Chairman Yakupzack: Thank you Mr.

Authemente. Does anybody else wish to make public comment on this item who has not filled out a white card? Hearing the public comment, any further question or discussion from the Commission? Commissioner Samanie.

Commissioner Samanie: Thank you. Several fishermen have called me about the 6:00 pm opening. I'd like to get the views from some of the people in the audience, how they feel towards a 6:00 pm versus a 6:00 am. Which would y'all rather? Some of the fishermen?

Acy Cooper: Acy Cooper, President of the Louisiana Shrimpers Association. When it opens in the morning like that, white shrimp are mostly a night time shrimp anyway. So

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

when you open in the morning we got a lot of disturbance. At night time coming, you got muddy water and it's just not right. Brown shrimp is ok but white shrimp, we definitely need the 6:00 pm.

Commissioner Samanie: Ok.

Acy Cooper: Take in to consideration that and we do want it at 6:00 pm.

Commissioner Samanie: Ok. I just wanted to double check. I had gotten a few phone calls. Mr. Chairman, I'm prepared to make a motion that we file a recommendation to the Department based on biology.

Commissioner Courville: Second.

Chairman Yakupzack: We have a motion from Commissioner Samanie to accept the recommendations of Mr. Marx and the Department to open the shrimp season on August 15th from the Mississippi - Louisiana state line westward to the Atchafalaya River at 6:00 pm and opening from the Atchafalaya River westward to the Louisiana - Texas state line on August 22nd at 6:00 am. We've heard public comment. If no other discussion or question, all those in favor.

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion carries.

Jeff Marx: Thank you.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Jeff, I wanted to thank you for the time you spent with me this week.

Jeff Marx: You're welcome.

Commissioner Courville: You're helping me gain a better understanding of this. Job well done.

Jeff Marx: Thank you. And that goes out to anybody. If any of you Commissioners needs to discuss shrimp, give me a call. I'll be glad to talk to you. If you've got questions. You probably won't have as many as Chad. Chad likes to ask questions. But that's good and it helps us get everybody on the same page. Thank you.

Commissioner Courville: Pretty good chance I'm not going to be changing either.

Joe Macaluso: In our handout today, the Declaration or Emergency lists the western portion as one half hour before.

Jeff Marx: This a draft. That's a draft.

Joe Macaluso: So this would be 6:00 am?

Jeff Marx: Yes, sir.

Commissioner Manuel: You're supposed to say who you are and your address.

Chairman Yakupzack: Agenda Item No. 9: To Hear Presentation on Cervid Carcass Importation Ban Notice and Summary

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

of Public Comments Received on the Cervid Carcass Importation Notice of Intent. Biologist, Johnathan Bordelon.<sup>3</sup>

Johnathan Bordelon: Good morning Mr. Chairman, Commissioners. I'm going to give you an update today. Basically on the comments that we've received up to this point. Also going to talk a little bit about what other states are doing. In addition to that talk about some of the things already done as far as preventative measures. First we'll talk about Carcass Importation Bans. There are currently 37 bans in the United States. Also 2 Canadian Provinces. All the states list certain exceptions. Basically those exceptions, for the most part, include de-boned meat, antlers, quarters not containing back bone and connective tissues, clean skull plates with antlers, clean skulls with tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned cervid teeth. And that's basically if you look at all of them, they are basically going to include this language as an exception. This is where there is a few differences. One difference is 7 of the 37 states basically have a total ban. They do not allow

parts, except part exempted, to enter their state regardless of source. So 7 out of the 37, it doesn't really matter where the deer is coming from, it's prohibited. It has to be this specific parts listed. The other 30 states out of the 37 basically have a prohibition that prevents the importation of deer from CWD Positive States. And the question would be "Well how many states are CWD Positive?" And the answer right now is 24. So we are looking at 24 states across the country. Of course 2 of our neighboring states, Arkansas and Texas, are on that list of 22. I've received comments and I've tried to copy you with those comments as I receive them just so you have the opportunity to at least look through them as we get them rather than trying to go through them all at once. Basically I've received as 3 comments for support, 1 phone, 2 email. Also have received support from Louisiana Bow Hunters Association and the Louisiana Chapter of the Quality Deer Management Association. Received a few neutral comments. Basically neutral comments, it is just that. Someone asking me basic question about the regulation for clarification and understanding. Not

---

<sup>3</sup> Attached hereto and made a part hereof for reference and for all other purposes as Exhibit 3

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

really pro or against, they just had specific questions. But the majority, in this case, were actually negative. We had 33 total comments received up to today. Obviously that may not be reflected in your packets because I basically updated the list through today while I provided the information a few days ago. Thirty emails, one. So email is the primary mode of commenting. Primary complaints involve possession requirements to other states. Reciprocal properties located within two states. Difficulty in taxidermy requirements. Concerns regarding the effectiveness of this regulation. And inconvenience. So those are the primary concerns. Answers to some of the primary concerns, one of the most important questions to ask is this really a threat? Is this cervid carcass being imported in to Louisiana, put out on the landscape, is it a threat? Can that lead to CWD transmission in our state? That's a very important question because if we couldn't answer that question then it really would be difficult to even propose something like this. But what we've learned and what we knew about CWD for some time now is that it can be transmitted that

way. And even in 1985, the Colorado Division of Wildlife attempted to eliminate CWD from a research facility by treating the soil and removal of that treated soil and that's just surface material. Restocking occurred after one year only to have the animals re-infected. Now there could be some that say well possibly those animals that were introduced could have possibly been exposed prior to, but what they've done beyond that is they've actually taken prions from soil particles at burial sites and basically inoculate animals with those and those animals do come down with CWD in laboratory settings. The answer is yes. Those prions are shed in to the environment, they are binding to soil particles, they are there, they persist, they are not going to break down in the environment. It's just a matter of an animal coming along, feeding along the ground and what we've learned in 2015 is something much scarier. There is actually transfer of prions through plant material. University of Texas Health Science Center in Houston have actually infected animals in a laboratory setting by feeding them contaminated wheat. That's the wheat grass, basically. The soil was contaminated,

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

wheat was growing on the soil, animals were eating the plants clippings and they became CWD Positive. So we do realize just how dangerous and the threat that we are dealing with. So that is the first major question that we had to answer and there is many more case studies beyond the ones I'm presenting to support what I'm presenting here today. What are acceptable disposal practices? We talked about these. First being incineration. Obviously that's not going to be a practical application to a hunter or a taxidermist, a meat processor. That's something we would do as an agency. We have a suspect animal that we are testing. The first thing we do after the test, samples are secured, is we are going to get that animal incinerated. That will destroy the prions. I'm not talking about cooking. The temperatures that have to be reached are actually much higher than conventional cooking temperatures. The temperatures that we can reach through incineration will actually turn the animal in to ash. That is sufficient and has been documented as a way of killing or destroying the prion. Field dressing and cervid carcass parts left at the site of the harvest, obviously that's the best case because

you're not taking any infected material from the site of which the animal lived. And the third one of which is listed by the U.S. Department of Agriculture, its disposal of cervid carcass parts in an approved line landfill. So those are basically, those are the tools at play across the country when you're talking about dealing or destroying CWD. And the scary thing about it, even talking about destroying something, this is something that's not a lot but infectious. So it's very, very hard to understand that principle. But, because of that, that's why the threat from this is so great. Yes, sir.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Is it ok if we ask questions?

Johnathan Bordelon: Sure.

Commissioner Courville: My question is what is approved line landfill look like? How do you know the difference?

Johnathan Bordelon: Basically, it's a -

Commissioner Courville: How do I know the difference if I'm trying to dispose of an out of state carcass?

Johnathan Bordelon: That's a great question. Rather than using an approved line landfill, often they refer to a Type 2 Landfill. Then ask the same question,

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

what's a Type 2 Landfill? I'm just going to give you a simple answer here. It's basically the landfills that accept the household waste. So your waste management companies that pick up household waste and distribute or bring it and put it in an approved landfill. That is the approved landfill that they are talking about. So someone wouldn't be able to designate their own dump or landfill or construct something itself. It would have to be something used in that capacity. And those landfills basically are the ones that are approved.

Commissioner Courville: Ok. And just a quick follow up. I know it's for informational purposes but at some point, assuming this were to move forward and if this is going to be considered, can we get a sense of cost for if I'm a taxidermist what that might cost if I have to do something separate and above normal household garbage collection?

Johnathan Bordelon: As far as the additional cost for, there are currently taxidermists that are utilizing dumpsters to remove that waste. Obviously some of the larger taxidermists that are in urban areas obviously don't have the benefit of dumping it behind the shop or in a wooded area nearby. They're already having to have a mechanism for

disposal. So that is currently going on with some. The percentage is unknown. I'll talk a little bit about CWD preventative measures in Louisiana. We've gone over this before but for some of you that may have missed or have joined the Commission since the original presentation, a live cervid transport is currently prohibited. So live deer cannot legally be brought in to Louisiana. Our agency put this in place in 1998. The Louisiana Department of Ag and Forestry followed this prohibition with a moratorium in 2012. Obviously they regulate the captive cervid industry in Louisiana. So live animals cannot be brought in. Continued testing of high risk or target animals. So we're looking for high risk animals. These are animals near or adjacent or inside of pens. Animals are neurologic and roadkill animals. We are considering those as target animals. Since its inception of testing we've tested 7,870 animals up to this point. So we've tested quite a few animals without discovering any positives, fortunately. Obviously proper disposal and handling of cervid parts preventing infection or spread of the disease, that's through education. Proposed cervid carcass

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

importation regulations aimed at preventing infectious materials from entering the environment, and that's the process that we are in now. We are basically proposing an added step of prevention and protection for our state. And obviously continued education regarding the risk of CWD. And that's really the key there is education of both hunters industry, agency to make sure that we are all on board, doing the things necessary to prevent the disease from entering our state. I have just a slide here of just the regulation. I'll leave it up. Basically no person shall import, transport or possess any cervid carcass or part of a cervid carcass part originating outside of Louisiana, with the following exceptions, de-boned meat, antlers, cleaned skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy products, and cleaned cervid teeth. Approved parts are de-boned meats transported from other states, must be legally possessed from the state in which it was taken. Approved parts and de-boned meats from other states must contain a possession tag with the hunter's name, out of state license number, address, species, date and

location of harvest. All cervids transported in to or through Louisiana in violation of the provisions of this ban shall be seized and disposed of in accordance of Wildlife and Fisheries rules and regulations. I'd be happy to take any questions. Yes, sir.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: Johnathan, is it the Department's opinion that CWD is gonna be here eventually, no matter what we do and we are just trying to postpone it?

Johnathan Bordelon: Well CWD has grown and spread across the state, obviously. One of the quick ways for it to spread has been transport of either live or possibly contaminated parts. It's been recognized that prevention is the only mechanism and tool. And can it be prevented? The answer is well that's really an unknown. There are a few states, only one in particular that has had success in containing the disease, and that's New York State. New York State's infection came from what was believed to be a taxidermy animal. The reason that being is that taxidermy operation was tied to a high fence operation on the same property. And as you would guess it those parts were being basically placed on the property

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

where deer were living within that high fence enclosure. That is where their first and only CWD Positive popped up. You know panic ensues after that first discovery. They started testing the animals within the enclosure. Then they start testing animals adjacent to the enclosure. They got no more positives after that point. That area has basically been quarantined and has without captive cervids. Fortunately, and I don't know about fortunately or unfortunately but, to their benefit the animal was, the area was an enclosed area so you don't have the ingress and egress of animals across that landscape. You can control that. They are the only state at this time that has been effective and that has been more than 10 years. So when you look at it along that line, and they've been diligently testing since that time they are the only case of finding it right away and able to basically put a band-aid on it and stop the bleeding before it got worse.

Commissioner Manuel: Ok. If this thing passes and we end up with it here, are we gonna have an opportunity to increase the, change the rules so to speak? Or should we? Or once you get it, you got it so nothing to do.

Johnathan Bordelon: Well, actually Commissioner Manuel we do have a CWD Plan. We've actually had a plan for some time but we revised it in 2016. Basically because of some adaptations that other states have implemented that we feel would be better able to control the disease once it would be discovered. And with that, certainly we would look to the Commission and to the Secretary to come to basically have emergency measures in place to prevent further spread within the state. That's basically what would happen. Disease pops up in the state, your focus then at that point becomes containment of the disease. You're doing a couple of things. First you're trying to determine prevalence of the disease in that location and then you're trying to find distribution after. And that's what we would do. And states that have it basically have importation rules within their own states that prohibit the movement of animals outside the containment zone to other parts of the state. They are basically trying to contain that one fire and keep it from turning in to 20 fires in that particular case.

Commissioner Manuel: Thank you.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Johnathan Bordelon: Yes, sir.

Chairman Yakupzack: Commissioner Smitko.

Commissioner Smitko: Where is the disease located in Texas?

Johnathan Bordelon: In Texas? I do have a slide on the computer. Just bear with me. It's not really part of the presentation, but I can probably get it up for you. Ok this is a map of Texas here. If you look at the red, you look at far west Texas that's mule deer. That's in the wild population. Pretty low prevalence but it is there. There is also one positive mule deer in the pan handle. But the area of concern where CWD hit in 2014 is Medina County. Medina County is in basically San Antonio area. That's evident on the map. That's where it popped up. Now you notice to the east there is another red. That's a recent discovery in Lavaca County. That Lavaca County positive was tied to a movement. Basically Medina it's only found inside of an enclosure at this time. So you have a facility that's positive. The problem is they have trace outs that have gone all over the place. Over a thousand animals to be specific. But one of those trace outs led them to Lavaca. They go to Lavaca County, they test one of the trace outs, boom. Five more

positives. But what is the implication of Lavaca County, these positives? That one trace out to Lavaca hits positive. Well what happened in Lavaca since receiving those animals? Well they sent animals out to 29 other counties in Texas. So you see how quickly this can spread and get out of hand. So disease that takes a long time to move across the landscape can basically move overnight through human action. One encouraging thing in Medina, its multi-pens within the same large enclosure. It's found in 2 of those smaller pens and not in the others. They've been diligent. They've tested over a thousand animals on the free range adjacent to those pens with no positives. We are hopeful that they likely just caught it early before it really had a chance to proliferate and filter in to the surrounding environment. But it does go to show you the threat that's there. And the importation ban that we are looking to do, you're just trying to keep those infectious parts out obviously. It's the cumulative effort of everything that's being proposed and done now. And we do really have to look at trying to protect ourselves in this case. Other states are testing but we really are somewhat, you hate to rely on

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

the diligence of others to protect you. And in this particular case we're trying to do something to protect ourselves and the Louisiana deer.

Commissioner Smitko: And, just very briefly, is it in southern Arkansas, northern or spread out?

Johnathan Bordelon: Arkansas is a little different story. This is northern Arkansas, Newton County. Newton County is basically one county lower than the Missouri boundary. The circle that's circled in blue is their target area. The red dots represent positives. You can notice that most of those red dots are there. The scary thing with Newton and the scary thing with Arkansas, they had tested 7,000 animals since 2002. They had no positives. So you are thinking everything's ok, we are in the clear, then all of a sudden they had a positive cow elk from a hunter harvest this season. Once you have that positive you now have a place to look. So rather than spreading your target out across an entire state, they then begin to focus on that area where the positive occurred and that's where the blue line is drawn. When they started looking they have an idea to collect a certain number of animals. You are looking for statistical

significance so you want a representative sample of that area. Basically they got to about 250 animals and the prevalence rate reached 23%. At that point they just pulled the plug on it because if you kill 250, its 23%. You kill 250 more it's probably not going to change much. You have it and you have it bad. So what they did at that point is they are no longer trying to figure out prevalence. You are no longer trying to figure out how bad it is, you are trying to figure out how far has it spread. And that's what they are currently doing now. They really can't answer that. That's their new focus and their new direction that they're going in at this time. But it does just go to show you just some of the threat. The 23% prevalence, how long have they had it? No one obviously knows for sure but states that currently are positive now that have been positive for more than a decade don't have prevalence rates even approaching that. So it's conceivable that they've been positive for a couple of decades or more in that particular area. And that's some of the fear and that's some of what went in to this provision. Not provision but actual proposal. It goes back to trying to protect ourselves. We made this

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

recommendation 2 years ago. Arkansas obviously would have been free and clear if it was only focused on CWD Positive States but, as you can see, we could potentially be allowing animals from an infected state to come in not knowing that they were affected. Thank you for your question, Commission Smitko.

Commissioner Samanie: I have one question.

Chairman Yakupzack: Commissioner Samanie.

Commissioner Samanie: Mr. Bordelon, I have one question. I'm not sure about it. In your professional opinion, would an educational program and proper disposal restriction suffice as opposed to a ban on imported cervid?

Johnathan Bordelon: There's been tremendous education efforts now across the country and there have been tremendous education efforts for some time. The difficulty with that is you just really are dealing at that point on public knowledge, understanding this and willingness to comply. The regulation obviously just gives you the ability to enforce those recommendations in the form of a regulation. So we feel it would obviously afford us the best protection.

Commissioner Samanie: Thank you.

Johnathan Bordelon: But education certainly is still important.

Chairman Yakupzack: Commission Sunseri.

Commissioner Sunseri: Mr. Chairman, thank you. Johnathan, thank you and the rest of the Department for your patience with me and passing the information along to all of us with all of the comments.

Johnathan Bordelon: Thank you.

Commissioner Sunseri: I really appreciate it. It really helps me understand an issue and where we need to go from here. I wanted ask, do you have any idea what type of violation that you are going to be looking at if this proposal becomes a regulation? If people are found to be importing cervid pieces and parts of carcasses.

Johnathan Bordelon: The penalty would be set by statute and that is something that would be outside of our division. So we would not as a division, Wildlife Division, be involved in that because it is actually set in statute and possibly our legal section could expand on how that process would work. It is something outside of our shop in this case.

Colonel Broussard: That's correct. The way it stands now, Commissioner Sunseri, is that it's a Class 2 the way the regulation would be assessed.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Commissioner Sunseri: Wouldn't you think you'd want to raise that if you'd want to truly deter these animals and carcasses that have the problem so that you'd really have the deterrent?

Colonel Broussard: Certainly think that would be proper. The issue is that it would require legislation and would require legislators to have to consider that to be able to increase that class level of violation.

Commissioner Sunseri: Thank y'all very much.

Johnathan Bordelon: Thank you.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: If I might chime in on Commissioner Sunseri that I think that at that point, assuming we get there, would it be appropriate for this group to encourage the legislature to impose stronger penalties? I think I'd be in favor of that assuming this thing passes.

Colonel Broussard: I certainly think that's within reason, Commissioner Courville.

Chairman Yakupzack: Any other discussion or questions on Agenda Item No. 9? I do have one public comment card with regard to this item. Jackie.

Jackie Achee: That's me. Hi.

Chairman Yakupzack: Hi. Will you please come forward?

Jackie Achee: Hey guys. How y'all doing?

Chairman Yakupzack: Hi.

Jackie Achee: I've been a hunter and fisherwoman myself for quite some time. When we were younger and the kids were in school we couldn't but I want to ask y'all a question and in Mr. Bordelon's presence, he's the biologist. Do y'all know who Dr. Kroll is? And I realize 37 states that we are doing what they're doing with CWD. My question to you is not EHD worse for the deer, for the cervid, than CWD? And if CWD was this bad we'd have the countryside, the landscape would be covered dead bodies with CWD. And since there is no prevention, right? So my question to y'all is if another nationally, well known biologist. I'm trying not to be nervous. Had said hey, CWD isn't a disease that needs to be monitored but there's other diseases that are far worse for the deer. In other words, EHD does actually from 7 days the cervid goes down. But with CWD it's like a man having prostate cancer. That deer may get CWD but it may not die with CWD. And all the states that when the first mule deer was found in 1967 to have CWD, nobody or nothing vaccine you can do for the deer. There's landscapes not littered with CWD dead deer. We're allowed to eat deer that

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

supposedly have CWD. They're telling us all that it's safe to eat. That's been going on for 50 years and there has never been a scientific peer review study in the past 50 years on cause and effect of CWD. And I'm not saying that CWD is not bad but it's getting to the point now that I think the whole country ought to accept that you got it. And you're going to start piling regulation on regulation and anything that you do isn't going to prevent it but yet you know you're gonna get it. A lot of the states that have CWD they still have deer that carry it, they don't die from it. Their landscape is not covered with it, Mr. Bordelon. So had you talked to Dr. Kroll and have you discussed with him what his studies have done to the have not been a peer reviewed scientific study? Have you reached out to him to say what made his opinion to be? Could y'all not maybe get another nationally recognized biologist and have a discussion with him and say, you know, if there's no cure but yet every time they've put a ban on something being imported. The problem in Arkansas is they brought in CWD elk that, I mean they brought in elk from the Rocky Mountains back in the 80's, and Dr. Kroll's pretty sure that they had CWD

all along they just something they hadn't monitored it enough to really find if they had it or not. When they got it of course then they panicked. I'm trying not to be nervous. I'm not here to be antagonistic.

Chairman Yakupzack: Miss.

Jackie Achee: I'm just saying that there's maybe some other info out there. And y'all are gonna do what you're gonna do. I just would like to see everybody going forward if you do find that you do have CWD in this state that you don't pile on regulation on the hunters because if you can eat the deer and especially free range deer, unless you are gonna pen them all in, the free range deer are gonna go where they're gonna go. And since it's in the ground, sometimes a bird might take the packaging somewhere. You know what I'm saying, Mr. Bordelon?

Chairman Yakupzack: Miss, is it Achee?

Jackie Achee: Achee. It's Cajun.

Chairman Yakupzack: Achee. I'm

sorry. Yakupzack is Polish Cajun, too.

Jackie Achee: My big question is there, and I know this. And y'all are great. It's just that he says in Arkansas they got so panicky instead of just kind of calming down, looking what's going on. Up in Wisconsin where they had this, supposedly these huge outbreaks

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

everywhere, they've also had massive new trophy deer come in. There's EHD worse than CWD, by far. And as we go along here, more and more where they got regulation going to be piled on the hunter where. Like they said in Newton County where they first found it, they can't even, hunters up there they can't transport their meat. If they live down south, down south to where, because they're scared it's going to get all over the place. But y'all it already is everywhere.

Chairman Yakupzack: Yeah. I'm going to stop you.

Jackie Achee: I'm done.

Chairman Yakupzack: Thank you for coming. You don't appear nervous. You've done a great job. We have to have comment from the public and we appreciate that. What I want to recommend is that you get with Mr. Bordelon after the meeting. The Commission recognizes your opposition as we've had a bunch of opposition on this issue and I can assure you we are going to consider it carefully.

Jackie Achee: My opposition is that to make sure that you do it the right way. Everybody that's, it's been ongoing since the 60's when it first

found anyway. And a lot of the elk and mule deer population were lost.

Chairman Yakupzack: Again, thank you for your comments. We'll be interested from Mr. Bordelon on it further. Any other question or comment on Cervid Import Ban? Hearing none, I'd like to move to Agenda Item Number 13 at this time and recognize that our U.S. Congressman for District 6, Garrett Graves, is here and would like to make a couple of comments and is limited on a time schedule. Thank you, for being here today.

Congressman Graves: Thank you, Mr.

Chairman, members of the Commission. I appreciate the opportunity to address you today. I wasn't planning on coming and I kept reading more information about comments that were made at the last Commission Meeting. I know your job is critically important. I know most of you are here because of the pay you get for doing this but, seriously, your job is to maintain the tag line that Louisiana is a Sportsman's Paradise. That's your job, effectively. To make sure that we have sustainable resources for generations to come, for people to enjoy just like we have and our ancestors have. At the last meeting of the Commission, a number of things were

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

said that I think are completely inaccurate. And your job is to make decisions on behalf of the State and our natural resources and I want to make sure that y'all have accurate information that you are acting upon. When I was a child, we used to be able to fish for red snapper year round. And as you know, in 2014 it was 9 days, 2015, 10 days, this year 9 days with a 2 day weather exception. That infringes upon the Sportsman's Paradise. So I didn't come up with an idea. What I did is I took an idea that the five Gulf States reached on their own and we took that and we introduced it as legislation. I got to tell you, Mr. Chairman, whether it was our bill or someone else's bill, it doesn't matter to me. The fact is that we got a major problem in regard to our resources and the access to red snapper for folks in the State of Louisiana and the Gulf Coast and this is a solution. And the five Gulf States don't agree upon much. The fact that they came to consensus on an idea I thought was commendable and we introduced that solution. The bill was introduced over one year ago, over one year it's been out there in the public domain. We had a conference call on April 6<sup>th</sup> of this year with staff from the Department of

Wildlife and Fisheries. It was the only conference call; it was the only discussion we had with the exception of one other which was a meeting on May 9<sup>th</sup> of this year. Now, in both of those discussions or meetings, it was clear to me that there was a degree of discomfort on the part of the Department with our bill. However, in discussions we attempted to probe those concerns and it was clear to me that the bill had not been read. So to actually articulate concerns, because we asked over and over again about specific concerns and it was clear that the bill had not been read so to articulate concerns would have been difficult. I called the Department about five or six days before we marked up the bill. We marked it up on July 15<sup>th</sup>, if I recall correctly, of this year. I called the Secretary to let him know that the bill was scheduled to be marked up and, once again, to solicit input from the Department because, as I've said numerous times it doesn't have to be our bill it can be an administrative solution, it can be somebody else's bill. This isn't a partisan issue, Mr. Chairman. We have Republicans and Democrats, over 40 of them, from around the United States that are on our bill. In fact, the lead co-sponsor on our bill is Cedric

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Richmond, a Democrat from New Orleans, because this is a big deal for Louisiana and he recognizes that. We have Democrats from Mississippi, from Texas and other states on the legislation as well, on the Gulf Coast. Under the bill, the State prepares a red snapper plan. They prepare it and they submit it. Other states can't force a plan on us. The states submit the plan, they prepare the plan. The bill requires public participation. In addition to written comments, the bill explicitly requires that public meetings occur in each of the five Gulf States. They have to occur. And because, effectively, the jurisdiction is actually under you, because of the Secretary and the Department being the one who prepares the plans, this venue can serve as a monthly meeting where folks could provide input of the preparation and limitation of a plan. The bill requires that the best science be used to ensure we sustainably manage the Fisheries. And the plan is considered by the five Gulf States and is approved or disapproved. Importantly, for three years the commercial fisheries continue to be managed by the federal government; for the first three years they continue to be managed. The

transition of the recreational fishery is only contingent upon a gulf management plan or state plan being approved. Mr. Chairman, there was no unfunded mandate. Period. Other states cannot force a plan upon the state of Louisiana. Anything to the contrary is absurd. To suggest that me, that Congressman Cedric Richmond, or other members of our Congressional Delegation, all of which support the legislation, with the exception of one who has not articulated a position we would never jeopardize that and give away Louisiana's resources to the control of the other Gulf States. That's absurd. One thing that I think is really important is in the last meeting there was a lot of discussion about this alleged 10 million dollar cost to...

Yolanda Martin: Point of order, Mr. Chair.

Point of order. I'd like to adhere to the order of the day and just receive this as a public comment and no consideration by the Commission.

Congressman Graves: Mr. Chairman, if I can. Totally inaccurate information has been given to this board in regard to our bill, something that this board has to make decisions on. I think it is awful to allow this board to continue to operate under

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

the assumption the information they have been given is accurate

Secretary Melancon: If I may.

Chairman Yakupzack: Secretary Melancon.

Secretary Melancon: This is exactly the reason I asked what I asked for today. So we didn't have poor Pinocchio speeches. And we didn't get into this kind of stuff that we have.

Congressman Graves: I'm sorry. Mr. Secretary, did you just call me a liar?

Secretary Melancon: Excuse me, sir. I've been recognized now. Yes, sir.

Congressman Graves: You just said that I lied.

Secretary Melancon: We tried to contact you five times from our office before. This is the thing that I was trying to avoid.

Congressman Graves: Wow.

Secretary Melancon: This is exactly what I was hoping to not happen.

Congressman Graves: So Mr. Secretary, it's okay for you to come here and tell things that are inaccurate but I am not allowed to come and set the record straight?

Secretary Melancon: We spoke with you. We called you about five times before to talk with you, Toby spoke with you for an hour and a half on the phone, we met with you in the office, you came in there

and you said I have no prior authorship, let's talk about the bill. The first question I brought up, you started explaining everything to me, everything I didn't understand about the bill.

Congressman Graves: Sure.

Secretary Melancon: But we did read the bill. I'm afraid this is not Obamacare. We read the bill. This is not what I want to discuss. What I want is for every one of you, and he can come at the proper time and be part of the educational process, where everybody's in the room having the discussions so that no one can have a say and say I said this without there being a rebuttal and the discussion. I would ask that we move on.

Congressman Graves: That's exactly what I'm trying to do is provide the rebuttal right here because you provide inaccurate information in this room.

Chairman Yakupzack: Thank you Secretary Melancon. A debate here today is probably not going to be productive for this matter, but what I would like to do, certainly, is to allow Congressman Graves to wrap up his comments and to move on with the agenda and recognizing Secretary Melancon has invited Congressman Graves to be a part of the solution that Secretary Melancon proposed earlier today in terms of some

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

extra meetings, informational meetings.

So, Congressman Graves?

Congressman Graves: I will briefly wrap up and thank you, Mr. Chairman. The bill it was stated in here previously again the ten million dollar cost, and whether that number is accurate or not I have no idea but I can tell you the number is significantly different than other states and provided, however the base text of the bill explicitly distinguishes stock assessment, research and management. There are three separate things. While the amendment by Chairman Bishop does affect management cost, it does not implicate stock assessments or research which are different categories. Therefore the federal government will continue to provide those. And as a matter fact just to make sure that I was accurate in that assumption, I went back and met with Chairman Bishop and sat down and had a thirty minute meeting with him where he agreed to put it in writing if that would be helpful as to what his intent was. Most importantly, let me just be clear on this. Chairman Bishop supports the bill. He voted for it. He supports state management and he has tried similar things in his State related to Wildlife Resources. He is not opposed to the bill. It was not a killer

amendment or anything else and

allegations to the contrary are

completely uninformed and absurd.

We're going to continue working. This

is the second step in the process. It still

goes to the House floor, the Senate

committee, the senate floor. The way

this process works is people provide

input, which is why we repeatedly

solicited input from the Department.

The reality is this. At the April

conference call, concerns were

expressed. At the May meeting,

concerns were expressed. To now

blame opposition to the bill upon an

unfunded mandate is simply not

accurate because there was a clear bias

against the legislation prior to this ever

becoming an apparent issue. And so I

stand here and absolutely remain open

to ideas, solutions, suggestions and I

don't care who solves this problem but

the status quo is unacceptable. We have

repeatedly reached out to the

commercial industry, offered multiple

solutions and they have refused to come

to the table. And so we are going to

continue moving forward with this until

a better solution comes forward.

Because I'll say it again, the status quo

is completely unacceptable. Lastly, Mr.

Chairman, I want to make note. Under

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

the Oil Spill Settlement that I helped negotiate, there is 350 million dollars set aside for adaptive management under the Gulf Environmental Benefits Fund, under the Restore Act and other adaptive management programs.

There's 265 million dollars available for region wide and open ocean assessments and there are tens of millions of dollars more through what is known as Bucket Four of the Restore Act. So even if it was accurate that these data collection and research was being put on the state, there are hundreds of millions of dollars in new revenues that are available to this Department as part of that settlement that we negotiated. Again, I want to repeat, while it's not, I also want to state the fact that hundreds of millions of dollars in new research funds and data collection funds are available to the state of Louisiana under the BP Oil Spill Settlement. I'll wrap up there, Mr. Chairman. I just want to make sure y'all have accurate information and if you have any questions I'd be more than happy to answer them. I do appreciate the opportunity to come and address the Commission.

Chairman Yakupzack: Thank you

Congressman Graves. Commissioner Sunseri.

Commissioner Sunseri: Thank you Mr.

Chairman. Hi Congressman Graves.

How are you doing today?

Congressman Graves: Doing well. How are you? Congratulations.

Commissioner Sunseri: I just want to ask a question. I'm new to the Commission. The subject matter is new to me. I've not been part of the Gulf Council and all of that and those discussions that have taken place over the years that you're discussing today. As a practical matter I'm just going to ask a question because, as a guy who is from the Ninth Ward from New Orleans, I started thinking about you got nine days to be able to fish. But only nine days and they pick them. And they could be terrible days. What would be wrong with like a tagging system to where you had 18 tags that you got that you could go out 365 days a year and you would get those tags to do it? I'm just asking a question. This is new to me. I don't know anything about this subject matter.

Congressman Graves: I think there are all sorts of discussions we can have on ways to better manage the species and to better provide access to the fishers. And I think that the stock assessments are wholly inaccurate which provide for bad allocation numbers which result in bad

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

numbers for commercial, for charter, for recreational. We've got to have better science. And right now, what happens as a result of the fee increase that the recreational fishers agreed to is, the recreational fishers are paying for the science at this point, or paying for the State science to the tune of 1.7 or 1.8 million dollars, whatever it is, per year. And so you can't have discussions if people aren't even willing to come in to the room. So I can sit here in a vacuum and develop solutions all day long or you and I can as well. But I think it's important that we all sit down at the table, talk about different options. But I want to reiterate, the status quo is completely unacceptable. The other four Gulf States are clearly supportive of the bill in its current form and we need to continue having discussions to come up with a good solution.

Commissioner Sunseri: Mr. Chairman, if I may. That's what I recommended at the last meeting. That we have a meeting of those people within the recreational, the commercial, the charter, the members of this Commission and the Department to try to sit down at the table and hammer out something. That was what I recommended. Not knowing, this is all new subject matter to me. I'm just a

guy who is trying to solve problems. And I agree with you. It's best to sit down with all players and get something done. Let's not fight over this. We've got to do what's best for the citizens of the state of Louisiana more than anything. More so than the other Gulf states, definitely for the citizens of Louisiana. All of them. So that's going to be my recommendation again. That we have a group come together of the recreational, the commercial, the charter fishing people, as well as the members of this Commission and the Department that manages the Fisheries and see what we can come up with.

Congressman Graves: I appreciate your commitment to a solution and I certainly look forward to working with you.

Commissioner Sunseri: Thank you Mr. Chairman

Chairman Yakupzack: Thank you Commissioner Sunseri. Any other questions?

Commissioner Manuel: Mr. Chairman?

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: Congressman, I appreciate you coming to spend time here. I know you got a busy schedule. And I appreciate the additional information. I just hope that our Department did not leave something out

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

when they presented. I wasn't here last month so I'm not sure all the information that was presented. But that's some new information that I've gotten today. I would hope that our Department would continue to give us all the information, both sides, where we could make a determination. That's all I've got thank you. Thank you for your time, too.

Congressman Graves: Thank you Commissioner.

Jackie Achee: Can I ask one question?

Chairman Yakupzack: Well you -

Jackie Achee: Are we the only state that is bucking, not going along with the other 4 states? Are the other 4 states already? Cause this issue about the red snapper {Audio inaudible}

Chairman Yakupzack: Thank-

Jackie Achee: {Audio inaudible}

Yolanda Martin: Point of order, Mr. Chair.

Jackie Achee: {Audio Inaudible}

Chairman Yakupzack: Ms. Achee. Did I say it right?

Commissioner: Achee.

Chairman Yakupzack: Achee. No. You've done great. I think Congressman Graves has already answered that question. If you want to take just a quick sentence to answer the lady and then we are going to move on from this issue.

Congressman Graves: The other four states have clearly expressed support for the legislation in its current form and in its previous form. From what I understand and from what I gather there may be a separation between the Commission's position and the Agency's position if I can perhaps establish that distinguishing factor. But look I want to apologize to you all. I apologize for talking over earlier and for my tone. I want to tell you that I've actually known Secretary Melancon for probably close to 20 years. I have never in my life had any type of adverse experience with him ever. I've never in any way had any situation where I think he was being undishonorable or anything else. I think he's a good guy and I'll tell you I'm scratching my head trying to figure out what in the world's going on right now. So I apologize.

Chairman Yakupzack: Thank you Congressman Graves. To conclude Item 13, I have one additional public comment from Mr. Ronald Coco, Avoyelles Parish, on feral hogs and CWD. Would you like to speak? We can conclude this Agenda Item? Sir?

Ronald Coco: {Audio Inaudible}

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: No. To compliment the Congressman's request, I rearranged the Agenda which is perfectly fine.

Ronald Coco: Last month I told you we would have a meeting in Mansura at the Ag Center for the Chronic Waste Disease and for the Feral Hogs. Johnathan was there, him and Dr. LaCour did a Chronic Waste Disease. The main question people was wondering about is if all the states don't have the same rules, how do I leave from one state and go to the other without breaking their rules and not having them take my deer away from me? Or elk or whatever they killing. Is there any way it can come through all the states and have this one general rule for transportation of these animals through the states? I know like Arkansas a lot of people told me they hunted like in Missouri to come back they couldn't come through Arkansas last year. They had to go around through Oklahoma or go back the other way around because they couldn't come through the state. That's one of the basic questions the hunters and the people going out of state, they want their opinion on that.

Chairman Yakupzack: I'll respond to your comment just briefly in this way. And I encourage you, as well, to speak with

Mr. Bordelon after the meeting. I know that members of this Commission asked that very question. They are very interested in the regulations of the other states that require them. That information has been provided and the Commissioners are reviewing it in preparation for further consideration of this NOI. So I don't know the answer to your question but it is being considered.

Ronald Coco: I see y'all are going to have meetings to carry on.

Chairman Yakupzack: Yeah

Ronald Coco: For this {Audio Inaudible} disease. Also I handed y'all the new regulations from the Ag Department about the feral hogs to have the permits to transport these hogs and to have quarantine pens to keep them in. This is information that was given to us Thursday night. And I brought it to y'all. Y'all can study it. I've given some to the Secretary and everyone to study these new regulations. I don't know. Y'all are preaching no transportation and they're talking letting them transport them so. That's between y'all and the Agriculture Department. You all have the rules so I gave it to you, you can study, maybe next Commission meeting. Or maybe if y'all do set some meetings up, talk to the

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

people about it. And y'all did have one newsletter that came out that a lot of people was very upset about, about the water quality. These animals around the Alexandria area. They've tested 40 sites around Kisatchie and all that. And around Alexandria area where they had e coli, salmonella and different diseases that these hogs that carry. That was an eye opening thing to the people. When they read this, it came out in the paper and they was wondering, you know, what effect did their animals and everything it had. I think {Audio Inaudible}. These diseases from these hogs are effecting all the animals around the source. Squirrels, raccoons, everything. It goes even to the migratory water fowls that come in to these areas, the contact areas. So this is starting to be an eye opening thing. I don't know how you are going to solve it or what but it's going to lead up to a big decision people are going to have to come with trying to control these wild hogs.

Chairman Yakupzack: Thank you Mr. Coco.

Ronald Coco: They are just spreading that much disease around.

Chairman Yakupzack: Thank you Mr. Coco. I want to point out that the Department worked very closely with the Legislature

this year and created, established a Louisiana Hog Task Force to try to focus in on that exact problem. The Department even, through Secretary Melancon, provided committed to some funding in that regard. And already had funding. So thank you for your comments and

Ronald Coco: {Audio Inaudible}

Chairman Yakupzack: Thank you. Agenda Item No. 10. To Consider Resolution to Add Property to Peason Ridge Wildlife Management Area. Biologist, Tommy Tuma.

Tommy Tuma: Thank you Mr. Chair, Commission Members. Actually I'm not going to be presenting the formal Resolution. I'm just here in an advisory capacity to let you know that the Department, the U.S. Army has made available an additional 23,000 acres to be included and managed as part of the Peason Ridge WMA. For those who are not familiar, Peason Ridge WMA is a 51,000 acre WMA in Vernon, Sabine and Natchitoches Parishes. We are entered in to an agreement with the U.S. Army to have it operated as a Wildlife Management Area. Peason Ridge is a little different because they also use it as the Fort Polk Training Grounds so it makes the Resolution a little muddy

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

when we're putting it together. Because not only do users have to abide by our Department's WMA's self-clearing permits, you also need a daily military clearance permit and they call the night before. The U.S. Army provides a phone number which is in our hunting regulations. You call the night before and they tell you whether the WMA is all open, partially open or some areas are just closed because the military training exercises. So with the inclusion of this property it will be 76,304 acres and I will be coming next month to present the formal resolution. I was just giving you and the public a heads up that we are going to have a pretty substantial amount of land be added to Peason Ridge should this Commission approve the Resolution next month. Thank you for your time.

Chairman Yakupzack: Thank you Mr. Tuma. Any questions or discussion from the Commission on that item? Agenda Item No. 11: To Hear and Consider Suggestions for Public Hearing Dates for Cervid Carcass Importation Ban. Mr. Bordelon.

Johnathan Bordelon: Thank you Mr. Chairman, Commissioners. Technical difficulties. Thank you gentlemen. Yes, sir. Basically with the Proposed Cervid

Carcass Importation Ban Public Meeting Schedule, the dates, times and locations are already listed. Basically this is going to go in to the public registry on August 20th, and because of that Public Hearings must be held 35 - 40 days after it goes in to the registry. That's required by the Louisiana Administrative Code. So because of that we are kind of tied to those specific time frame and dates and that's the dates we were left with. We picked locations obviously southeast, south Louisiana, central and north Louisiana, at this time. And we'll do a news release to make the public aware of these dates. Any questions? Yes, sir. Four venues at this time.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: Mr. Bordelon, run those dates. So currently we have a Notice of Intent that's been passed by this group, correct?

Johnathan Bordelon: Correct.

Commissioner Courville: And we are in the comment, amendment, potentially period up until what point again?

Johnathan Bordelon: Well originally November 20, I mean originally it was August 22.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Commissioner Courville: Ok. And now we are moving it anywhere?

Johnathan Bordelon: It's going to be extended due to these public hearing requests.

Commissioner Courville: Ok. What date is that again?

Johnathan Bordelon: The registry date will be August 20th. That's when this will go in to the registry. And as a result, we will be limited to 35 - 40 days post-registry as required by the Louisiana Administrative Code.

Commissioner Courville: Ok. So if I'm understanding you right we need to take some sort of action if we're changing any of it by this September meeting?

Johnathan Bordelon: I'll defer this question to Mr. Ribbeck. Thank you.

Yolanda Martin: It's no additional action. It's just for the public meetings. They are held between days 35 and 40 after the publication after the Notice of Inten. And so that these dates are falling within the time frame prescribed by the Administrative Code.

Commissioner Courville: Ok. Thanks Ms. Martin. Maybe if I can ask you another question, Mr. Chairman.

Chairman Yakupzack: Commissioner Courville.

Commissioner Courville: If there's going to be any changes I want to make sure we

have time to make any changes before it becomes law or a rule.

Yolanda Martin: He should come back to you with a summary of the comments and then you can have any amendments at that time.

Wendy Brogdon: Mr. Chairman.

Chairman Yakupzack: Ms. Brogdon.

Wendy Brogdon: I understand where Commissioner, the point of his question is once we hold the public hearings and if a decision is made as a result to change the original NOI from the original verbiage to make a substantive change, it will require a potpourri to be done as with the hunting rules and regulations. Another public hearing will have to be held in the same manner where we allow people to comment on the proposed changes that you're making due to the public hearings.

Commissioner Courville: To the existing NOI, that would be the law of the land at that time.

Wendy Brogdon: Yes, sir. That is correct. Yes. So it does, if changes, if proposed changes are made to the original verbiage of the NOI that was published last month then it will add additional time on to the end. If substantive changes are proposed. It resets it.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Chairman Yakupzack: Ms. Martin, is that how you -

Yolanda Martin: It resets it. It resets the notice period.

Commissioner Courville: So we reset. We get another extent before it becomes the law of the land, right?

Chairman Yakupzack: So if there are changes to an NOI, like with this NOI, like within any NOI, it could delay the ultimate regulation being set. So we all recognize that here today and we'll see what comes out of these public meetings and this Commission will consider the NOI fully and if it requires amendment then we'll consider amendment then. Is my appreciation correct?

Yolanda Martin: Yes.

Commissioner Courville: I think I'm ok. As long as we still have some time. I'm concerned about the timing and all of that but it sounds like if you're good with it, I'm good with it.

Chairman Yakupzack: Commissioner Manuel.

Commissioner Manuel: Johnathan, on most issues we have more than 4 meetings in areas. You go to 7 or 8, whatever it is. Why are we only doing 4 for this? This is a pretty contentious Notice of Intent.

Johnathan Bordelon: Well we picked areas that we felt would give us good

distribution, you know, around the state.

Commissioner Manuel: Is there a possibility to have more?

Johnathan Bordelon: You certainly could request more. We are going to -

Commissioner Manuel: Well I'd like for you to look in, I don't know about the rest of the Commission, but I'd like, me personally, I'd like to see you look in to doing some additional meetings. You know, I don't know where. New Orleans, for instance. Something like that.

Randy Myers: Commissioner Manuel. We certainly could consider that. Obviously we would have to do it within the time frame, within those dates. If you have any -

Commissioner Manuel: As soon as this meeting is over, y'all can start deciding.

Randy Myers: If you have any specific recommendation of where you'd like for us to have one if we haven't covered those bases then we'll have to consider and see if we can make those arrangements. Again, your point is -

Commissioner Manuel: The New Orleans area would certainly be one. Somewhere around the Baton Rouge area since so many people going to Mississippi and Alabama. You know you got hunters on

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

both sides of the state. Minden is close, I guess, close to the Texas line as you there. You got Lafayette but you could go to Fort Polk. Somewhere like that. Just I think it would be best to have a few more meetings to give those people who are on the edge of the state where they don't have to go so far.

Johnathan Bordelon: Yes, sir. That will be considered.

Chairman Yakupzack: Any other questions from the Commission? We have a public comment request from a Joe Macaluso.

Joe Macaluso: I'm going to follow up on Mr. Manuel's proposal. In here they have ignored the two major population areas in the state. There's no New Orleans. I realize Mandeville is close but guys get off of work at 5:00 and to get to Mandeville at 6:00, there's going to be a little bit of trouble for a guy from Belle Chasse. And then Baton Rouge. We had these meetings every month but making for businessmen and for other folks making a 9:30 meeting on a Thursday is a little difficult. There's none in Lake Charles and none in Monroe, and that's two other major metropolitan areas. So I would suggest, like Mr. Manuel suggested, that this be expanded. Thank you.

Commissioner Manuel: You agree with me, Joe?

Commissioner Sunseri: Mr. Chairman, I would say possibly on the West Bank in New Orleans the Alario Center would probably be a good site.

Chairman Yakupzack: So we've heard Baton Rouge, New Orleans, West Bank of New Orleans. I trust that the Wildlife Section will refocus on those and see if additional meetings can be fit in to that five day period and covered by the appropriate staff. Thank you guys. Next on the Agenda would be Agenda Item 12. I'd like to pause for a moment and go back to be in a point of clarity on Agenda No. 10. It was listed as an Action Item, we heard from the Department that this certain Resolution to add 23,300 acres to Peason Ridge Wildlife Management Area required some additional consideration before the Department was ready to present to this Commission for approval. So we will consider that in September. Ms. Martin, do we, is it appropriate for us to take action to pass that to September?

Yolanda Martin: Take action to pass on the item.

Commissioner Courville: So move to consider the Resolution at the September meeting.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

August 4, 2016

Commissioner Manuel: Second that we pass.

Chairman Yakupzack: Ok. So we got a motion by Mr. Courville and a second by Commissioner Manuel. Any public comment? All in favor?

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition we'll pass to consider the Resolution listed in Agenda Item 10 at the September Commission Meeting. Agenda Item No. 12: Set December 2016 Meeting Date.

Commissioner Manuel: Mr. Chairman. Last year we moved the December meeting to Lake Charles. I would suggest we move it again this year to somewhere. Monroe, Alexandria, New Orleans. It don't matter to me. Just have it somewhere where we can all duck hunting before the meeting and move it to after lunch.

Chairman Yakupzack: We certainly go 5 or 6 months to consider that and if you want to refine your proposal for next meeting and we'll take it up then.

Commissioner Manuel: We can do it then?

Chairman Yakupzack: Yeah.

Commissioner Manuel: That's fine.

Chairman Yakupzack: Today what's important is the date. We can adjust the location next month.

Commissioner Manuel: The date is the December what? December 1st, that's going to be during the split, huh?

Chairman Yakupzack: The 8th would be the split as I appreciate it. Where's Larry?

Commissioner Manuel: Well we can still go somewhere. We can go fishing that morning.

Chairman Yakupzack: The first Thursday is December 1st. So we're going to, the meeting will be held on December 1st. Somewhere at some time and we will provide that information as soon as Commissioner Manuel refines his request.

Commissioner Manuel: Unless we can change the seasons again.

Chairman Yakupzack: Now I come to Agenda No. 14 and this meeting is adjourned. I need one motion.

Commissioner Courville: So moved.

Chairman Yakupzack: Motion from Commissioner Courville.

**MEETING ADJOURNED**

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

**CALL TO ORDER**

Chairman Yakupzak: Call to order. Louisiana Wildlife and Fisheries Commission September 1, 2016 Meeting. Commissioner Samani, will you please lead us in the Pledge of Allegiance?

Commissioner Samani: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with Liberty and Justice for All.

Chairman Yakupzak: Ms. Angela Thomas, will you please call the roll?

Angela Thomas: Bart Yakupzak.

Chairman Yakupzak: Here.

Angela Thomas: Chad Courville.

Commissioner Courville: Here.

Angela Thomas: Bill Hogan.

Commissioner Hogan: Here.

Angela Thomas: Pat Manuel.

Angela Thomas: Bobby Samanie.

Commissioner Samani: Here.

Angela Thomas: Jerri Smitko.

Commissioner Smitko: Here.

Angela Thomas: Al Sunseri.

Commissioner Sunseri: Here.

Angela Thomas: Mr. Chairman, there are 6 Commissioners in attendance. We have a

quorum. Secretary Melancon is also present today.

Chairman Yakupzak: Thank you, Ms. Thomas. Agenda Item No. 4: Adoption of the July 07, 2016 Commission Meeting Minutes.

Commissioner Courville: Mr. Chairman, I have a comment.

Chairman Yakupzak: Commissioner Courville.

Commissioner Gourville: I received an email that I assume was shared with everybody and it gave me pause. My preference would be that we defer Agenda Items 4 and 5<sup>1</sup> and consider those at the October meeting. Do we need a motion? That was my motion is that we move to defer those to the October meeting.

Chairman Yakupzak: Ms. Martin, we got a request by Commissioner to defer Agenda Item 4 and subsequently Item 5 when it comes up for consideration to be considered in the October meeting. Do we require a motion or can we simply defer those for adoption at that meeting?

Yolanda Martin: If there's no objection from the Commission, you can proceed accordingly.

Chairman Yakupzak: Any objection to deferring these to the October meeting? Let the record be notated that Agenda Items 4 and 5, Adoption of July and August Commission Meeting Minutes will be deferred to the October Commission Meeting. Agenda Item No. 6: Commission Special Announcements / Personal Privilege. Hearing none, moving on.

---

<sup>1</sup> See Exhibit 1 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Agenda Item No. 7: Enforcement Reports of August, 2016.<sup>2</sup> Captain Edward Skena.

Captain Skena: Good morning Mr. Chairman and Members of the Commission. For the month of August, we had 6 boating incidents, 3 injuries and 0 fatalities. 577 written citations, 358 written warnings and 17 public assists. Inside your folder you'll find some news releases from some noteworthy cases that were made last month. Here's a synopsis of those news releases. Agents received a complaint about closed season shrimping in Lake Borgne near the Rigolets in St. Bernard Parish. Upon arrival, 4 Mississippi residents were cited for trawling in a closed season. 6,100 pounds of shrimp were seized and sold. In addition to the criminal fines, each subject faces 40 hours of community service and the court may revoke or suspend the violators gear licenses for one year from the date of the conviction. During such revocation or suspension, the violator will only be allowed to harvest shrimp from a vessel equipped with a vessel monitoring system. Enforcement agents arrested 3 St. Bernard Parish residents for taking oysters during illegal hours and the unlawfully taking oysters from state water bottoms. One of the subjects was also cited for failing to comply with personal flotation device requirements, not possessing a fire extinguisher, failure to have proper navigation lights, failure to possess commercial licenses, failure to comply with the Department of Health and Hospital's log book requirements as it pertains to oysters and not having the required vessel sanitation requirements fulfilled. Agents returned the illegally taken oysters to the water, seized one oyster dredge and a forfeiture order was placed on the vessel until disposition by the court. In addition to those criminal fines, each subject faces 40 hours of community service, forfeiture of their oyster harvester license for up to one year and only allowed to harvest oysters from a vessel equipped with a vessel monitoring

system. Two Louisiana men were ordered to pay a total of \$38,776.00 in criminal fines for deer hunting violations that occurred in February of 2016 in East and West Feliciana Parishes. The 2 subjects were also ordered to pay a total of \$6,498.00 in civil restitution to the Department for the replacement value of the illegally taken deer. Agents received a complaint about the subjects illegally harvesting deer and began an investigation. The investigation revealed that the subjects illegally killed deer from February 1st through February 8th by taking deer during a closed season and illegal hours, hunting from a moving vehicle and taking deer from a public road. Additionally the subjects were cited for possession for illegally taken deer, intentional concealment of illegally taken wildlife, failing to comply with deer tagging regulations and discharging a firearm from a public road. One rifle was seized and each subjects' hunting privileges were revoked for 5 years. The 2 were also cited for illegal deer hunting activities in East Baton Rouge and Livingston Parishes. The 2 men have yet to appear in court for those charges. During the August flood, agents worked in the following parishes conducting search and rescue missions: Tangipahoa, Livingston, Washington, St. Helena, East Baton Rouge, Iberia, Lafayette, East Feliciana, West Feliciana, Vermilion, Acadian, St. Landry and Ascension Parishes. Enforcement agents rescued 3,166 people and 612 pets. This concludes the Enforcement Report unless there are any questions.

Chairman Yakupzak: Any questions for Captain Skena? Thank you Captain Skena.

Captain Skena: Thank you, sir.

Chairman Yakupzak: Agenda Item No. 8: Consideration of a Resolution to Commend the Louisiana Department of Wildlife and

---

<sup>2</sup> See Exhibit 2 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Fisheries, Enforcement Division.<sup>3</sup> Commissioner Al Sunseri.

Commissioner Sunseri: Thank you Mr. Chairman. Members of the Commission and people in the audience. After having come up to Denham Springs and Baton Rouge following the rain and flooding situation had occurred earlier in August and seeing all the damage and everything and watching news reports, I felt it was a good idea to put together a Resolution to the Department for its good work. If it's ok with the Chairman, I'd like to read the Resolution to everyone right now.

Chairman Yakupzak: Please do.

Commissioner Sunseri: Thank you. {Commissioner Sunseri, reading aloud the Resolution to Commend the Louisiana Department of Wildlife and Fisheries, Enforcement Division}

*"To commend the Louisiana Department of Wildlife and Fisheries, Enforcement Division, Office of Fisheries, Office of Wildlife, Office of the Secretary and its dedicated personnel for their outstanding and exemplary efforts during the recent historic flood."*

*WHEREAS, after unprecedented rainfall in a very short period of time, portions of Louisiana experienced serious flooding, power outages, road closures, and other catastrophic damage. As a result of this historic flood, during a four day span August of 2016, decimated several Louisiana parishes, many cities, and the homes and businesses of countless citizens; and*

*WHEREAS, the Louisiana Department of Wildlife and Fisheries Enforcement Division, agents performed search and*

*rescue operations that helped save 3,152 people and 612 pets from flood waters between August 13-17, 2016; and*

*WHEREAS, the Louisiana Department of Wildlife and Fisheries Enforcement Division agents have participated and performed exceptionally well in search and rescue missions for hurricanes Rita, Gustav, Ike and Isaac; as well as other localized flooding events, including the March 2016 flooding occurrence in Louisiana; and*

*WHEREAS, search and rescue missions in populated areas are inherently more dangerous than those that take place in navigable waterways; and in spite of severe weather and unusual urban and suburban terrains, countless underwater obstacles, and very little preparation or time, the Louisiana Department of Wildlife and Fisheries Enforcement division persevered in performing these outstanding missions with little to no sleep both day and night; and*

*WHEREAS, more than seven trillion gallons of water fell over eight days with some Louisiana communities receiving more than 22 inches of rain; and*

*WHEREAS, thirteen lives were lost, an estimated \$110 million in agricultural losses sustained, and 60,000 homes in Louisiana were flooded and damaged; and*

*WHEREAS, Louisiana Department of Wildlife and Fisheries Enforcement Division's August flood rescue statistics included the following efforts by parishes affected:*

*Tangipahoa 305 people and 108 animals  
Washington 3 people  
Livingston 214 people and 82 animals  
St. Helena 25 people  
East Baton Rouge 1,442 people and 230 animals*

<sup>3</sup> See Exhibit 3 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

*Iberia 41 people and 3 animals  
Lafayette 837 people and 114 animals  
East Feliciana 49 people and 5 animals  
West Feliciana 2 people  
Vermilion 98 people and 28 animals  
Acadia 24 people and 4 animals  
St. Landry 22 people and 14 animals  
Ascension 90 people and 19 pets  
Total 3,152 people, 612 pets; and*

*WHEREAS, Louisiana Department of Wildlife and Fisheries, Office of Fisheries, Office of Wildlife, Office of the Secretary and its personnel throughout the entire event, despite their own personal hardships, provided unwavering support to the citizens and communities in desperate need of assistance; and*

*WHEREAS, it is the recommendation of the Secretary of the Department of Wildlife and Fisheries that the Louisiana Wildlife and Fisheries Commission recognize the exceptional performances of the Louisiana Department of Wildlife and Fisheries, Enforcement Division, Office of Fisheries, Office of Wildlife, Office of the Secretary and its personnel during this unprecedented flooding event; and*

*WHEREAS, it is the further recommendation of the Secretary of the Department of Wildlife and Fisheries that the Louisiana Wildlife and Fisheries Commission acknowledge and extend its heartfelt gratitude for the Louisiana Department of Wildlife and Fisheries, Enforcement Division, Office of Fisheries, Office of Wildlife, Office of the Secretary and its personnel's tireless labor and devotion to the citizens of Louisiana while in harm's way.*

*THEREFORE, BE IT RESOLVED, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby acknowledge, honor and commend all personnel, agents, or other*

*employees of the Louisiana Department of Wildlife and Fisheries who served beyond the call of duty, for their bravery, dedication, and persistence in searching for, rescuing, and otherwise assisting our citizens with finding safety for themselves, their families, and their pets; and for giving comfort and aid to the distressed citizens of Louisiana.*

*BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission graciously thank all personnel, agents, or other employees of the Louisiana Department of Wildlife and Fisheries for all that they do for the State of Louisiana."*

Thank you Mr. Chairman, Members of the Commission.

Chairman Yakupzack: Thank you Commissioner Sunseri. I'd like to open the floor for a motion to adopt this Resolution as read.

Commissioner Courville: So moved.

Commissioner Hogan: Second.

Chairman Yakupzack: A motion by Commissioner Courville, a second by Commissioner Hogan. All in favor.

All: Yea.

Chairman Yakupzack: Any opposed? Hearing no opposition, motion passes.

Commissioner Courville: Excuse me, Mr. Chairman. I think a round of applause is in order.

{Applause}

Chairman Yakupzack: Thank you, again, Commissioner Sunseri for doing such a nice job of documenting such a serious and

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

exemplary action by this Department. I want to suspend the rules for just a second. I'd be remiss if I didn't go back to something that I normally would have held for Special Announcements or Personal Privilege. But I'd like to recognize from LSU the school of Renewable Natural Resources, Dr. Luke Laborde is here today with his Natural Resources Policy class. As you all know this board, this commission, is charged with policy making and budgetary control so what an important aspect of state government. We've always considered Dr. Laborde and LSU a cooperator with this Department and, certainly, a friend. So thank you, Dr. Laborde, for being here. And to the students who came today, thank you all for participating. We are happy to have you here. Moving along, Agenda Item No. 9, we are going to hear Consideration of Resolution to Add Property to Peason Ridge Wildlife Management Area.<sup>4</sup> We are going to hear from Biologist, Tommy Tuma.

Tommy Tuma: Good morning Mr. Chair and other Members of the Commission. Appreciate your time. I'm here today to present and request adoption of a Resolution adding certain property to the Peason Ridge Wildlife Management Area. This Resolution is to confirm the selection of lands acquired by MOA and subsequent licenses from the U.S. Army comprising 23,300 acres, more or less, including all water bottoms located within the said boundaries of the WMA to be added to the Peason Ridge WMA. If you look on the map, the yellow is the existing WMA boundary. Everything in red is what's covered in this Resolution. It will be included and added to Peason Ridge. You can see that there are several inholdings so it's very strategic in the U.S. Army. They use it as the training area so their acquisition was very strategic to kind of fill in of the existing Peason Ridge and add more property adjacent to it. This Resolution also reaffirms the current selection of 51,004 acres,

---

<sup>4</sup> See Exhibit 4 attached hereto and made a part hereof

more or less, including all water bottoms contained within the WMA. With addition of these acres, Peason Ridge WMA is now 74,304 acres, more or less, and it is located in Vernon, Sabine and Natchitoches Parishes. And I ask you for favorable consideration of the Resolution with the attachments.

Chairman Yakupzak: Thank you Mr. Tuma. Any question or discussion with regard to this Agenda Item? Commissioner Sunseri.

Commissioner Sunseri: Mr. Chairman, I'd like to move this Resolution and all documents favorably.

Commissioner Samani: I second.

Chairman Yakupzak: We've got a motion by Commissioner Sunseri and a second by Commissioner Samani to adopt the Resolution as presented, as written. Is there any public comment? I'd like to make a comment before the vote of the Commission. Noting it was unfortunate that this Department, that we weren't able to consider a relationship with the landowner on a very popular WMA in North Louisiana called Jackson Bienville. I have to comment that the Department went above and beyond and tried very hard to make that situation work and for reasons beyond the Department's control it was not in the cards for that to continue to be a WMA. I recognize that was about 25,000 acres and this, although our state's sportsman will have to work around the activities of the Fort, which I have to say now is a lot more convenient through website, through the internet than before, it used to be you would drive up to the Fort. You'd have to go on a Friday from wherever you lived to that area to find out if you could even hunt there the next Saturday. Now that's available online and much more accessible and convenient. So to end my point, it is that this is 23,000 acres that will now be available and the Department's proud to be able to offer that to the sportsman of this state and we hope that sportsman can enjoy it much in the same

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

ways they enjoyed Jackson Bienville. Unless anyone else has anything else, I'd like to hear all those in favor.

All: Yea.

Chairman Yakupzak: Any opposed? Hearing no opposition, Resolution passes. Thank you Mr. Tuma.

Tommy Tuma: Thank you.

Chairman Yakupzak: Agenda Item No. 10, again from Biologist Tommy Tuma. Consideration of a Resolution to Add Property to Tunica Hills Wildlife Management Area.<sup>5</sup>

Tommy Tuma: Yes, sir. Mr. Chair and Commissioners. Secondly, I request adoption of a Resolution adding certain property to the Tunica Hills Wildlife Management Area. In your packets you have the Resolution. I regret to inform you that based on the information I just received from Assistant Secretary, Randy Myers, the acreage is actually over 600. So we will make those adjustments and correct that Resolution and get that for you, Chairman Yakupzak to sign. I think our General Counsel, Yolanda Martin, will kind of head that up. So I'll just modify my presentation to say this Resolution is to confirm the selection of the lands acquired by MOU from the Louisiana Department of Culture, Recreation and Tourism, Office of State Parks, comprising 600 acres, more or less, including all water bottoms located within said boundaries, to be managed exclusively as a WMA, or to be managed exclusively as Tunica Hills WMA. This Resolution also reaffirms the current selection of 5,906 acres, more or less, including water bottoms contained within the WMA boundary. With the addition of these acres, Tunica Hills Wildlife Management Area will now be 6,500, more or less, and it's located

<sup>5</sup> See Exhibit 5 attached hereto and made a part hereof

in West Feliciana Parish. And, again, I do not have a map. I'm sorry about that. Since the adjustments and the -- we'll provide a map, or our GIS or our Land Assessment Lab will, but I ask for your favorable consideration of this Resolution with the amended attachments.

Commissioner Samani: So moved.

Chairman Yakupzak: Motion by Commissioner Samani.

Commissioner Courville: Second.

Chairman Yakupzak: Second by Commissioner Courville. Any public comment? Would you come up front and state your name?

Bailey Jones: My name is Bailey Jones. I'm with the R&R Department from LSU. I don't believe any of you will be opposed to this but I do believe it's a great Resolution. With the college students, Tunica Hills has become very popular and I think it's very important that we spend it. It's become a really great thing, so I think it's a really great Resolution that you guys are hopefully going to pass. Thank you.

Chairman Yakupzak: Thank you very much for your support and comments. I do want to note that I recognize that there's a typo and that we can work through that. I want to encourage if this Commission doesn't have an objection and we've got a motion on the table that it is important that we pass this subject to the typographical error being corrected because we are on the eve of hunting season and this is an additional 600 acres that would become available to the public at this management area on October 1st when I think some very popular hunting seasons open. Commissioner Courville.

Commissioner Courville: Mr. Tuma, for the press release, you're going to have an attached map that goes with this, right? At some point.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Tommy Tuma: Yes, sir.

Commissioner Courville: Before going out, you maybe can have an updated Tunica map.

Tommy Tuma: Yes, sir. Assistant Secretary Randy Myers just handed me this. So our GIS guys will digitize it and they'll show the existing WMA boundary and include the addition.

Commissioner Courville: Ok, great. And then you can include all of that in the press release that will go out at some point.

Tommy Tuma: Correct. Yes, sir. We certainly will.

Commissioner Courville: Thank you.

Chairman Yakupzak: Commissioner Sunseri.

Commissioner Sunseri: Mr. Chairman, we can probably just strike in the second "Whereas" and the fourth "Whereas" and put the correct numbers. Is that right?

Tommy Tuma: Yes, sir. That's what we'll do. And then we'll modify the attachments.

Commissioner Sunseri: What is that number again, just for the record?

Tommy Tuma: 258 plus 339, so that's -- that's the two tracts. They're adjacent to one another. They acquired them in tracts and that's how the legal descriptions come to us so one tract is 258 acres and the other one is 339. So it's going to be over 600 acres.

Randy Myers: We need to make sure you're comparing survey and deed compared to what our GIS map is saying. That's why we know it's over 600 acres but when we get the exact we'll have to compare those numbers. Because sometimes what you get deeded and what GIS is showing depends on where you actually put that

line. So we'll make sure that that's corrected and get the correct acreage to you.

Commissioner Sunseri: So this Resolution that would be the only changes to it. That acreage. That's correct?

Tommy Tuma: Correct.

Commissioner Sunseri: That's good. Thank you very much, Mr. Tuma.

Chairman Yakupzak: I'd also like to comment that I recognize that this transfer, assignment of land, comes from, as Mr. Tuma stated, the Louisiana Department of Culture, Recreation and Tourism, Office of State Parks. So I'd like to, on behalf of the Commission, thank that agency for working together with this agency to provide maximum opportunity for our sportsman of our state. If there's no other comment.

Secretary Melancon: Mr. Chairman?

Chairman Yakupzak: Secretary Melancon, please.

Secretary Melancon: I want to note that former Secretary Barham, who heads up State Parks now, has been working with us to look at those properties that are underutilized that they will not be able to financially maintain so that we can see if we can pick up additional acreage going forward. So I'd like to commend he and CRT for that.

Chairman Yakupzak: Thank you Secretary Melancon. All those in favor of the motion on the floor to adopt this Resolution, as amended.

All: Yea.

Chairman Yakupzak: Any opposed? Hearing no opposition, motion to adopt the Resolution, as amended, passes. Agenda Item No. 11. We'll hear from Biologist Jeff Marx. We will receive

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

and consider a Notice of Intent for the Abandoned Crab Trap Removal Program.<sup>6</sup>

Jeff Marx: Good morning Mr. Chairman and Commissioners. Thanks for your time this morning. I'm here to discuss today our derelict crab trap removal program and some of the 2017 recommendations that we have this year. Basically what you have before you, the Notice of Intent, is going to modify the openings or the closed areas for crab trap closures so we can pick up derelict or abandoned crab trap gear. The Commission has to designate the area of the trap closure. Also who will pick up the traps, disposal sites and dates of the trap closure. As y'all remember in July, you passed a Resolution to alter the Blue Crab Harvest Rules and Regulations by having a 30 day closure starting the 3rd Monday in February for 30 days and to restrict the harvest of immature females. This closure, what we are doing here is going to give the Department the authority to collect crab traps at that time. We are going to work on getting some authorization, most likely in the future, about if we do have a seasonal closure to the use of crab traps of commercial harvest is to automatically build in an authorization for us to pick up traps during that closure cause it may be a different month in the future. We don't know. So here are the historic crab trap closure date sites. This past season we had two different clean-ups, both resulting in a total of 2,500 traps removed from 2 different areas. The first one we had was in Lake Pontchartrain Basin. We worked with Lake Pontchartrain Basin Foundation and the CCA. Collected 1,386 traps in that area. There was a lot of help. It was a good clean-up. The Lake Pontchartrain Basin Foundation did a lot of work after the volunteer day during the 14 day closure that we had, or 10 days I think it was. They worked extremely hard with our Department personnel, as well. The next trap clean-up was in the Barataria Basin. This is a shot from it. You can see we had a lot of traps there, as well. In that area we

worked with Barataria Terrebonne National Estuary Program, the CCA and we actually had a couple of commercial crabbers come and assist us on the volunteer day, which was a big help. You can see in this shot, the gentleman on the right is one of the commercial crabbers. Those guys have the gear and the vessels to do a lot of work, catch a lot of trap. They know the area best and I think that's a good thing to get those commercial fishermen involved. So a big thanks out to all those folks that helped with those clean-ups. So on to next year, on to February of 2017. Since we already have the closure in place, pending its approval by the House and Senate through their Natural Resource Committees, we're going to look at having two separate closures, 16 day closures which is allowed in 56. We're allowed for 16 days to close geographical areas of the state. So you see there, the East part would close February 20th, which is the third Monday in February, and then it would last for 16 days. Then on the West side of the state, we would close March 6th, that would go 16 days for the last 30 days of that closure. So basically what you're looking at, volunteer day wise, we would try and have in the East, probably partnering with some other agencies. Either Parish governments, St. Bernard Parish has given some interest in to holding some clean-ups. Most likely that'd be that first Saturday of the closure, February 25th, with a fallback Saturday, March the 4th, in case of bad weather. So basically what would happen, that area would close, any remaining traps are considered abandoned, LDWF, or designees, may retrieve traps. If we appoint Lake Pontchartrain Basin Foundation again, for example, they could have a clean-up area for themselves and work it. Traps can be removed half an hour before sunrise to one half hour after sunset. The traps are supposed to be destroyed so they can't be possessed outside of the closure area. Traps must be brought to designated disposal sites and those we are going to do as the time period gets closer. We don't know what, where we may be having volunteer days, where we may be doing actual clean-ups. There is a shot of the area close-up. The reason we did it

<sup>6</sup> See Exhibit 6 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

in this two big chunks is we have 3 regional offices; one in Lacombe and two of our regions work out of New Orleans. Basically down in Barataria and the lower part of the Pontchartrain Basin. So we'll have 3 offices working, cleaning up at that time, all over really. The second closure will be to the West. Again from March 6th to March 21st. The volunteer day would be March 11th, that's the first Saturday of that 16 day closure. Same rules apply. Remaining crab traps are considered abandoned, LDWF is allowed to pick them up, or our designees, and then they'll be brought to designated disposal sites. And that is a shot, again, of the area. At this time, I'd like to take any questions you may have about the closure. I'd be happy to answer any questions you have.

Chairman Yakupzak: Any questions for Mr. Marx? What's the pleasure of this Commission?

Commissioner Courville: I move to move forward with the Notice of Intent.

Chairman Yakupzak: The motion on the floor to adopt the Notice of Intent as written by Commissioner Courville

Commissioner Samani: I second.

Chairman Yakupzak: A second by Commissioner Samani. Do we have any public comment on this item? No public comment. All those in favor?

All: Yea.

Chairman Yakupzak: Any opposed? Hearing no opposition, motion passes. Thank you Mr. Marx.

Jeff Marx: Thank you.

Chairman Yakupzak: Agenda Item No. 12: To Receive the 2016 Oyster Stock Assessment<sup>7</sup> from Biologist Steve Beck.

Steve Beck: Thank you Commissioners. I'm going to summarize here the results of the 2016 oyster stock assessment sampling efforts we conducted. An overview of the presentation, basically we are going over the historical harvest, our management goals, the oyster stock size for this year, how that stock size differs across the state and then conclude with our this year's oyster season recommendations. So when you look at this past year's oyster harvest you can see we are above the long term average. So this graph shows pounds of meat harvested in millions by year. So across the "X" axis is year and it's split by public and private landings. So the black bars indicate landings from private leases and the white bars indicate landings from public grounds. You can see this year we have record private landings and an increase in public landings over last year. We are looking at this data. There's some things that can contribute to the record levels that we are seeing. One of which could be possible reporting of mini-stacks as standard stacks which could inflate our estimates. There could be more licenses being sold. There could be a larger percentage of oyster men reporting landings with an actual license number not changing. And our economist is looking closer in to this, Jack Isaacs, and he should have a report available soon. When we manage this resource, our goals are to conserve and promote the wise use of this resource. Essentially we provide seed oysters for transplant to private leases and sack oysters for market sales. The goals that we look at are often more long term compared to short term, so we are always hoping for more oysters next year, which might mean taking less oysters this year. How do we manage? When it comes down to it, most directly is cultch planting. That's actually adding oyster habitat to the water, provides a place for oysters to settle and

<sup>7</sup> See Exhibit 7 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

grow. Followed by harvest restrictions, sack limits, etc., and gear restrictions. A lot of this depends on enforcement so we can set the rules but if the rules aren't followed the effectiveness is severely decreased. Each year we recommend seasons and we can break up those seasons by area and type of harvest. And then finally, the crux of our management is the biological sampling. What we do to actually determine our stock size. With that our stock assessment sampling is always done in July. We currently have 112 sampling sites across the coast and that equates to about 560 individual samples. The goal of this sampling is to get a representative coverage of an area and to provide us an index so which we can follow trends. While the absolute value of the stock might differ, the trends are very important. And with that we want to make sure that our stations stay representative so we'll observe the fleet. If they are fishing in an area that we are not sampling, we will explore that area. We conduct extra sampling on our own and we shift stations and add stations, if needed, to better characterize that resource. So the results of this year's stock assessment show that we had another year of decrease by 19% from the previous year. If you look at the long term average our stock is about 72% below the long term average. One problem of looking at long term averages is that the more bad year you have the lower your long term average. It's called shifting base line. That's one thing to be cautious about when looking at the long term average. Now this graph, since 2010 includes Sabine Lake estimates. We weren't sampling Sabine Lake before 2010, so these recent years are actually larger than they should be compared to the previous years. So when you remove Sabine Lake the situation is a little lower than when you include it. We are kind of flat lined compared to 2015 across the rest of the state and we are even lower, 81% below the long term average. This graph is basically the same thing, only split up by seed and sack oysters. Seed oysters abundance is the black bars and the line represents sack oysters. This data includes Sabine Lake data from 2010 on. You can see we have a slight decrease

overall in seed and sack and, as well, total. Once you remove Sabine Lake, we are actually pretty flat line compared to last year. You can see once the stock size gets very low one area of high abundance can really drive the state wide trends. We break up our management in to our field offices. We have essentially 7 CSAs and 5 field offices and each manager is involved with organizing these sampling efforts and is very knowledgeable in their particular area. When you break the sack assessment up by these areas you can see this graph, start with the red. The red blocks indicate areas where we saw a decrease in abundance from last year. The green blocks indicate where we saw an increase in abundance. So you can see most areas for seed and sack oysters were declined as opposed to last year. The green areas are much fewer. The seed percentage column, the proportion of that resource as it relates to the total state. So you can see Area 1 North holds about 55 percent of the total state wide seed resource. So this is just another way to look at that. The bar graphs show the proportion that each area contributes to the total whole. You can see most of the resources locate in Mississippi Sound. You can see Calcasieu and Sabine has a lot of resource but that's, again, driven by the abundant resource in Sabine Lake. An overall summary of our stock assessment, by area, I can go in to detail in any of these areas, if requested. We saw an overall decrease in 19%. Area 1 North in Hackberry Bay, those areas were near long term average. Most of our resource is Mississippi Sound. We saw substantial decline in Sister Lake. The lowest levels we observed in 30 years. Calcasieu Lake, the East side has been closed for the past 5 - 6 years and we're slightly recovering. We've tweaked our sampling a little over there, we've added a station. So recovery is kind of an exaggeration, but we are seeing slightly more resource on that side. West Cove has been harvested in the past. The fleet has been concentrated in West Cove and we've seen declines over the past 5 - 6 years. Even though last year we decreased the sack limit and had decreased harvest, we still saw a decline in the

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

stock this year and the harvest percentage has gone way up, which is a warning sign. Red flag, if you will. So with that, our season recommendations by area are as follows: For Area 1 North we are proposing opening all the public seed grounds East of the River, North of MRGO, except Drum Bay, on September 7th. And that'd be for bedding only. And then we would re-open this area to sacking only on November 14th. The thought with doing it that way was to allow oyster men in there to work the resource, turn the shell over, get some resource before the spat set so then we'd have some rest time in-between the market season to allow some oyster grow and recovery. We're out there sampling today. We're prepared to delay. We've gotten reports of mortality from oyster men. We've seen some indications in some brief sampling but our full regularly scheduled sampling is today. We're going to get some results at the end of the day so we may be prepared to delay the opening of that area if we see mortalities are a large spat set. Area 1 South, we are proposing to close those areas of the river South of MRGO. The resource in that area is extremely limited. We are down to 3% our historical level in that area, most of the reef has been degraded to scattered shell hash or is buried all together. We saw extremely low resource limited to just above Mozambique Point and way out into the bay. So very little resource observed there and so that's why I'm recommending a full closure in that area. Then we're required by law to open the American Bay, Bay Long area as a sacking only area. That's specified in the law that we will open that to sacking. We propose to open that November 14<sup>th</sup>, despite little resource in the area. Little Lake and Baratavia Bay, moving over to that area, we recommend a full closure for those two areas due to little to no resource. Hackberry Bay, we discussed this at the Oyster Taskforce and we went with their recommendation of a 1-day bedding season on November 14 and then after that day it'd be open to sacking. Moving westward, Lake Tambour, Lake Chien and Lake Felicity and Deep Lake, we recommend a full closure due to little to no resource present. Most

resources located on small Lake Chien cultch plant. Sister Lake, as I mentioned, has extremely low amount of resource, the lowest in 30 years. However, this is also its typical biannual closure. It typically closes every other year and this is one of those years. We definitely support keeping that closed this year. And we were going to propose opening Bay Junop and the Lake Mechant area on September 7. We're going to watch those areas closely. They typically don't have very much production, but they've never had very much production, so we'll likely close those areas relatively quickly. And the Vermillion Atchafalaya Bay area, we propose opening September 7. This area also has typically very low production but we also see mortality before that, but most of the seed oysters can get to market size so we propose opening that to allow oyster in the area to make some use of that seed if the oysters are going to die off anyway. And due to the situation we've seen in Calcasieu Lake, the continued declines and the larger percent harvest that we've observed, we recommend a full closure of Calcasieu Lake as well as Sabine Lake. And some additional recommendations that we're including to help enforce sack limits. These first four items are the same as last year but we added two more, so I'll just go through them. Number 1 is no sacks or other containers allowed on bedding vessels. Number 2, vessels are prohibited from harvesting seed and market on the same day. When harvesting on public grounds, all oysters on board are deemed to have been taken from the private ground or public ground. Cargo vessels are not subject to the possession limits and are not allowed to harvest at the same time. These two new ones that enforcement requested that we include are prior to leaving the public grounds. All oysters must be sacked, tagged and recorded in a log book. If a vessel is located on seed ground at night, it must have all dredges unshackled. We implemented those last year for the brief Sister Lake spring season that we opened up. This enables enforcement to do their job. So that's it. I have more detailed

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

information on any particular area. And with that I will take any questions.

Chairman Yakupzack: Commissioner Sunseri?

Commissioner Sunseri: Thank you Mr. Chairman. And thank you Steve for the report. At this time, no questions, but I wanted to ask did the chairman of the Oyster Taskforce put a card in to speak?

Chairman Yakupzack: That's correct. If the Commission doesn't have any questions for Biologist Steve Beck right now, what I would recommend, if there's no opposition with the Commission, that I've got multiple public comments on this issue. I suggest that we take public comments first before any motion practice pursues.

Commissioner Sunseri: I appreciate that, Mr. Chairman, that we do have that.

Chairman Yakupzack: Okay, yeah. But, Mr. Beck, if you will stay close, you may have questions to answer. But at this time we'll move to public comment on Agenda Item No. 12.

Commissioner Sunseri: Mr. Chairman, if I may, I'd ask that the chairman of the Oyster Taskforce speak first. Mr. John Tesovich.

Chairman Yakupzack: Okay. Thank you, Commissioner Sunseri. Mr. Tesovich, welcome.

John Tesovich: Thank you members of the Commission, Mr. Chairman, Secretary. We, at the Oyster Taskforce also had a presentation by Biologist, Mr. Beck. And there was significant discussion about all these proposals, and dealing with the specific areas. We had a couple of things that come up where we had a difference of opinion with the original presentation. And, as Mr. Beck said, we actually agree on all of the matters now. Since Hackberry we had change to the original presentation. But we're in agreement with all of these sections except for

Calcasieu Lake. We have a significant contingent of people that harvest in Calcasieu Lake. Calcasieu Lake has a member on the Oyster Taskforce and they have their own Oyster Taskforce for Calcasieu Lake. And they recommended that we open Calcasieu Lake, that we have a seven sack limit. They are telling us that there are oysters there, there is resource. And the taskforce, upon discussing this issue, moved to recommend that Calcasieu Lake also be opened on November 1 for the normal season on both sides of the lake. That's the recommendation from the Oyster Taskforce that was passed by the Oyster Taskforce. We feel that seven sack limit is a limit that restricts overharvesting, that while fisheries, the biologists, have time to monitor the situation, ongoing, as harvest. And they can close any areas that feel imperiled. We just think that they're telling us that there are more resources out there than the traditional square meter sample they're showing. There are other oysters in other areas. And I believe they have some information to that regard. They're going to be speaking on this issue also. But the taskforce in general just we agree on everything except the Calcasieu Lake. If there are any questions I'd be glad to answer. We do have people with difference of opinion. I think you'll hear some other areas being discussed. And, and I'll be glad to offer any information regarding that as far as the difference of opinion if there should be any questions about it and any recommendation that you have on the board.

Chairman Yakupzack: Thank you, Mr. Tesovich.

John Tesovich: Thank you.

Chairman Yakupzack: Any questions?  
Commissioner Sunseri?

Commissioner Sunseri: Thank you, Mr. Chairman. Mr. Tesovich, there's been some reports of recent large spat set on reefs in the Area 1 North area and a suggestion that that area not open on the 7th and open later in the year, maybe on the 14th, depending on the Secretary.

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Since we have a couple of areas that will open on schedule as required by law, I just wanted to know if you had heard anything of that nature yourself from any of the constituency that you represent, and your thoughts on that?

John Tesvich: As far as, Area 1 North, I have heard information about certain areas dying off. There are certain areas that have suffered apparently from hypoxia, the dead zones. So we lost some resource in there. As far as a spat set I do not have any credible information about any new spat set in that area. And, again, what I heard from Mr. Beck was that they are going out there and they will have an assessment. And should there be a spat set or a continued die-off if the oysters are dead and dying then they can always keep that area closed. And same goes with significant spat set. But they are out there today, that's what I heard him say. And I would rely on their information instead of hearsay. We hear all kinds of things.

Chairman Yakupzack: Thank you.

John Tesvich: Thank you.

Chairman Yakupzack: Next up to speak, and I'll just remind you guys that I have several comment cards here. We'd like to keep presentations to 5 minutes, or less if at all possible. I'll try to give you a warning if we look like we're going to exceed that time limit. First up, or next up rather, is Mr. Ryan Mallory that would like to speak with regard to this agenda item.

Ryan Mallory: Good morning. We have a viable and very sustainable fishery in Cameron and Calcasieu Lake. I mean even the biologist showed there's been higher landings and we still showed a positive influx in the fishery. And you're going to close Calcasieu Lake and we're on a seven sack limit. Even if there's 40 boats that's 280 sacks a day. You're going to open areas that show far less stock and you're going to open them to a 50-sack limit. You could have five boats come in and do what a whole

community produces in a day. And not to mention, in the two recent meetings we attended where the biologist showed us a reef that had 10 acres that showed substantial 14,000 sacks from their study. They pulled their samples from six sample sites in a lake that's 3,300 acres. So roughly they're saying per sample site that covers 500 acres. How can you conclusively say you have to have far more test sites, far more sample sites? Even if you took five samples from each site, at best, you could have 60. If you even added more sites to 3,300 acres you do not have enough data to be conclusive on the stock. Impossible. Because just like I said, in 3,300 acres they're saying that we had 47,000 sacks, but in one lake on 10-acre reef they're saying there's 14,000 sacks. We and the fisherman, like with the crab trap abandonment program, the oystermen are willing to go out with these biologists. I mean the best knowledge you can receive is local knowledge. Granted you can take them to the best spots, but you got to take the good with the bad. What we're saying is if you can get five to eight fishermen to go out on their time and their dime with their vessels to do this, what do you have to lose? Just the biologist's time. So, I mean, it's just not a fishery that you're shutting down, it's a community. There's far more to it than just shutting it down, it really is. Even the biologist stated at the last meeting, he's showing vast salinity intrusion into the lakes. There's nothing been mentioned what to address that issue. And he even said he pulled the graph out, he is showing the models going further out where the oysters are. Well he knows those oysters are further out from the ship channel where that salinity's high, but yet none of his sample sites have changed. He put two sites out of six sites to cope with that. But, nonetheless, you still have the bad sites. You just can't take the bad and use that against us. You have to take what we have that's good as well to factor in to get what we really have. And I just don't see how you could feasibly close it when we had 30 to 40 percent of the state's stock and we're on the lowest limit. Thank you.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Chairman Yakupzack: Thank you, Mr. Mallory.

Commissioner Sunseri: Mr. Chairman? Can I ask Mr. Mallory a question?

Chairman Yakupzack: Commissioner Sunseri, you can.

Commissioner Sunseri: Thank you very much, Mr. Chairman. Mr. Mallory, are you a fisherman from Calcasieu Parish and work in the Cameron area?

Ryan Mallory: Yes sir.

Commissioner Sunseri: And have you fished there your whole life?

Ryan Mallory: No, no. I moved from Florida. I had oystered in Florida and the same thing happened to us. They regulated us out of business. And we opted to get a lease. And if you've read in the recent years we've had vast algae blooms that devastated us.

Commissioner Sunseri: So what is your recommendation?

Ryan Mallory: I would, even at optimal conditions, if you got 35 vessels on 7 sacks a day you're not going, I think there was 23,000 sacks. So if you're stating there's 47,000 sacks you're fishing at 50 percent of the capacity.

Commissioner Sunseri: I understand. I appreciate it. Thanks for answering my questions. Thank you, Mr. Chairman.

Ryan Mallory: Thank you.

Chairman Yakupzack: Next up to speak, Mr. Lerlene Rodrigue. Good afternoon. Or good morning rather. It feels like we're there but we're not there yet.

Lerlene Rodrigue: I'm on the Calcasieu Oyster Taskforce, Cameron and I'm also a female oyster

dredger in Calcasieu Lake. Last year 3 out of 5 days in the week biologists have stopped by our boat and talked to us. I'm a woman in Calcasieu Lake. I can dredge my load in 15 minutes but it takes me 2 hours to cull it. There's oysters there and we keep telling them there is oysters in Big Lake. There's no reason to make a community die for these numbers. I mean seven sacks a day. What we're asking you all is to please open those sides for us so our communities in Cameron can survive for the winter. Thank you.

Chairman Yakupzack: Thank you. Next up, Ms. Belinda Miltenberger. Please state your name and address.

Belinda Miltenberger: Hi, I'm Belinda Miltenberger. I'm with Cameron Fisheries in Cameron and I'm also a member of the Oyster Taskforce Council in Cameron. We buy a large part of the oysters from Cameron. This last year with the seven sacks we've seen the time it takes the fisherman to harvest the oysters has by 1:00 I have 40 boats in. So they're catching them quick. They're not having any problems finding them. The oysters are actually a better oyster than they have been, still on the west side. According to the numbers we harvested, last year the total for Cameron Parish according to the biologist was 24,000 sacks. The estimate of sacks left in Calcasieu Lake is over 47,000 sacks. Previous to that our harvest was 33,000 sacks, just my business. That's not for Cameron Parish the year previous to that. So our numbers have decreased significantly. We're trying everything we can to keep this up but also, on the east side. At the beginning we were told this lake would be closed for 3 years. Everything was dying, there's no oysters, we need 3 years to let it go. See if it grows back. We're going on 6 years now. They can't give us a reason why the numbers aren't coming back. So before everything dies, let our fisherman go for a month, January, February, and see what's out there. See the quality of the oysters, see if we can find them, because their test data is flawed. They're taking, and this comes from the biologist, well it's hard to establish a new site

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

because we have nothing to compare it to. We go back 30 years and we're using 30 years of data and that's how we get our test sites. But in those 30 years Cameron Parish has suffered two hurricanes, major hurricanes. We've suffered the oil spill. There's changes. So with those changes your data also has to change. You have to go with the flow. We're just asking for more sites to be added, testing wise. We're willing to hire biologists ourselves to dispute that. Anything we can do to keep a community alive we're going to do. Thank you.

Chairman Yakupzack: Thank you. Mr. Anthony Theriot. State your name and address please.

Anthony Theriot: My name's Anthony Theriot. I'm from Cameron, Louisiana. I'm also on the Oyster Taskforce. I've been fishing in Cameron my whole life. We went to the seven-sack last year. The year before it was ten sacks but it would take you about 4 hours for ten sacks. Last year it was taking about two for seven. And like they said, they would come about every 3 days out of 5, ask you how long it was taking you and everything else. And we would tell them that the oysters are looking way better. We're not understanding. You all keep saying that there's a decrease but we're seeing an increase. And I don't know much about the test sites and all that. I mean we've offered several times in meetings to bring them out there and show them. Like I told them that I had 45 spots that I fished last year. I mean if you're not keeping your man busy working, you just move around. And I'd ask them to come and look at some of my spots that I have and they said that you're just going to bring me to good spots. You're not going to show me the bad spots. So I don't know what else to try as an oyster task member to help our community and help our fisherman. I mean you have fisherman that look at you because you're on this Oyster Taskforce and you're doing nothing for them. So I just think seven sacks is not bad to ask. I don't see that out of 35 fisherman that you can wipe anything out. And we would like to see it stay open. Thank you.

Chairman Yakupzack: Thank you, Mr. Theriot. Mr. Adley Dyson. Good morning. State your name and address please.

Adley Dyson: My name's Adley Dyson, 170 Adam Rue Street, Cameron, Louisiana. I'm a member of the State Oyster Taskforce and the operator of Bay Fresh Oysters. And we don't see no problem with the oysters. The industry changes and the biological data should change with it because things change. We've had hurricanes. We've had floods. We've had all kind of things that devastated our community. And we can't use old stuff to govern new things. I mean the industry changes all the time. And if this doesn't open, our town has been through so much with the decline in the oil fields I think it will do our fishery in. That's just too much all at once. And we hired, I think you have one of these papers. We hired our own biologists and everything, our company Bay Fresh Oysters. And I think we have a little report for you all, too. And we appreciate you all. We ask that you open it up, east side and west side for seven sacks. Thank you.

Chairman Yakupzack: Thank you, Mr. Dyson. Next to speak is Mr. Mark Valentino.

Mark Valentino: My name is Mark Valentino and I have Bay Fresh Oyster Company. And I have copies of our biologist's report. Can I hand them to you all?

Chairman Yakupzack: Will you state your address, please?

Mark Valentino: Yeah, 312 Arbor Circle, Leek City, Texas. But I've been buying oysters in Cameron since 1986. And I have a wholesale dealer's license for Louisiana.

Chairman Yakupzack: All right, go on and pass out your information.

Mark Valentino: First I'd like to state that everybody that testified before me I agree with

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

everything they say. Someone gave me a good piece of advice at the taskforce meetings saying that we needed to do our own sampling. Actually got to meet somebody that does the sampling exactly like the state does. Last year I'd gone to the Oyster Advisory Committee meeting that they had the previous year in Cameron. And they were showing, basically everything that they showed you all. They have five testing sites along the ship channel that were basically showing all zero, no oysters at all in any of their samples. They added one site about 2 or 3 miles away from the channel. And they showed us on this 10-acre reef that there were a lot of oysters. And I asked the biologist, I said, well could it be assumed that the other reefs that are distance from the channel would have the same amount of oysters? And his response was probably, but we don't test those sites. Okay. Then this year they tested another site, they added another site although it was a cultch plant and they found plenty of oysters. But they said we really can't consider that because that's a cultch plant. So we decided to hire our own biologist that basically does the samples respected by the state, respected by the Wildlife and Fisheries certified to do these samples exactly the same way that they do the samples. So they went to one reef, it's in the documents. I didn't even get to look over the document. He just showed up. His stock assessments were getting, that's when I got this report, because they didn't get to do the assessment until Tuesday. So here it is Thursday. It was very quick, extremely quick. If you'll see on one of the pages, he has his conclusion of the one reef that they sampled extensively has pictures. And basically on a 20-acre reef that's shell bottom shows there's approximately 51,000 sacks of oysters on one reef. In the back there's pictures of the oysters, the breakup of the oysters and everything. To do a full assessment of the bay would cost a lot of money. A lot of money that, personally, I can't afford to do myself. But we feel like there's a lot of oysters in east lake. I understand that the state has a big job. Wildlife and Fisheries and their department for sampling has

a big job and they like to rely on the historical data, their historical data that goes back 30 years or more is mostly along the ship channel where there's a big large reef. But since 2009 when they closed down the east side, we've had an oil spill. We've had hurricanes. We've had a lot of things; the deepening of the ship channel. Things have changed. And maybe those samples along the ship channel are still dead. But the other reefs where everybody was working in 2006 and beyond, all of those reefs are very healthy and very alive. And so our recommendation I believe that, with the Commission, is that that they leave it open and let us work on seven sacks. Seven sacks isn't much but that one reef has twice the oysters that they harvested last year and that's only on a 20-acre reef. So that's basically it. And I agree, if you took the seven sacks away from this town, they've had two bad shrimp seasons back to back. And for this town to absolutely have no oysters at all would be a vast injustice to do that. I mean you're just going to kill the town. The town's struggling as it is. So I appreciate your consideration and I hope you can look over the data.

Chairman Yakupzack: Any questions?  
Commissioner Courville?

Commissioner Courville: I don't mean to put you on the spot.

Mark Valentino: Yeah, because I didn't get to look a lot over it.

Commissioner Courville: Just a quick view.

Mark Valentino: Yes sir.

Commissioner Courville: In the conclusion section, I guess the guy that put this together, says that side scan sonar data was not processed for that report. Then he kind of had the caveat that says he doesn't anticipate drastically different acreage calculations. Obviously, Mr. Beck hadn't had a chance to look at this or –

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Mark Valentino: Right. No, he actually didn't get the chance to look at this. I gave him a copy of it.

Commissioner Courville: We're kind of dealing in a vacuum here.

Mark Valentino: Yes sir.

Commissioner Courville: I don't know how to even phrase my question. But I guess would side scan sonar potentially produce different results than what's being yielded here or not?

Mark Valentino: Actually he, Gabriel, said that it wouldn't change it very much, maybe one percent, plus or minus. It wouldn't be much different. They did the sonar but the program that basically runs and does everything, takes sometimes a day to do. And he wasn't running the data until last night. And so it was a time restraint to be able to get the sonar. But we're going to provide the sonar that was done. We're going to provide it to the Wildlife and Fisheries.

Commissioner Courville: So at some point this report will be shared with staff with the Department?

Mark Valentino: Yes sir, exactly.

Commissioner Courville: Okay, thanks.

Mark Valentino: Any other questions?

Chairman Yakupzak: Thank you, sir. There is one other comment that I assume doesn't deal with Cameron. Mr. Beck, would you like to address anything with regard to Cameron at this time before we get into the other areas, just one other comment for another area?

Steve Beck: Okay, well I'll be glad to. I was taking notes, to lump it up. Basically we're not saying that this is a purely a harvest effect. The population has been subject to changes in

hydrology though. The area's historical productive reefs around the ship channel are no longer productive, and that is a big decline in our numbers. But harvest definitely plays a role in, and that's what we can control. We can't control the hydrology of the system. CPRA is looking into a massive project to isolate the ship channel, which would hopefully improve the situation for oysters. But that project is in its infancy. We're looking forward to looking at all their hydrological modeling. They're going to look very extensively at changing the hydrology of the system. That being said, with regards to our methods, I have a map here that shows our stations within the reef area. It's not showing up too well, maybe if we could dim the lights a little bit. This was our sonar mapping of the entire lake. So basically those, the five channels or the stations they are eluding to near the ship channel, yes. They are not very productive. However, in wet years, like this year we're seeing actually a little bit of production on those stations. That's why we need to include those zeros and those bad stations in our estimates. You can see those yellow stations are our longest term stations, because that used to be where a majority of the resource is so, the green stations were added as a supplement and then this year we added the two stations that are indicated with stars. The far west and the far right. The far western station was added after observing a lot of the fleet in that area. We basically tried to do our best to characterize the reefs. The hot spot is that gray point on the east side, that's the Chenier Reef area. There's a very large amount of resource in that area. So you can see, we know there's lots of pockets of high densities of oysters on the east side, but the total acreage just doesn't add up to much. And it's much, much lower than the historical production that this area has shown in the past. So that's a little bit about our sampling methods. Here's a couple more graphs. The top left graph shows east and west side landings, or, available stock size, I'm sorry, in sacks. The values are sacks times 100,000 so that's six values, 600,000 sacks. So, the black line is the east side. You can see that went down around

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

2009, 2010, and that's why we closed that area. You can see in the past couple years we've crept up a very small bit, amount, but we're still so far below that long-term average, which is the black dotted line. Now the gray line, sorry it doesn't show up very well on this map or this figure, but you can see has been on a steady decline since the fleet has been concentrated in that area. And despite the decreased harvest, we've seen last year, in 2014/2015 season, they harvested 46,000 sacks and 2015/2016 they harvested 25,000 sacks. So, the sack limit was successful in decreasing harvest. But as the top right graph shows -- that shows the state-wide stock size is the black line, and that dotted line is the percent of the stock that was harvested. So, you can see way back before 2005 we were harvesting a very low percentage of the stock. That stock seemed to be fluctuating with natural influences but it stayed high. It never crashed. And so, the past 5 or so years, we've seen a huge decline in the stock and that percentage of harvest is still going up so, given the small size of the lake, it's not surprising that you're still able to get your sack limits very quickly. That's basically what I wanted to say according to that, addressing that. With regards to the independent survey, we love more data and so we would love to review that report and see how we could compare it to our numbers. That being said, we are very curious to see it. And basically 50,000 oysters converts to about 277 sacks, so there's 57, 50,000 oysters on 20 acres as Mr. Valentino claims, that converts to about 277 sacks. And yes, we are anxious to view that data. I'm very anxious to see that data. I guess that's it for now.

Chairman Yakupzak: Commissioner Smitko?

Commissioner Smitko: Can we go back to that other graphic he had up?

Steve Beck: The map?

Commissioner Smitko: Yes. This says it's based on data between 2008 and 2011. When

was that prepared? When's the data from? When did y'all do the side scan?

Steve Beck: So it's a combination of two time periods. We did some sonar mapping in 2008 and some in 2011. I may have to defer to someone who was back here during that time for a little more details on when that sonar –

Chairman Yakupzak: Assistant Secretary Banks, will you address that?

Patrick Banks: Sure. I sat in Steve's shoes for a number of years for the Department and, Commissioner Smitko, what we did, in 2008 and then again in 2011, we paid for a side scan sonar company to come into the lake and side scan everything in the harvest portion of the lake. So they take sonar and they look at the bottom. They're not just looking at the bottom where you see those colors. They're looking at all of the acreage in the lake. Then based on that sonar, they're able to tell what areas are harbor reef and what areas are scattered shell and what areas are just mud. So the colors you're seeing are the actual reefs, hard reef and scattered shell. So we performed that exercise in order to obtain the total amount of acreage of oyster habitat. And so it does delve into what Steve was saying in that the sample stations near the ship channel are showing zeros. But as you can see, at least on the east side, there was a tremendous amount of acreage of reef, oyster habitat, that's contained within that area. If you move farther to the east, to the white dot, or white with the star in the middle, that's the Chenier Reef. We did find a tremendously high density of oysters. But you can see that the amount of reef acreage is very small over there and so even though you find a lot of oysters in your sample, when you multiply that out by the acreage, you just don't end up with a lot of sacks of oysters and that's what happened. But that side scan sonar data is from 2008 and 2011 showing the acreage of reef and we use that acreage data against our samples from just a couple months ago in terms of the density of oysters.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Commissioner Smitko: Okay. And could you address for me the questions that were raised about six sampling sites being used?

Steve Beck: I think he was referring to those historical stations close to the, the yellow points there –

Commissioner Smitko: Okay, so how many, in the samples you just completed, the testing y'all just completed, how many sample sites did y'all use?

Steve Beck: 16.

Commissioner Smitko: And those are all delineated on this map?

Steve Beck: Yes. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, oh yes, that includes cultch plant samples, sorry. Those two yellow squares are cultch plants and we saw very good settlement on those during the time of our sampling. Most of those were still seed size, not market size, but they're growing so, yes, everything is.

Commissioner Smitko: But all the yellow, the other yellows, greens and whites were sample?

Steve Beck: Yes. All those, all the green, white, green, yellow and the yellow stars were sampled, and the yellow squares.

Commissioner Smitko: Okay, thank you.

Chairman Yakupzak: Commissioner Sunseri?

Commissioner Sunseri: Mr. Chairman, we're still on Item No. 12, right?

Chairman Yakupzak: That's correct.

Commissioner Sunseri: Okay.

Chairman Yakupzak: We took some comment that deals obviously with 13, too, but do you have another question?

Commissioner Sunseri: Yeah, but I'm going to wait until after the last person speaks and then I'd like to say something.

Chairman Yakupzak: Okay.

Mark Valentino: I'd like –

Chairman Yakupzak: So –

Steve Beck: Sorry, I didn't mean to cut you off. If I could say one thing regarding the community impact. This is the worst case scenario as far as we're concerned. Shutting down a fishery is what we don't want to do and the smaller management actions we could take prior to shutting down a fishery is obviously the preferred option. So just let it be known that we're not insensitive of the community impact that this could present. I just wanted to express that.

Chairman Yakupzak: Thank you. The final comment I have on a request to speak is Mr. Jurisic. Can you state your name and address please?

Jakov Jurisic: Thank you Mr. Chairman, Commissioners. My name is Jakov Jurisic. I'm an oyster fisherman from Plaquemines Parish and I've been also doing that for the last 4 decades. I'm also member of the Louisiana Oyster Taskforce, along with Chairman, Mr. Tesvich and Commissioner Sunseri. We did discuss issues with regards to opening of Area 1 North and it was my original motion to delay opening that particular area. I will point out three different reasons as to why. As you heard earlier from Mr. Beck, there is some mortality that took place in Area 1 North. Now I hear from my colleagues and I also talked to my colleague that's also on the Taskforce, Mr. Brad Robbins. I talked to him this morning

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

and he urged me to speak to you gentleman also about reports that he receives, also from his constituency and the fisherman. Let me first go down my list and then I'll get back with Mr. Robbins. If I forget please remind me, all right. As I stated earlier, there is high mortality that took place in Area 1 North. Also, if you open September 7, we will all agree Commissioner Sunseri and Chairman Tesvich and Mr. Beck the water is still hot. Also there will be tremendous pressure that will be inflicted on that resource. So when you combine hot water, tremendous pressure. That is a recipe, I won't use term disaster loosely, but I will say it's a recipe for an even higher oyster mortality. Now I don't have any percentages as to how high or how low it's oyster mortality. Steve, if you can help me out on that on your report, what is the mortality rate?

Steve Beck: That's what we are sampling today. Our crews are out on the water today conducting the first September dredge sampling event throughout the Biloxi Marsh, Mississippi Sound area and that's the kind of data we'll get. We'll be able to get a percentage mortality. Like I said, we've gotten some reports from oystermen about mortality and a couple spot checks last week trying to monitor flood impacts. It shows some older mortality that's likely from the summer heat and the low oxygen levels. So we are basically there. This afternoon, I'm waiting, when I get a text message any second now showing what the data shows. Our field crews are on the case and we also found some. Brad Robbins called me up and said that they're seeing the signs of an early spat set. So excessive mortality and spat fall are two reasons we would definitely consider delaying the season. We are aware of the reports and we're trying to confirm those reports.

Jakov Jurisic: Okay. One more question, Mr. Beck, from me. Can you give me fatality, a percentage, from your initial sampling that took place? I would say July, sometime?

Steve Beck: I don't have those specific numbers here. I can provide those numbers of the mortality we saw during our dredge sampling, that's what I think you're referring to, and that was early July. We got a couple of comments about or calls about mortality in late July. Our early August sweep of the area didn't show much mortality but then our spot check did. We're waiting to see what today's data shows.

Jakov Jurisic: Okay. Let me ask you one more question, if I may. Would it be fair to say, because I remember you saying when opening of Bonnet Carre Spillway took place, if I'm wrong, please do correct me, that there was initially a mortality rate of somewhere around 15 percent.

Steve Beck: Fifteen?

Jakov Jurisic: Yes.

Steve Beck: I'll have to look at that data again. But the Bonnet Carre opening in February did not result in very much mortality because the water temperatures were so cold –

Jakov Jurisic: Cold, that's –

Steve Beck: – that they could tolerate those low salinities for longer. So we did not see very much mortality.

Jakov Jurisic: Okay.

Chairman Yakupzak: Mr. Jurisic, I just want to let you know you got a minute left. I'd like you to --.

Jakov Jurisic: Okay. I'll try to wrap it up as soon as I can, Mr. Chairman. Please do bear with me. Okay. Let's just create a hypothetical here, although I don't like hypotheticals, but let's just say the truth is somewhere in between my findings and Mr. Beck's findings. Every time the fisherman catches the dredge material from the reef, dumps that on his worktable and let's

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

say that mortality rate is somewhere around 20 to 30 percent. He will be committing violation because he will be having too much of a dredge fill in his catch. Speaking of this, dredge fill in a way incorporates the most recent flood event because in aftermath of Bonnet Carre Spillway, Pearl River being aside, for the entirety of the rain season. And then most recent, floods that took place just weeks ago. That is setting stage for a spat set. Now on top of that, Mr. Chairman and Commissioners, we also have some small disturbances that brought in salt water which creates, I would say, at least in my humble opinion, a perfectly mixture for oysters to spawn. So my question is why do we want to go and risk taking cultch material off the reef in the wake of spat set. So my conclusion, Mr. Chairman and Commissioners, is that we at least give opportunity to the Department and the industry to conduct joint sampling of the reefs and also given alternative to Secretary Melancon to make his decision, whatever that may be, based on Steve's industry sampling and then we can open it at a later date, if need be. That's all I have to say at this point. If all have any questions, Mr. Chairman and Commissioners, I'll be glad to answer. Thank you very much.

Chairman Yakupzak: Thank you, sir.

Commissioner Sunseri: Thank you, Mr. Chairman. Thank you, Mr. Jurisic and everyone for all your comments. When we go to the next section, we may have some recommendations that I'd like to make but just a couple of comments in regards to one of our primary public oyster grounds, south of the MRGO. And that particular area has been affected by a couple of situations that we have down there with the Mardi Gras pass that continues to expand which is actually hurting a lot of the fisheries, not just the oysters. But the Fort Saint Philip crevasse, last year the crevasse produced at times as much as 100,000 cfs of fresh water into that system. We're talking about the most prolific oyster ground not only in the state but in the world. And it's been decimated and if we've seen this now for a number of years and this is

where so much of our productivity came from historically, going back to the beginning. So, in the future, we need to discuss that issue and what we'll do as a commission to deal with that. Because for us as a group, having the responsibility, try to do what's best for the productivity, the protection, all of that, of the resources in the state and to see this condition going on, we need to deal with it and we need to tackle it because there's no reason that we should have to be dealing with an area that has such a historic importance to our state and to the fishery if we can't count on it anymore. And with that, thank you, Mr. Chairman and when we get to the next agenda item, I'd like to make some recommendations.

Chairman Yakupzak: Thank you, Commissioner Sunseri. I want to take the opportunity before we move. We have one other comment card supporting the Department recommendations as recommended, in favor of the proposal, does not wish to speak, David Creson, CCA. I want to take this opportunity to apologize that many of these comments cards had Agenda Item 12 and 13 and some of them that we just went through, some of the speakers you heard, only had 13. So I apologize that that got a bit out of order but the recommendation's been made and I think we'll hear from Mr. Beck again now moving to Agenda Item 13. I'd like the Commission and Department to recognize those comments that we've heard on this subject as covering both of these agenda items, if you will. So with that, Agenda Item No. 13 is to Consider the Declaration of Emergency for Setting the 2016/17 Oyster Season on the Public Oyster Areas of Louisiana<sup>8</sup>. Mr. Beck, would you please carry forward with that?

Steve Beck: Yes, the declaration that you received reflects what is shown here at the table. It's the season recommendation that I proposed. We received comment from

---

<sup>8</sup> See Exhibit 8 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Commissioner Courville about a slight amendment to the second to last paragraph requesting that the chair or the commission and secretary meet to discuss any changes, any season adjustments or sack limit, any changes to the season once this initial declaration is passed. As of now, that is the only edit that needs incorporated.

Chairman Yakupzak: Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. Members of the Commission and members of the Department and people in the audience. This is a very important issue to all of us here. Doesn't matter if you're on the resource end or if you're on the farming and fishing end of the business. I appreciate this opportunity and I'm going to make a couple of recommendations in a form of motions. Mr. Chairman. That Area 1 North be allowed to not take the September 7th opening and give the Secretary the authority based on the biological data received to allow it to open late if they find that there is a recent spat set that could cause mortality. If they find that everything looks the same as it did back when they did their sample to leave it the same. That's the first thing.

Commissioner Smitko: If you would, make that into the form of a motion.

Commissioner Sunseri: You want me to do one at a time?

Commissioner Smitko: Yes.

Commissioner Sunseri: Okay. I'll do that.

Chairman Yakupzak: Please do. We have a motion to amend the DOE to reflect that should the Department find the need for delay, that the September 7th date that the Secretary, after consultation with the Chairman, will delay the opening of Area 1 North. Did I recount that correctly?

Commissioner Sunseri: That, that's fine.

Chairman Yakupzak: And a second from Commissioner Smitko.

Commissioner Sunseri: The one question I'm going to ask, the Secretary's always had that authority. I don't have a problem with the Chairman's input. I just wanted to ask is that something new that we're going to try to do down the line with everything.

Chairman Yakupzak: No. I'll respond to that because I checked that. That is something that is historically been in the oyster setting seasons, DOEs. And the only thing that I understand Commissioner Courville has asked to change is that the notification has historically says shall notify the Chairman and the Wildlife and Fisheries Commission of his intention to make any and all changes indicated. And so all I think the aspect he's adding is to make it a prior aspect. Prior to doing it, he'll notify the Chairman and the intent is so that the Chairman can consider whether or not a special commission meeting should be had to allow for public input.

Commissioner Sunseri: All right. I understand. Thank you very much for that clarification.

Chairman Yakupzak: Yes, sir. Okay. So can that motion -- we've heard the motion and we have a second on that area. Do you wish to address other areas?

Commissioner Sunseri: You don't want to vote on the one right now?

Chairman Yakupzak: Okay, fair enough. We'll do that. So, the motion has been made to accept the DOE as stated to open on September 7th unless the Department finds that a delay is needed and the Secretary would then, in accordance with the DOE, delay the opening. We have a second by Commissioner

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Smitko. Any public comment? All those in – oh, commissioner, I'm sorry. Biologist Beck.

Steve Beck: It was my understanding that kind of language is already in the DE that you have, so if I pass it right now, the season's set to open September 7th but it currently gives the Secretary power to delay the season. But given the short timeframe and 72-hour notice, that's why we're hanging on the edge. I'm on the edge of my seat waiting to see the data from today's sampling, so we have to submit that today or early tomorrow morning. So it'd just be a separate DE to delay the season. But it's my understanding that this DE already gives the Secretary that power. Am I correct?

Chairman Yakupzak: Assistant Secretary Banks?

Patrick Banks: Yes, that is correct, Steve. These DEs historically have always given the secretary that authority to make these kind of changes and delay if we get some new data in that indicates the delay is warranted and Steve is correct. Normally, we would have a lot of time to get that data in and make those kind of adjustments. In this case, that adjustment is going to have to be made by tomorrow morning to meet the letter of the law to change or to issue the delay. So it may very well be that y'all see or get, Mr. Chairman, you may get a call from us late this afternoon or first thing in the morning about a potential delay but the motion is really, you could make a motion and pass it but it's really not needed. It already gives the secretary that exact authority in the DE.

Commissioner Sunseri: I withdraw the motion.

Commissioner Smitko: I withdraw the second.

Chairman Yakupzak: Okay. Thank you, commissioners.

Commissioner Sunseri: Thank you. The next thing, dealing with Calcasieu Lake and saving

the lake. I'd like to make a motion to request that this NOI delay the closure of Calcasieu Lake east and west until the biologists from Wildlife and Fisheries can go do a sampling with a couple members of the Calcasieu Oyster Taskforce. A couple members and their biologists so that they can go with those people that work within that Area 7 area, the biologists from the oyster department, to go look at the different spots that they're talking about and show that if there is oysters there. If there isn't and then give the secretary the authority to open that area rather than keeping it closed based on their findings and we could vote on it at the next meeting, because we'll still have time before the November, actually before the 15th of October is when we need to make a determination. That's a lot of words. I don't know if the secretary can get that.

Chairman Yakupzak: If I may, I attempted to understand and clarify is, so this DOE states that the season's closed. And the season wouldn't open until, what you're suggesting, is the season wouldn't open anyway until a date after our October commission meeting. And what you're asking for is that this motion be passed as is, and in October consider the item of opening Calcasieu Lake again?

Commissioner Sunseri: Yes, with that caveat of the Calcasieu Oyster Taskforce, two members and the biologist that worked that area from the department getting back with the Undersecretary of Fisheries and the Secretary, and then talking to you, Mr. Chairman, about their findings, together.

Chairman Yakupzak: If I may respond, Assistant Secretary Banks, number one, is that something that -- I understand it's a bit unconventional -- is that something that your Department, the Fisheries team could work with?

Patrick Banks: We certainly can, and I actually commend the local industry for taking the initiative to go out and do this sampling. Like

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Steve said, we always want more data. We would love to sample every single oyster on every single reef, every square meter out there. We just simply can't do it. So the more data is better, and we'd like to have a chance to review that data before a decision is made. What I would recommend, and I think it gets to the intent of Mr. Sunseri, is that we just simply remove the decision on Calcasieu Lake from this DE at this time, and we place an agenda item at the next meeting to set the season for Calcasieu Lake. The law of Title 56 does not require that Calcasieu Lake, or it says that the earliest Calcasieu Lake could be open is October the 15th, so technically we wouldn't need to make a decision, by law, until the October meeting. So I think the easiest thing to do is just simply remove Calcasieu Lake from this consideration, give us another month to do some sampling with that industry, review the industry's data, take our own data, come back to you guys and report on that so that you all can set a specific season for Calcasieu Lake at the October meeting.

Commissioner Sunseri: Mighty fine with me, Mr. Chairman.

Chairman Yakupzak: Ms. Martin, do we require a motion or can we just adopt the declaration of emergency sans the Calcasieu Lake portion, remove it?

Yolanda Martin: I think you go through your motion protocol to remove it from the DE and proceed forward.

Chairman Yakupzak: Okay, thank you. Commissioner Courville.

Commissioner Courville: I'll second.

Chairman Yakupzak: If I understand, the motion is to now adopt this DE as stated with the exception of removing Area 7, Calcasieu Lake and Sabine Lake, until further considered

by this commission at the October commission meeting.

Commissioner Sunseri: Yes sir.

Chairman Yakupzak: And I have a second from Commissioner Courville. Any public comment? All those in favor?

All: Yea.

Chairman Yakupzak: Any opposed? Hearing no opposition motion of the DOE as stated passes. I'd like to take a moment to comment and thank everybody who's come for various issues and ask you to always participate. It's the best forum to communicate with the commission, and I'll ask you to exit the room quietly if you choose to leave at this time. Agenda Item No. 14, Receive the Waterfowl Population, Hunting Regulations and Preseason Update<sup>9</sup> from Biologist and Waterfowl Study Leader, Larry Reynolds.

Larry Reynolds: Well, I've been known to clear a room, but I don't think this was my fault. Thank you, sir. Well, this will be quite a transition and a fairly unconventional situation from how we normally deal with waterfowl here in front of the commission. First, thank you Mr. Chairman and members of the commission for the opportunity to speak. For you new commission members, my name is Larry Reynolds, and I am the waterfowl program manager. This is a big time for migratory bird hunters. The dove season opens this weekend, our September Teal season opens next weekend, waterfowl hunters' first shot at opening the season, and I'm here to talk a little bit about that teal season and the regular duck season coming up over 2 months later, but the strange position that I kind of find myself in right now is that I'm here primarily to talk about the 2017 duck hunting season. And the reason for that is

<sup>9</sup> See Exhibit 9 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

because the process for setting waterfowl hunting regulations has changed. And most of you know that because you assisted in this transition period about this time last year. For over 50 years we set migratory bird hunting regulations using two decision periods. First of all we do the population and habitat survey, May and June. We did that in 2015. The U.S. Fish and Wildlife Services Regulations Committee meets in late June, and then we come to you at the July commission meeting and we set the dove season and the teal season. And then July's a really busy month, at least it was for 50 years, because then the reports on the population status, the pond numbers, all the adaptive harvest management modeling we've been doing for the last 25 years, all those reports come out in late July. The flyway meetings occurred. After the flyway meetings, which is where the states send their recommendations to the U.S. Fish and Wildlife Service, the Fish and Wildlife Service regulations committee meets, and then they propose the framework regulations and then I come back to you, the commission, and we set the specific duck and goose hunting seasons in the State of Louisiana. Now, just looking at that, that is a very compacted time period. In fact, it's barely 3 months from the time we start collecting the data until we have the final season decisions. That's less than the public comment period for setting deer seasons or turkey seasons or other hunting seasons. So this process has been seriously compressed, and that's one of the reasons that it's been changed, and last year we fought our way through that change because we're using the same data. The process has been changed to set this year's hunting season with last year's monitoring data, and that survey happened in May and June of 2015. And as soon as we set the 2015 hunting seasons in August of last year, we went back to work reanalyzing that same monitoring data using a different method, using different statistical and scientific methods that account for the fact that we have added uncertainty from using prior years' data. And then the flyways met again, so we met in July for the normal process, then we got together via teleconference,

we gave our recommendations to the Fish and Wildlife Service, their regulations committee met again in November, they set the framework in December, and then we came to the Commission in January and started the process to, excuse me, set the duck and goose hunting regulations concurrent with all of the rest of the hunting regulations. That's how the process now works, and that's why I'm up here in September. Usually August was our big water fowl meeting. We would review the monitoring data, we'd talk about the AHM modeling and we'd set the seasons all in August. Specifically, I have just returned from the flyway meeting. The monitoring survey happened in May and June this year of 2016, and from that, from those monitoring surveys we have estimates of the breeding population, estimates of the number of ponds, which are supposed to be combined with the harvest data and the AHM modeling so that we have the information necessary to make recommendations to the U.S. Fish and Wildlife Service for the 2017 duck seasons. Well, there's been some glitches this year, some of them our fault, and when I say our, I mean the flyway, some of them manpower restrictions and problems with the U.S. Fish and Wildlife Service. So when I went to the Mississippi flyway meetings August 22nd through the 26th we didn't have the AHM modeling. In fact, the service told us last year they wouldn't have it until September 1st, but our administrators within the flyway thought well, they've got 3 to 4 extra weeks, there's no reason they can't get it done by August 22nd. But they didn't. The harvest data, this is an election year and the administration is not being allowed to fill vacancies, and so the harvest survey section is down almost 50 percent in manpower and we still don't have the harvest data from last year. What that means is that at the Mississippi flyway meetings last week we crafted regulations that are rather generalized because we don't have the AHM modeling that typically informs our decisions on season length and bag limit. Now, other flyways aren't going to have this issue. The other three flyways are meeting between September and October. The

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Fish and Wildlife Service Regulations Committee meeting is set for October 25th and 26th. They are going to propose, they're going to recommend the framework regulations, and then we'll be back to the process that we used last year. We'll be back here in front of the Commission in January proposing specific hunting dates, and those selections will go through the 90-day public comment period through the notice of intent and then we'll make selections through the Fish and Wildlife Service in 2017. So that's hopefully the most boring part of this presentation, but it's also the most important because we're struggling through a really big change in process. And so let's review the monitoring information that we have right now, and we'll do that for two reasons. The first reason is that this is the information that's going to inform the recommendations and decision making for the 2017 hunting season, but it also describes the current status of the population in the habitat going into the 2016 hunting season that we're about to go into. Now, unfortunately the U.S. Fish and Wildlife Service typically generates a really slick production video, and show that video at the August meeting. That's no longer the case. So you're going to get a presentation of me summarizing that information, and hopefully it'll be useful. One of the most important things, this is the current habitat conditions on the breeding grounds at the time of the survey and the months after, and these habitat conditions for the second year in a row are dryer than the year before, especially in the areas of Southern Alberta Manitoba and Saskatchewan where we receive a large number of our birds. Here's the comparison between 2016 and the year before. You can see there are some areas of improvement and some areas, especially those in southern Saskatchewan that have dried substantially. Now, what that means is that the pond count was down 21 percent from 2015, and it's the second consecutive year that the pond count has declined. The current counts are still about long-term average. So we've seen a decline the last couple of years in the amount of habitat for breeding waterfowl, but the population of ducks remains very high. The

48.4 million ducks counted on the survey is similar to 2015, 38 percent above the long-term average. Now, that looks terrific, and it is terrific for maintaining long seasons and large bag limits as we make hunting season regulations, but when you have a large population of ducks on a declining number of ponds, the situation is perfect for much lower reproductive success and a false life that includes a smaller proportion of juveniles. And I'm only going to speak for myself, but I need young, dumb animals to be successful when I'm out trumping around in the mud and marsh. All right, how about some specific species? The mallard population, same as the year before, 51 percent above long-term average. Now, Louisiana only winters about a third of the mallards that it did 25 years ago, but this is still a critical piece of information because it's the mallard population numbers that are a critical factor in the AHM modeling that determines the length of our season and our bag limits. A little more applicable to us are gadwalls, typically the most abundant species in our harvest, gadwall numbers similar to the year before, well above long-term average. Pattern similar with green wing teal. Got nice populations of green wing teal. Now, blue wing teal declined by 22 percent from 2015, but they're still 34 percent above the long-term average and our teal season's about to open, and what's critical about this particular graph and these numbers is that contrary to the mallards, pintails, scaup, canvasbacks, the harvest strategy for blue wing teal is just a simple threshold strategy. If we have more than 3.3 million blue wings, we're going to have an open teal season. If we have more than 4.7 million blue wings, we're going to have a 16-day season. So because this strategy is so simple and because we have an estimate of 6.7 million birds, we know that in 2017 we're going to have a 16-day teal season with a six bird limit, no uncertainty there. Shovelers, this is heartbreaking for people like me, but the shoveler population has declined a lot like the blue wing teal population. Pardon me for needing a moment after that. Pintail, the pintail population is statistically similar to last year, but

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

the pintail population has declined over the last 3 years. Canvasbacks, still well above long-term average similar to last year. Scaup, also similar to last year, didn't have near long-term average. Now, ringneck ducks are not part of the traditional ten species that are surveyed. They're surveyed in a survey in Eastern Canada, but they've become pretty important to our hunters in southeast Louisiana and always have been at Calcasieu Lake. And you can see that ringnecks are continuing their long-term population increase. Not so with model ducks. Look at the red line in the middle. This is 8 years of our model duck breeding population survey that's conducted in April, and you can see that in the last 9 years our model duck breeding population has declined by about 50 percent. And what's interesting, just another footnote on the impetus of waterfowl hunting regulations to drive waterfowl populations. This is the time period after he reduced the bag limit from 3 to 1. You've got some serious work with model ducks to consider in the future. So in summary, what does all of this mean? Total ducks are down slightly but well above long-term average. For Adaptive Harvest Management modeling purposes, we've got 12.5 million mallards. Ponds are down 20 percent, still at long-term average. There are 3.5 million Canadian ponds which are used for the Adaptive Harvest Management modeling. Pintails, canvasbacks and scaup are about the same as last year. Our goose monitoring is very different from our duck monitoring. Our goose monitoring depends on mid-winter surveys, fall staging surveys and banding data. Those surveys show that goose populations are stable or increasing for both white and white-fronted geese, and their reproductive effort is highly correlated with the time of ice out on the arctic breeding grounds. This year ice out was average to slightly earlier. Now, at the following meeting we got some conflicting reports because we expected reproduction to be pretty good for snow and light-fronted geese, but at a couple specific colonies that flyway members worked, there was almost a total bust in reproduction

because the hatch was about 4 days earlier than green up. That's how critical timing is for these arctic breeding species. The goslings hatched and the goslings starved. So we've got some sorta conflicting information regarding goose reproduction. And what does that mean? What does that mean for 2017? We've already talked about the teal season. That one's in the bag. We know it. Now despite not having the mallard AHM modeling data, we are fairly certain we're going to have a 60-day season with a six-duck limit. Why? Because that's the AHM modeling for 2016 last year and you can see the gray box at the bottom where last year we had 4 million Canadian ponds and we had greater than 8.25 million mallards, gave us a liberal season well within the liberal zone. This year we're down to 3.5 million ponds but we still have far greater than 8.25 million mallards so we're still going to be liberal. We're very confident of that. We expect no changes in pintail, canvasbacks, scaup, wood duck, model duck and goose seasons and bag limits. That's what we expect. Why? Because populations were similar to last year. Pond numbers are down slightly. We'll have to see what that modeling says but we're fairly certain that there won't be any changes. But as always, you know, stay tuned. Nothing's final 'til it's final. Now what about this season? All right. We talked about next season. Field season opens on September 10th. The zone boundaries have changed for the regular duck season. And those zone boundaries, these were the zone boundaries that we've used – east zone, west zone, coastal zone – for the last 4 years. But those zone boundaries changed last November. And this is what they look like now. And just focus your attention in northwest Louisiana up at Highway 20, the junction of Highway 20 and the black line and you can see how that's changed. There are portions of Bossier, Webster, Bienville and Claiborne Parish that have moved from the east zone to the west zone and will have separate season dates. And now if you focus your attention over there on what I like to call the east zone nipple, you can see how that has changed. There are large portions of

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Evangeline, Jeff Davis, Acadia and other parishes that have moved from the coastal zone to the east zone. These maps are available on our web site and all hunters need to check these zone boundaries for changes between last year and this year before heading afield. The last point I want to make and I put it in yellow because it can't be emphasized enough. These monitoring data are magnificent. They are the largest, longest running wildlife population survey on planet earth. The most, one of the most sound statistically designed, large scale surveys. This is fantastic data. I mean, we actually have more data and information about mallards than some countries have on their own people. But it's collected at a continental scale. So it may mean bucks to your hunting success within 300 yards of where you park your boohan in Terrebonne Parish or Cameron Parish. And so that always has to be taken into consideration. That weather and habitat conditions both up and down the flyway and locally are going to have a larger impact on your hunting success than these data that I've shown. And let's just think about the teal season opening weekend after next. We know that there is more water in the flyway north of us right now than there was a year ago. A year ago, we were coming into a 100-year drought up and down the flyway. And so as you go into teal season, already we know that the water conditions north of us are different than they were last year. Now 2 ½ months from now when we open the regular duck season, we expect there to be a lot less water north of, in the flyway of Louisiana. And we expect lower temperatures. Why? Because of the monsoon rains that the flyway got in October and early November last year. Those weather and habitat conditions are going to be far more meaningful than a 21 percent decline in ponds and the same breeding population. And the last thing, when you are successful, not if you're successful but when you're successful this year, there are lots of picking sheds around the state that are more than willing to help you clean your birds and prepare them for consumption. And Matt Halgen of the waterfowl section has taken the

existing rules for these processing facilities and has combined them into an informational brochure about migratory bird preservation facilities. It provides guidelines for how these picking sheds can provide completely clean ducks without fully feathered heads or fully feathered wings. It gives an example database for what these facilities need to do to stay legal, along with you can see tags are just copiously scattered throughout this brochure. The tagging requirements are fairly strict but really easy to follow in this state. And this brochure and other cool stuff is going to be available at the web site that you see there. We are currently producing a new page on our web site for waterfowl hunter resources. It's currently, it is not launched. It will include this brochure. It will include summaries of waterfowl monitoring data like our aerial surveys here in Louisiana and links to other monitoring data and frequently asked questions. I appreciate the time, Mr. Chairman.

Chairman Yakupzak: Thank you, Mr. Reynolds. As always, we appreciate your thorough presentations. Any questions or discussions from the commission? Commissioner Courville.

Commissioner Courville: Mr. Chairman, I'd like to thank Mr. Reynolds. One for your level of professionalism and your tireless efforts. I know you had a pretty hectic schedule in recent times and this was spectacular. And I'd like to thank your staff, the waterfowl staff for putting that migratory bird presentation stuff together, along with this and giving everybody something to chew on in advance of chasing a few blue wing teal throughout the state. Thanks again. Job well done.

Larry Reynolds: I appreciate that.

Chairman Yakupzak: We'll move forward now with Agenda Item 15: To Receive a Summary Report of the Cervid Carcass Ban Notice of Intent Public Hearings and Consideration of Any

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Amendments to the Cervid Carcass Ban Notice of Intent<sup>10</sup>. Biologist, Johnathan Bordelon.

Johnathan Bordelon: Mr. Chairman, if you can bear with me one more time.

Chairman Yakupzak: Commissioner Courville.

Commissioner Courville: Mr. Reynolds, would you, when you get a minute, if you could email that presentation to the commissioners that would be greatly appreciated.

Larry Reynolds: Absolutely. I appreciate the time to put that together outside the deadline.

Johnathan Bordelon: Thank you, Mr. Chairman. Commissioners, good morning. Today I'm just here to present comments. These comments have already been provided to you weekly through this 60-day process that we've been through. At this time, we've received 11 comments of support, 14 neutral and 161 negative. Of those 161 negative, the majority actually have been in emails which you've been copied on, but in addition to those, we've also received 63 public-hearing comments that were opposed to the current NOI. In addition to that, we've received 3 by mail and 7 by phone. I will mention the 63 public-hearing comments. It doesn't represent the total number of people. Those were just people who expressed a written, a verbal comment at the meetings. We had 203 that actually attended the 6 meetings held last week and earlier this week. So 203 total attendees for 6 meetings. The primary complaints or concerns involve possession requirements in other states, reciprocal properties located in two states. Basically lands that may be partially in Louisiana and an adjoining state, difficulty in taxidermy requirements, and that's from hunters. Negative impacts to taxidermists, so those are basically concerns from the industry,

talking about the negative impacts that they anticipate through this NOI. Also a request for proper disposal exemptions for taxidermists, and that's been a reoccurring comment through this process. Also negative impacts to meet processors' concerns regarding the effectiveness of this regulation, and one of the others is a request for quarters minus backbone, and then also just general inconvenience. And you've been copied with these through the process. Obviously, these are probably very familiar to you all and that is basically the summary of the comments that we have received. I'd be happy to answer any questions specific to any of the comments.

Chairman Yakupzak: Any questions or comment from the commission?

Commissioner Courville: Mr. Chairman –

Chairman Yakupzak: Commissioner Courville.

Commissioner Courville: I don't have any questions, but I do have a comment. I was able to attend the Lafayette public meeting, and I have to say this. That was one of the finest public meetings held by the department I have ever attended. The professionalism of the staff and the enforcement agents that were there took a tense atmosphere and really, you guys knocked it out of the park. So, all I really want to say is outstanding job, and I can only assume that happened at all the other ones. But Mr. Secretary, well, Mr. Myers, your staff represented you outstanding, as well as the enforcement. Outstanding job. I can't say enough positive about how that meeting in particular went.

Chairman Yakupzak: I certainly echo those comments for the Lake Charles meeting, which I had the opportunity to attend. So, thank you again on behalf of the commission.

<sup>10</sup> See Exhibit 10 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Johnathan Bordelon: Well, on behalf of everyone who participated, we thank y'all, thank you for that.

Commissioner Sunseri: And, Mr. Chairman, if I may, I want to say Johnathan, thanks for all the information; Randy, thanks for all the information. It's been very helpful. The public meetings, I think, were great, and I did get to attend one, and y'all guys did a fabulous job.

Johnathan Bordelon: Thank you, Mr. Sunseri.

Chairman Yakupzak: I do have a public comment card with regard to this agenda item. If you all have no opposition to taking the comment, additional comment now. Mr. David, is it Meagher?

David Meagher: Yes.

Chairman Yakupzak: Please come up, state your name and address.

David Meagher: Good morning, Mr. Chairman and Commissioners. My name is David Meagher, David's Taxidermy in Lafayette, Louisiana, 548 East Pont des Mouton. I'm here representing the Louisiana Taxidermists Association, hunters, processors and myself. One thing we talked about, I think I emailed, I think it was forwarded to y'all. I'd just like to maybe read it and recap. I have another proposal which I think may work or at least maybe be discussed. The main thing is I'm begging and pleading to please delay this, as far as the time factor. We're right in the season now. We look forward to this season. We make our year on the next 3 months, so doing this right now would be really not a good thing for the taxidermists. It'd be a great inconvenience and there's so many people who do not know, so I definitely, I beg that we have more time. Another thing, I have it all here, but the main thing I'd like to propose is, we all agree we don't want this disease in our state, but I think there's a different way instead of completely

banning the importation of parts for taxidermy. I propose that there's taxidermists become state-approved facilities who are, who take a course, maybe pay a fee, and this could be renewed once a year to where they're educated and trained on ethics, proper disposal and handling of the parts. It also can apply to the processors who, you know, whether it's deboned or no bone or just quartered parts with no backbone, that can all be worked out, but as far as the taxidermists, I think it would help regulate all of the hunters. Because the guys coming back from out of state with a trophy are bringing it somewhere. They're going to do something with it. I think eliminating the ban, it may pose a threat mishandled parts, so I think that's a big thing to consider and hope we can delay this until we can work together, use approved taxidermy facilities that can also help a smaller taxidermist who doesn't want to get approved, just so that animal hide, comes into the state, maybe give them 72 hours to go to approved facility and treat it correctly, whether it's going to approved landfill or incinerator. He can do that for other taxidermists who haven't been approved. It may generate income to be able to help promote this issue, educating people. I just, like I said, I think it can work. I think hopefully you can delay until this can all be considered. I think that's about it.

Chairman Yakupzak: Thank you, Mr. Meagher. Any additional question or comment on this item?

Commissioner Sunseri: No, I just have a motion that I'd like to make regarding an amendment, Mr. Chairman.

Chairman Yakupzak: Okay.

Commissioner Courville: Let's hear it. If you don't mind, Mr. Chairman, let's hear Al's, and then I have some thoughts as well.

Chairman Yakupzak: Commissioner Sunseri, would you like to make a motion?

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Commissioner Sunseri: Yes. Thank you, Mr. Chairman, members of the commission and people in the audience. This is all new to me, and I've learned quite a bit from this entire process. It was, again, I'll repeat, it was a tremendous job done because I learned through the orientation that I took that once you've got X amount of opposing opinions on NOIs, that it was something that you needed to start considering and looking at the changes, and with that I took this very seriously, read through all the comments that were sent, went to a public meeting, and one of the things that I came across in my readings had to do with an exemption that they had in Missouri. I used that as a template for this amendment that I'm going to put forward to the commission to add to the NOI but having said that, I'll read the amendment and then, based on what happens, if it gets a second, gets a discussion, I'd like to talk a little bit further about it. This is the amendment<sup>11</sup>. Wildlife legally taken and exported from a state or country outside of Louisiana may be shipped into Louisiana by common carrier, except Cervid Carcass or Cervid Carcass parts, the importation, transportation or possession of a Cervid Carcass or Cervid Carcass parts taken from illegally obtained outside of the State of Louisiana is prohibited, except for meat that is cut and wrapped, meat that has been boned out, quarters or other portions of meat with no part or spinal column attached, hides or capes from which all excess tissue has been removed, antlers, antlers attached to skull plates, skull plates cleaned of all muscle and brain tissue, upper canine teeth and finished taxidermy products. Carcasses or parts of carcasses listed above may be transported into the state only if they are reported to the Department of Wildlife and Fisheries' Cervid hotline prior to entering the State of Louisiana and then taken to a licensed meat processor or a licensed taxidermist within 24 hours, and 24 hours of entry. All Cervid Carcass and Cervid

Carcass parts shall be enclosed in a heavy-duty construction bag or similar heavy-duty disposable plastic container upon entry to the State of Louisiana. Department of Wildlife and Fisheries' Cervid hotline shall give the importer an identification number for Cervid Carcass or Cervid Carcass parts imported into the State of Louisiana with the destination to a licensed meat processor or taxidermist. Licensed meat processors and taxidermists shall contact the Department Wildlife and Fisheries' Cervid hotline with the identification number given to the importer and shall dispose of the discarded tissue, bones and parts enclosed in heavy-duty construction bags or similarly heavy-duty disposal plastic containers in properly permitted landfill. With that, there would have to be laws written and passed by the legislature for this all to be able to take place, which would include a Cervid hotline legislation that would be funded by the licenses listed above. Cervid Carcass, a Cervid Carcass parts import license, Department of Wildlife and Fisheries license for taxidermists, and a license for Cervid meat processors. So it would all be contingent on those things being done, which basically would put all this on hold until the legislature meets, but that's my amendment. Thank you, Mr. Chairman.

Chairman Yakupzak: Thank you, Commissioner Sunseri. Commissioner Courville, do you wish to discuss your amendment at this time?

Commissioner Courville: I guess what I would ask, at the pleasure of Commissioner Sunseri, would he consider a substitute motion, or would you like your motion to be considered at this time, or do you want to hear the items that I have to present, and then reconsider if you had a chance to read them, so I guess I would defer to your preference.

Commissioner Sunseri: Either way is okay with me. If you do a substitute, that would be fine, but I would just as soon listen to yours and maybe withdraw mine.

---

<sup>11</sup> See Exhibit 11 attached hereto and made a part hereof

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Commissioner Courville: I think we're similar. Okay. Mr. Chairman, would you like me to read?

Chairman Yakupzak: Yes. We have a motion by Commissioner Sunseri on the table without a second. Commissioner Courville would like to propose an alternative or substitute motion.

Commissioner Courville: With that, I hope that the commissioners have had a chance to read this and for the benefit of the attendees here, I'll go ahead and read the whole thing. What you're going to hear is, and I'll make note of, I used the original notice of intent and added a couple of items, and I'll distinguish those as I read this<sup>12</sup>. So in the original intent starts, Item B. No person shall import, transport or possess any Cervid Carcass or part of a Cervid Carcass originating outside of Louisiana except, and here's my insertion, for a meat that is cut and wrapped, meat that has been boned out, quarters or other portions of meat with no part of the spinal column or head attached. Then I strike through deboned meat to the original NOI, then back to the original wording, comma antlers, clean skull plates with antlers, clean skulls without tissue attached, capes, hand hides, finished taxidermy mounts and clean, cervid teeth. Approved parts or, I strike out deboned and go back to original meat. Addition of mine, parentheses as noted above, and that's a reference to the meat exemption that's noted above. Back to the original, transported from other states must be legally possessed from the state it is taken. Approved parts and, I strike out deboned meat, back to meat, back to my insertions as noted above, from other states must contain a possession tag with the hunter's name, out-of-state license number, if required, address, species, date and location, parentheses, county and state of harvest. My new insertion, and all bones shall be disposed of in a manner where it's final destination is at a Type 2 landfill or

equivalent. Back to original, all cervids transported into or through this state in violation of this provision, of the provisions of this ban shall be seized and disposed of in accordance with Wildlife and Fisheries Commission and Department of Wildlife and Fisheries' rules and regulations. My insertion, said rules shall be effective March 1, 2017. So that is my take on addressing some of the public comments but maintaining the intent of the original NOI and allows for a bit of an education period, if you will, for this year for folks to digest this, and it'd be effective, as I appreciate this deer season you have some deer hunting that goes into February, so making it effective March 1st, 2017.

Chairman Yakupzak: Thank you. Mrs. Martin, I would like to ask you what we have here, as I understand, we have got a notice of intent that this commission passed at the July meeting, and so it's been running for 60 days of the 90-day public-comment period. What effect will an amendment, these I've got. Now we got competing motions to amend the NOI. What is the effect on that process in passing this rule? What effect would an amendment have on the process?

Yolanda Martin: Well, first off you have 1 year to finalize the rule. So what amendment would do is you would go back and publish the amended or revised rule in the potpourri section of the register. And then if the public demand or if the agency allows or wants to, they can then entertain public meeting on the revised section of the rule only. And that would delay it probably another 60 days, and then it would get back into the process of the regular rule making.

Chairman Yakupzak: Okay, thank you. So I guess I'll go further. Commissioner Sunseri, if you would consider that, obviously, but that's your option, or we can consider yours first and then see how that goes or move forward with the second consideration.

Commissioner Smitko: I would second Commissioner Sunseri's motion.

<sup>12</sup> See Exhibit 12 attached hereto and made a part hereof

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Chairman Yakupzak: Okay. Motion by Sunseri to amend the NOI in accordance with his substitutions to the original NOI and second by Commissioner Smitko. Any public comment? Mr. Meagher, you can come back up.

David Meagher: David Meagher, once again. I think that's a great idea, and I think a licensing would not be a bad idea, because it would help the situation and it's something that we've always considered to keep everyone legal and everyone in good standing with the secretary of state would be able to qualify to become licensed or approved facility. So I like that, and hopefully we go that way. So thank you.

Chairman Yakupzak: Commissioner Smitko.

Commissioner Smitko: Commissioner Sunseri, in your proposal, originally it was deboned meat. Then I heard a couple people talk about no backbones. In your proposal is it, if I'm bringing deboned meat in, I don't have to call anybody or do anything. Is that how it would remain in your proposal? The only time I would have to call the hotline is if I'm going to the taxidermist or the processor with my deer, correct?

Commissioner Sunseri: Yes, Commissioner Smitko. That would be my thought process on it. That it would remain. You would meet the satisfactory conditions of the NOI if they were to debone the meat and not bring the heads without the exceptions and calling in.

Commissioner Smitko: Right, right.

Commissioner Courville: Mr. Chairman.

Chairman Yakupzak: Commissioner Courville.

Commissioner Courville: I guess the way I read it is as an individual, if I'm not going to a processor or a taxidermist, what am I going to do as an individual under this amendment. Is

this requiring me to call the cervid hotline if I'm bringing in any meat?

Commissioner Sunseri: Mr. Chairman, if I may -- thank you, Mr. Chairman. Mr. Courville, I would say that it would require an individual to call cervid hotline, but I would be amicable to changing to allow for some of the things that are written in the amendment that you've written to deal with your concerns. The cervid hotline is a protective and cautionary thing for the department and this problem, this chronic-waste disease that we have, that we don't want in the state, and I really just came, you're better at this than me. I basically just took something from what I read and kind of the knowledge I have in the business that I'm in, and we had to jump through a lot of hoops to be able to sell our product in interstate commerce, so I looked at the best thing that I saw with the exemptions, and I'm going through this explanation only so that I can help you and the people in the audience understand where it came from, but I'm definitely amicable to changing this to meet the needs that you're discussing.

Commissioner Smitko: Mr. Chairman.

Chairman Yakupzak: Commissioner Smitko.

Commissioner Smitko: But it's my understanding that under Commissioner Sunseri's proposal, if I want to debone, if I don't have a trophy, and I just want to debone my deer and pack it in my ice chest and come on home, I can do that. It's only when I want to bring it to a processor to debone and make tamales or if I want to bring my head back to a taxidermist in Louisiana that I have to call anybody. Otherwise, you do what you do. You clean your deer, debone it and bring it back. I don't think that's onerous.

Commissioner Courville: Mr. Chairman.

Chairman Yakupzak: Commissioner Courville.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Commissioner Courville: As I appreciate it, you can't bring the brain in, correct? Even under the cervid hotline?

Commissioner Sunseri: That's correct.

Commissioner Courville: So you –

Commissioner Smitko: Wait, I –

Commissioner Sunseri: The brain –

Commissioner Courville: You still can't bring the head in under the way his is written, –

Commissioner Sunseri: Or the glands.

Commissioner Courville: Or the glands. You still have to fully cape it out, which is what our current notice of intent already says. I guess the way I see it is I think I've captured the major differences in the two is we're the same on the meat. The only difference is mine is not contingent upon having legislation and that's where I have a little bit of concern is that I think we, in my judgment, and I'm only speaking on behalf of myself and the way I understand this issue, is I'd like to move forward with the notice of intent. In the event we do, as a group or as an individual or perhaps as the department, move forward in soliciting a legislator to introduce legislation to start licensing these processors and these taxidermists, assuming that's what's required. I would, I'd prefer to not have it contingent upon legislation that might or might not occur. So that's my concern is I'd like to move forward in the event we do establish licensed taxidermists and licensed processors. Then we all have the right to bring this issue right back up and then address, assuming that legislation is successful, address this and add that to an existing NOI. Again, my concern is if we're unsuccessful with legislation, then we do not have any protection, and we lose the intent of the original NOI, and what I appreciate is most people, including the taxidermists and the processors, are in favor

of. The message I got from most of these people is give us a little bit of time, bone-in meat appears to be, it's not perfect by any stretch of the imagination, but it's the lesser of all the evils, and I actually support Commissioner Sunseri's effort to look at licensing taxidermists and meat processors as I understand it right now. I'm just concerned about basing an NOI of this magnitude on potentially getting the legislature to see it the way we do, because, frankly, the legislature is as unpredictable as anybody so that's where I'm at. For whatever that's worth.

Chairman Yakupzak: Commissioner Sunseri.

Commissioner Sunseri: Mr. Chairman, I'd like to possibly consider a motion to table and put the notice of intent on hold until next year and see if we can get a legislature to do it. We were talking about not doing anything until March 17th anyway with Mr. Courville's amendment. We could address all these issues, discuss it further and try to see if we can get a legislator onboard, because one of my biggest concerns is being able to pay for additional program, and that was the licensing thing and also got people have a skin in the game, to be able to, if they want to carry their trophies and meat with bone in across the border, they're going to have a skin in the game then, and that was the whole purpose of this and to help it become more enforceable. And at that, it all comes straight down to enforcement of whatever rule or law that we have, and so with that, I would like to make a motion to table until –

Chairman Yakupzak: Commissioner Sunseri, do you withdraw your earlier motion?

Commissioner Sunseri: I would withdraw my earlier motion with a motion to table until the spring of 2017.

Chairman Yakupzak: Commissioner Smitko, do you withdraw your second?

Commissioner Smitko: I withdraw my second.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Chairman Yakupzak: So, we have a motion to table this item. Is there a second?

Commissioner Hogan: Let's talk about what the current timeline is for more time, without an amendment.

Chairman Yakupzak: Without, it's my appreciation, I asked Ms. Martin to listen to my appreciation of it as chairman and to confirm or correct me if I'm incorrect, but this NOI was passed by this commission in its current form at the July commission meeting, which started a 90-day clock. The 90-day clock is 60 days in, and at the October meeting, 90 days will have passed, and there will be a vote by this commission, up or down on the existing words in that notice of intent. The one that you all, the public and the department drafted and the public has been commenting on. So that is my understanding of the timeline. If no motion is had today, if no table is had, this notice of intent in its current form continues on for more public comment until the October meeting, at which time there will be a yes or a no vote by this commission. Is that correct, Ms. Martin?

Yolanda Martin: Well, what happens is, yes. That is correct. However, before it's published, you do need to submit your summary report, which has to be filed 30 days prior to the final rule. So there is another step in there, and it could possibly delay another 30 days if you keep pushing it down the road. If you do nothing, you still have to file your summary report, and, and I guess you'll be doing that next month, if you're delaying it some.

Next Speaker: We'll file the summary report and at the same time we'll have up-or-down vote on the motion, correct?

Yolanda Martin: Yes, yes.

Chairman Yakupzak: Does that explanation help?

Commissioner Hogan: Yes.

Chairman Yakupzak: So with that – Commissioner Courville.

Commissioner Courville: I'd like to make a motion to adopt the amendment that I proposed.

Chairman Yakupzak: I have a motion by Commissioner Sunseri to table with no second. So the motion fails. Commissioner Courville, would you like to make a motion?

Commissioner Courville: I'd like to make a motion to adopt the amendment, as I read with the items in red noted in your packet for inclusion in this. Would you like me to read it again?

Commissioner Smitko: Yes, I would. Because what I have on my email doesn't seem -- I'm not sure it's the full thing.

Commissioner Courville: Okay.

Commissioner Courville: I'd be happy to read it again, if that's the pleasure of the commission or the public.

Chairman Yakupzak: May I recommend that you read it without notating what you've changed.

Commissioner Courville: Okay.

Chairman Yakupzak: Just read it fluidly through for the record, so we can follow along.

Commissioner Courville: Here's how it would read. Article B. No person shall import, transport or possess any cervid carcass or part of a cervid carcass originating outside of Louisiana except for meat that is cut and wrapped, meat that has been boned out, quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull

# LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

plates with antlers, clean skulls without tissue attached, capes and hides, finished taxidermy mounts and clean cervid teeth. Approved parts or meat as noted above transported from other states must be legally possessed from the state it was taken. Approved parts and meat as noted above from other states must contain a possession tag with the hunter's name, out-of-state license number if required, address, species, date and location, county and state of harvest. Any and all bones shall be disposed of in a manner, uh, and this is a typo, obviously on my part, eliminating in where its final destination is at a Type 2 landfill or equivalent. All cervids transported into or through this state in violation of the provision of this ban shall be seized and disposed of in accordance with Wildlife and Fisheries Commission and Department of Wildlife and Fisheries' rules and regulations. Said rule shall be effective March 1, 2017.

Chairman Yakupzak: Commissioner Courville may I ask a question?

Commissioner Courville: Sure.

Chairman Yakupzak: So we all understand correctly, your changes to the NOI drafted by the department, approved by this commission, passed by this commission, the changes, or the change is simply that you are allowing the importation of cervid quarters.

Commissioner Courville: Bone-in quarters. That's the only change, and I'm making it effective March 1st, which would allow for an education period this current hunting season.

Commissioner Smitko: Question, Commissioner.

Chairman Yakupzak: Commissioner Smitko.

Commissioner Smitko: Chairman. Why are you allowing the bone-in quarters? It was my

understanding that the bones, any bones, not just the spinal column, could potentially transmit the little –

Commissioner Courville: Correct. The bone-in quarters would make it consistent for transporting of deer meat amongst states. If you recall, Texas is the big issue where they have a bone-in quarter requirement. That if I kill a deer in Texas, I'm required to possess it in Texas with bone in, so a lot of the public comment we heard was that all right, so I kill a deer in Texas. I've got it in my ice chest; it's got a bone in. Right there at the Texas-Louisiana line, what do I do? I'm either going to violate them, or I'm going to violate Louisiana. I'm sure they have an opportunity to go to a meat processor in Texas and get it deboned and get it tagged, and then they can move it, but this allows for that transportation across state lines to be a little bit more manageable, and as I appreciate the prions that are located in the bone, that's why they're required to dispose of them at an approved Type 2 landfill. Which, as I appreciate it from Dr. LaCore's presentation, that's an acceptable means of disposal. So my thinking is that bone-in quarter from, I keep beatin' up Texas, but I'm going to use them. He's placed in my ice chest, he comes into the state. If I choose to debone it, that's obviously my business, or if I bring it to a processor, I debone it, I bag it up, I put it in my garbage can at the front of my house, the garbage man takes it to, as I appreciate it, typically those household waste is disposed at a Type 2 landfill, and we've done a reasonable job of containing the trace amounts of the prions that are in that bone. So is it an absolute perfect scenario to keep it out? Probably not, but it's probably the most reasonable thing that I can come up with at this time. Assuming Texas eliminates their bone-in requirement, I'll say this publicly, I reserve the right to bring this back up, assuming Texas does that and then maybe I would encourage the commission to consider to strike that, but at this time, in my judgment, this is the most reasonable mechanism to try and prevent CWD from coming into the state. So it still does not allow the brain, the spinal column,

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

the lymph nodes, any of that, and I use the example if I take my son deer hunting in Texas, I'm going to go over there, and hopefully he kills a nice deer, and I've asked the Louisiana Taxidermy Association to provide some information that we could perhaps put on the department web site to teach people how to fully cape out a deer. But more than likely, if he kills a good one, I'm going to find a taxidermist in Texas and say look, cape this thing out for me and ship it to a taxidermist in Louisiana. And then we're going to cut the skull plate out, and he's going to be all excited, and we're going to go to his school, and he's going to drag that around. I'll bring it to the taxidermist, and he's going to mount it for me here in Louisiana. So I think this isn't perfect, it's not what everybody wants, but it's reasonably close to the intent of the department's outstanding recommendation to keep it out, but also factoring in that public comment.

Randy Myers: Mr. Chairman, I would just like to --

Chairman Yakupzak: Assistant Secretary Randy Meyers.

Randy Myers: Thank you. I would just like to point out, and I just discussed this with Dr. LaCore, if you would consider taking out the word "Type 2 landfill" and just say "approved landfill".

Commissioner Courville: Sure.

Randy Myers: That again, Type 2 was a special designation for industrial-type waste, and any approved landfill, that would be acceptable.

Commissioner Courville: Approved landfill is a hundred percent comfortable with me. I was pirating it from his presentation anyway, so if he's good with it, I'm good with it. Would you like me to reread that part of that? From an approved landfill.

Chairman Yakupzak: Yeah, from the motion, which doesn't yet have a second, the motion will read, as Commissioner Courville read, without the words "Type 2", and in their place "approved".

Commissioner Courville: An approved landfill. I guess we don't need equivalent then.

Chairman Yakupzak: Correct.

Commissioner Courville: And strike "or equivalent".

Chairman Yakupzak: So that motion as I've captured the best I can is on the table. Do we have a second?

Commissioner Hogan: Second.

Chairman Yakupzak: A second from Commissioner Hogan. Any public comment? This motion is to adopt an amendment to the standing NOI, as proposed here today, as motioned by Commissioner Courville, a second by Commissioner Hogan. All those in favor? I'm sorry. Commissioner Sunseri.

Commissioner Sunseri: Thank you, Mr. Chairman. Thank you, Mr. Courville. I'm good with this. The one thing that I have concern about, and I will publicly state that the enforceability of this is a concern to me. I still believe down the line that we need to try to get a legislator to look at some of these additional items that I had in my motion so that we could try to make it more enforceable because it's going to be difficult to monitor and track what's coming in and going out. But I am in favor of your motion and support it.

Chairman Yakupzak: Thank you. Any other comment? All those in favor?

All: Yea.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION DRAFT MEETING MINUTES

September 1, 2016

Chairman Yakupzak: Any opposed? Hearing no opposition, motion carries. Agenda Item No. 16: To Receive Public Comments. I have one comment card for this area who would like to speak, Mr. David Cresson, representing CCA. If anyone else would like to make public comment at this time, please fill out a white card at the back of the room and get it to Ms. Angela Thomas in the next couple of minutes. Thank you.

David Cresson: Thank you Mr. Chairman, and thank you Commissioners. Appreciate the opportunity to speak in front of you today. I'll be very brief. I'm really here to echo the sentiments of the Commission from earlier, when you gave accolades to the Enforcement Division and Wildlife and Fisheries for their excellence during the flood events of recent times, and so, with that in mind, we had something a little more formal to present, but we couldn't quite get that done today. But if you would allow me, I'd like to still say this to the commission and in a more public setting, on behalf of 25,000 Coastal Conservation Association members in Louisiana, the Board of Directors recognizes the Enforcement Division of the Louisiana Department of Wildlife and Fisheries for their outstanding and heroic service to the citizens of Louisiana during historic floods of 2016. Through the selfless efforts of these men and women, thousands of flood victims were rescued from harm's way and returned to safety. We will invite Colonel Broussard, and anyone from his staff that he'd like to come to our board meeting later this fall, and we'll actually make a presentation, but I thought it was important that we say this to the commission in a public setting to where our appreciation was made clear. So Colonel Broussard, thank you to you and your incredible staff. I saw it firsthand. There was real danger out there, and we really appreciate it, so thank you, Mr. Chairman.

Chairman Yakupzak: Thank you, Mr. Cresson. Any further public comment? I'd like to take a minute in this public comment to

address an issue. Typically we have on the agenda an agenda item to set a commission meeting well out in advance, and what that date today would be is the January 2017 commission meeting. It's not on the agenda. We'll be sure to have it on the agenda to set that meeting time and date next month, but for those of you who plan that far ahead, I'd like to note, unless there's objection from the commission, that the first Thursday of the month for the January, 2017 is the 5th, and I'd like to at least give you all a heads up that that is when the January meeting will be is on January 5th, 2017. And then we'll more formally recognize that next month. So sorry for any inconvenience that that's not on the agenda. With that, I'll gladly take a motion for adjournment.

Commissioner Courville: So moved.

Chairman Yakupzak: Commissioner Courville moved to adjourn. This meeting is adjourned.

**MEETING ADJOURNED**

**ENFORCEMENT CASE REPORT**  
**SEPTEMBER 2016**

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 1      Grand Total Citations: 35

Parishes: Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 27</b>
3	(Other Than Wildlife and Fisheries)	
2	Angling W/O A License	
1	Expired Boat Registration Certificate	
2	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
5	Failure to Comply with PFD Requirements	
1	Gross Littering	
1	HUNT MGB WITH UNPLUGGED GUN	
2	Hunt on WMA without WMA Hunting Permit	
2	Hunting W/O Resident Lic	
1	No Boat Registration Certificate in Possession	
1	Not Abiding By Rules & Regulations on WMA	
1	Operate ATV Vehicle on Public Road	
1	Operating Vehicle While Intoxicated	
1	Possess live wild game quad. or wild game birds W/O permit	
1	Possession of Wild Quadrupeds or Wild Birds W/O Permit	
1	Take/Possess Spotted Fawn.	
1	USE LEAD SHOT IN AREA DESIG.AS STEELSHOT	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 8</b>
1	Angling W/O A License	
1	Expired Boat Registration Certificate	
1	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
1	Fail to comply with boating education requirements	
3	Not Abiding By Rules & Regulations on WMA	
1	Operate Unregistered Motorboat or Sailboat	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 1	Confiscations
	2- Deer (1 spotted fawn) 1- Black bass 20lbs – shrimp

Region: 1	Total Number For Public Assistance
Total	Description
4	



**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

**Region: 3      Grand Total Citations: 146**

**Parishes: Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Sabine,  
Vernon, Winn**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 133</b>
2	(Other Than Wildlife and Fisheries)	
14	(Other Than Wildlife and Fisheries)	
1	Angling W/O A License	
23	Angling W/O A License	
5	Angling W/O A License Non-Resident	
1	Driving Without Operators License	
1	Expired Boat Registration Certificate	
1	Expired Boat Registration Certificate	
3	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
3	Fail to Have PFD on Person Under 17 While Underway	
3	Failure to Abide By Commission Rules	
2	Failure to Comply with PFD Requirements	
2	Gross Littering	
3	HUNT AND/OR POSS.DUCKS OTHER THAN TEAL	
3	Hunt Ducks or Geese W/O Federal Stamp	
1	HUNT MGB FROM A VEHICLE	
3	HUNT MGB WITH UNPLUGGED GUN	
5	Hunt on WMA without WMA Hunting Permit	
4	Hunt Waterfowl W/O State Duck License	
2	Hunt, Stand, Loiter from Public Road	
1	Hunting W/O Non-Resident Lic	
7	Hunting W/O Resident Lic	
10	Illegal Possession of Drugs or Marijuana	
1	Improper Running Lights	
1	Intentional concealment, destruction or deposit fish or wildlife	
1	Littering	
2	Misc.Federal Violations	
1	Not Abiding By Rules & Regulations on WMA	

## Louisiana Department of Wildlife and Fisheries Enforcement Case Report

**Region: 3      Grand Total Citations: 146**

**Parishes: Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, Sabine,  
Vernon, Winn**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 133</b>
14	Not Abiding By Rules & Regulations on WMA	
1	Obtain License by Fraud	
2	Operate a vehicle while under suspension (on highway)	
4	Operate ATV Vehicle on Public Road	
1	Operating a Vessel While Intoxicated	
1	POSS.OVERLIMIT OF DUCKS	
1	Reckless Operation of Watercraft	
1	Taking/Poss. Over Limit Or Undersized	
1	Violate Migr.Bird Treaty Act misc.	
1	WANTON WASTE OF MGB	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 13</b>
1	Angling W/O A License	
1	Angling W/O A License Non-Resident	
2	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
1	Fail to comply with boating education requirements	
2	Failure to Comply with PFD Requirements	
2	Hunt on WMA without WMA Hunting Permit	
4	Not Abiding By Rules & Regulations on WMA	

<b>Region: 3</b>	<b>Confiscations</b>	
	3 – Smoking Devices for Narcotics	2- Baggies of Meth
	2- Baggies of suspected marijuana	
	1- Aerosol can with meth residue on bottom	
	1- Zipper pouch with syringes, lighter, \$20, Qtips	
	13- Ducks	2- Rifles
	2- Pistols	3- Shotguns

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 3	Total Number For Public Assistance
Total	Description
2	

## Louisiana Department of Wildlife and Fisheries Enforcement Case Report

Region: 4      Grand Total Citations: 96

Parishes: Iberia, Iberville, Lafayette, Pointe Coupee, St. Landry, St. Martin, West Baton Rouge

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 58</b>
1	(Other Than Wildlife and Fisheries)	
11	Angling W/O A License	
1	Angling W/O A License Non-Resident	
3	Destroy legal crab traps or removing contents	
1	Expired Boat Registration Certificate	
6	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
1	Fail to comply with boating education requirements	
4	Fail to comply with tiller outboard engine cutoff less than 26 feet	
1	Failure to Change Ownership of Regist. (45days)	
3	Failure to Comply with PFD Requirements	
2	Gross Littering	
4	Hunting MGB Over Baited Area or by aid of baiting	
2	Hunting W/O Resident Lic	
1	Hunting W/Unplugged Gun or Silencer	
2	Improper Running Lights	
2	Littering	
1	Operate a vehicle while under suspension (on highway)	
1	Operate Unregistered Motorboat or Sailboat	
2	Sell and/or Buy Fish W/O Retail Seafood License	
1	Take or Poss. Game Fish Illegally (Specify)	
1	Take or Poss. Undersized Red Drum	
5	Trawling in Closed Season (Inside Waters)	
1	Violate No Wake Zone (public launch public docking facility)	
1	Violate Commission Rules (Snakes, Non-Human Primates)	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 38</b>
1	Allow Person Under 16 to Operate Personal Watercraft	
11	Angling W/O A License	

## Louisiana Department of Wildlife and Fisheries Enforcement Case Report

Region: 4      Grand Total Citations: 96

Parishes: Iberia, Iberville, Lafayette, Pointe Coupee, St. Landry, St. Martin, West Baton Rouge

Written Warnings		
Total	Description	Total Cases: 38
1	Expired Boat Registration Certificate	
1	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
2	Fail to comply with boating education requirements	
6	Fail to comply with tiller outboard engine cutoff less than 26 feet	
1	Failure to Change Ownership of Regist. (45days)	
2	Failure to Comply with PFD Requirements	
1	Hunt on WMA without WMA Hunting Permit	
2	Hunt Waterfowl W/O State Duck License	
1	Hunting W/Unplugged Gun or Silencer	
1	Improper or No Fire Extinguisher	
3	Improper Running Lights	
1	Improperly Riding on Deck or Gunwales	
1	No Boat Registration Certificate in Possession	
1	Not Abiding By Rules & Regulations on WMA	
2	Violate Recreational Gear License Req.	

Region: 4	Confiscations
	1 – Bag containing corn                      2- Bass 1 – Bag containing one white winged dove and one mourning dove 1 – Bag containing two mourning doves 1- Cast net    5- Red Drum 1- Wood Duck Hen                                14- Black Bass 1 – Spider Monkey

Region: 4	Total Number For Public Assistance
Total	Description
16	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

**Region: 5      Grand Total Citations: 31**

**Parishes: Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis,  
Vermilion**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 17</b>
1	(Other Than Wildlife and Fisheries)	
4	Angling W/O A License	
1	Gross Littering	
2	Hunt or Take Deer Closed Season	
2	Hunt or Take Deer From Public Road	
2	Hunt or Take Deer Illegal Hours	
2	Hunting From Moving Vehicle And/Or Aircraft	
1	Hunting W/O Resident Lic	
1	Illegal Possession of Drugs or Marijuana	
1	POSS.OVERLIMIT OF DUCKS	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 14</b>
5	Angling W/O A License	
2	Angling W/O A License Non-Resident	
1	Expired Boat Registration Certificate	
2	Failure to Comply with PFD Requirements	
2	Improper or No Fire Extinguisher	
1	No Boat Registration Certificate in Possession	
1	Not Abiding By Rules & Regulations on WMA	

<b>Region: 5</b>	<b>Confiscations</b>
	7- doves

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 5	Total Number For Public Assistance
Total	Description
1	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 6      Grand Total Citations: 208

Parishes: Assumption, Lafourche, St. James, St. Martin, St. Mary, Terrebonne, Jefferson  
(Grand Isle) 2nd

Written Citations		
Total	Description	Total Cases: 101
1	(Other Than Wildlife and Fisheries)	
1	Angling W/O A License	
3	Angling W/O A License	
5	Angling W/O A License	
9	Angling W/O A License Non-Resident	
9	Angling W/O Saltwater Lic Non-Resident	
2	Angling W/O Saltwater License	
3	Angling W/O Saltwater License	
1	Careless Operation	
1	Careless Operation	
1	Commission Rules and Regs. (MISC)Snapper	
3	Commission Rules and Regs. (MISC)Snapper	
2	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
1	Fail to comply with boating education requirements	
1	Fail to comply with tiller outboard engine cutoff less than 26 feet	
1	Fail To Have Commercial Lic. in Poss	
2	Fail to Have PFD on Person Under 17 While Underway	
2	Failure to Change Ownership of Regist. (45days)	
1	Failure to Comply with PFD Requirements	
1	Failure to Comply with PFD Requirements	
1	Failure to Display Valid Certificate Decal	
1	HUNT COOTS CLOSE SEASON	
1	HUNT MGB FROM A VEHICLE	
2	HUNT MGB WITH UNPLUGGED GUN	
1	Hunt, Stand, Loiter from Public Road	
2	Hunting MGB Over Baited Area or by aid of baiting	
3	Illegal Possession of Drugs or Marijuana	
2	Improper Boat Numbers	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

**Region: 6      Grand Total Citations: 208**

**Parishes: Assumption, Lafourche, St. James, St. Martin, St. Mary, Terrebonne, Jefferson  
(Grand Isle) 2nd**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 101</b>
1	Improper Running Lights	
1	Littering	
1	Operating Vehicle While Intoxicated	
1	Possession of Live Alligators W/O Permit	
1	Take or Poss. Game Fish Illegally (Specify)	
1	Take or Poss. O/L Black Drum (Rec.)	
2	Take or Poss. Undersized Black Drum (Rec.)	
1	Take or Poss. Undersized Red Drum	
4	Take or Poss. Undersized Red Drum	
2	Take or Poss Commercial Fish W/O Vessel Lic	
1	Take or Sell Commercial Fish Or Bait Species	
1	Take/Poss. Undersize or O/L CML. Finfish (Specify)	
2	Take/Poss. Undersized Spotted Sea Trout (Rec.)	
2	Take/Poss. Undersized Spotted Sea Trout (Rec.)	
1	Take/Possess Oysters W/O Oyster Harvester License	
1	Taking or Possessing Alligators Closed Season	
8	Taking Oysters From Unapproved Area (Polluted)	
1	Theft of crab trap(s)	
3	Use Oversize Trawl, Trawl Board	
2	Violate Frog Regulations (Specify season / methods)	
1	Violate Sanitation Code (log book)	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 107</b>
24	Angling W/O A License	
9	Angling W/O A License Non-Resident	
8	Angling W/O Saltwater Lic Non-Resident	
19	Angling W/O Saltwater License	
6	Expired Boat Registration Certificate	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 6      Grand Total Citations: 208

Parishes: Assumption, Lafourche, St. James, St. Martin, St. Mary, Terrebonne, Jefferson  
(Grand Isle) 2nd

Written Warnings		
Total	Description	Total Cases: 107
3	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
2	Fail to comply with boating education requirements	
2	Fail to comply with tiller outboard engine cutoff less than 26 feet	
1	Fail to Have PFD on Person Under 17 While Underway	
1	Failure to Change Ownership of Regist. (45days)	
1	Failure to comply with No Wake Zone (local)	
3	Failure to Comply with PFD Requirements	
3	Failure to Display Valid Certificate Decal	
1	Hunt on WMA without WMA Hunting Permit	
6	Improper Boat Numbers	
3	Improper or No Fire Extinguisher	
3	Improper Running Lights	
2	No Boat Registration Certificate in Possession	
4	Not Abiding By Rules & Regulations on WMA	
2	Take or Poss. Undersized Black Drum (Rec.)	
2	Take or Poss. Undersized Red Drum	
1	Take/Poss. Undersized Spotted Sea Trout (Rec.)	
1	Violate Rules/Regs-Personal Watercraft-PFD	

Region: 6	Confiscations		
	2-Red Drum	3-Lbs Pogie & Catfish	11-Boxes Crabs
	7- Alligators	14-Black Drum	13-Sea Trout
	5- Mangrove Snapper	19-Sks Oysters	1-Shotgun
	1-Oyster Dredge	4-Crab Traps	1-Driver's License
	1-Marijuana Cigarette	2- Cotton Mouth Snakes	

Region: 6	Total Number For Public Assistance
Total	Description
2	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

**Region: 7      Grand Total Citations: 61**

**Parishes: Ascension, East Baton Rouge, East Feliciana, Livingston, St. Helena, Tangipahoa,  
Washington, West Feliciana**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 60</b>
1	(Other Than Wildlife and Fisheries)	
21	(Other Than Wildlife and Fisheries)	
1	Driving Without Operators License	
1	Expired Boat Registration Certificate	
1	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
2	Fail to comply with boating education requirements	
1	Fail to Have PFD on Person Under 17 While Underway	
2	Failure to Comply with PFD Requirements	
4	Gross Littering	
1	HUNT MGB WITH UNPLUGGED GUN	
2	Hunt on WMA without WMA Hunting Permit	
4	Hunting MGB Over Baited Area or by aid of baiting	
2	Hunting W/O Resident Lic	
2	Illegal Possession of Drugs or Marijuana	
2	Littering	
6	Not Abiding By Rules & Regulations on WMA	
1	Operating Vehicle While Intoxicated	
1	Placing bait to take MGB	
1	Reckless Operation of a Vehicle	
1	Take or Sell Commercial Fish Or Bait Species	
1	Take/Possess Spotted Fawn.	
1	Taking or Possessing Alligators Closed Season	
1	Violate No Wake Zone (public launch public docking facility)	

<b>Written Warnings</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 1</b>
1	Angling W/O A License	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 7	Confiscations
	1-pistol 89- Doves 6-Alligators 2-Fawns 4.3 ounces of Chrystal Meth

Region: 7	Total Number For Public Assistance
Total	Description
3	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

**Region: 8      Grand Total Citations: 112**

**Parishes: Jefferson (E1,W2,24), Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Tammany**

<b>Written Citations</b>		
<b>Total</b>	<b>Description</b>	<b>Total Cases: 48</b>
1	(Other Than Wildlife and Fisheries)	
1	Angling W/O A License	
6	Angling W/O A License Non-Resident	
2	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
2	Fail to comply with tiller outboard engine cutoff less than 26 feet	
1	Fail To Have Commercial Lic. in Poss	
2	Fail to Have PFD on Person Under 17 While Underway	
1	Fail to Run Traps Daily	
1	Failure to Comply W/Visual Distress Signals	
2	Failure to comply with No Wake Zone (local)	
2	Failure to Comply with PFD Requirements	
1	Failure to Display Proper Number on Vessel	
1	Hunt on WMA without WMA Hunting Permit	
1	Hunting W/O Resident Lic	
7	Improper Running Lights	
1	Sell and/or Buy Fish W/O Retail Seafood License	
1	Take Alligators From Other Than Approved Area	
1	Take Commercial Fish W/O CommGear Lic	
1	Take or Poss. Game Fish Illegally (Specify)	
1	Take or PossCommercial Fish W/O Vessel Lic	
1	Transport W/O Required Lic (Resident or Non-Res.)	
2	Use Skimmers in Closed Season	
1	Violate court ordered VMS (Specify penalty class which required VMS)	
1	Violate No Wake Zone (public launch public docking facility)	
3	Violate Sanitation Code (log book)	
2	Violate Sanitation Code (Refrigeration)	
2	Violate Sanitation Code (Refrigeration)	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 8      Grand Total Citations: 112

Parishes: Jefferson (E1,W2,24), Orleans, Plaquemines, St. Bernard, St. Charles, St. John, St. Tammany

Written Warnings		
Total	Description	Total Cases: 64
16	Angling W/O A License	
5	Angling W/O A License Non-Resident	
1	Angling W/O Saltwater License	
1	Commercial Truck W/O Display of Owner Name & Address	
2	Expired Boat Registration Certificate	
2	Fail to comply w/PFD requirements less than 16 feet tiller outboard	
1	Fail to comply with boating education requirements	
4	Fail to comply with tiller outboard engine cutoff less than 26 feet	
3	Fail To Have Offshore Landing Permit	
10	Failure to Comply with PFD Requirements	
1	Failure to Display Proper Number on Vessel	
2	Failure to Display Valid Certificate Decal	
1	Improper Boat Numbers	
4	Improper or No Fire Extinguisher	
1	Improper Running Lights	
1	No Boat Numbers	
1	Not Abiding By Rules & Regulations on WMA	
1	Take Exotic Fish from public waters(i.e. Apple Snails, etc)	
4	Take or Poss. Undersized Black Drum (Rec.)	
2	Violate Sanitation Code (Vessel Sanit.Req)	

Region: 8	Confiscations	
	533- Sacks of Oysters	655- Pounds of shrimp
	2- Boxes of Blue Crabs	7- Red Drum
	1- Spotted Sea Trout	12- croakers
	1- Alligator	
	2- Ducks	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Region: 8	Total Number For Public Assistance
Total	Description
2	

**Louisiana Department of Wildlife and Fisheries  
Enforcement Case Report**

Written Citations:	492	
Written Warnings:	248	
Public Assistance:	<table border="1"><tr><td>36</td></tr></table>	36
36		

## MONTHLY BOATING CRASH / INCIDENT REPORT

### September 2016

#### September / YEAR TO DATE

<u>NUMBER OF BOATING INCIDENTS</u>	<u>12</u>	<u>110</u>
<u>NUMBER OF INJURIES</u>	<u>0</u>	<u>72</u>
<u>NUMBER OF FATALITIES</u>	<u>5</u>	<u>20</u>

9/7/16 Lafourche

Vessel (2 occupants / Remote steer) was being operated on Location Canal when it struck a submerged object causing the vessel to sink. PFD's were not used.

9/9/16 St. Bernard

Vessel (2 occupants / 19'8" Remote steer) was being operated on Lake Lery when it struck a submerged object (dredge pipe) causing lower unit damage. PFD's were not used.

9/9/16 Cameron

Vessel (1 occupant / 41.5' Remote steer) was being operated on the Gulf of Mexico. Due to fault of machinery, the vessel became engulfed in flames and burned to the water line. A PFD was not used.

\*9/11/16 Assumption

Vessel #1 (4 occupants / 20' Remote steer) and vessel #2 (1 occupant / 19'9" Remote steer) were being operated in opposite directions on Bayou Cheramie. Vessels collided in a curve, causing fatal injuries to a 7 year old female and moderate vessel damage. The 3 vessel #1 passengers used PFD's.

\*9/12/16 St. John

Vessel (3 occupants / Tiller steer) was being operated in a curve on Mississippi Bayou when it struck a fixed object (Cypress tree trunk) causing a passenger to be ejected. PFD's were not used.

9/12/16 St. John

Vessel (2 occupants / Remote steer) was being operated on Lake Pontchartrain when the operator attempted to switch fuel containers. The operator was unable to restart the motor which caused the vessel to drift into a fixed object (Rock wall). A successful SAR mission was conducted. PFD's were used.

9/12/16 Iberia

Vessel (1 occupant / 17' Remote steer) was being operated in the Gulf of Mexico when it ran out of fuel. The operator began using a trolling motor but could not negotiate the rough weather. The vessel was forced upon the marsh where it took on water and sank. A PFD was not used.

**\*\*9/15/16 St. Martin**

Witnesses claim a vessel (2 occupants / pirogue) was being paddled in Bayou Teche at 0230. Flooded vessel was found and both subjects were recovered later in the day. Drug impairment is probable and no PFD's were used.

**\*9/16/16 St. Tammany**

Vessel (14' Tiller steer) was found flooded on Lake Pontchartrain with a subject (floating nearby) wearing a PFD while tangled in rope and fishing line. An autopsy will be performed to determine cause of death.

**9/20/16 Cameron**

Vessel (2 occupants / 21' Remote steer) was being operated on the Gulf of Mexico. Due to a faulty hull, the motor fell off causing the vessel to flood. Search and rescue efforts were successful and no PFD's were used.

**9/21/16 Pointe Coupee**

Vessel (2 occupants / 15' Tiller steer) was being operated on Old River Narrows when it struck a submerged object causing the motor to fall off the transom and sink. PFD's were used.

**9/24/16 St. Tammany**

Vessel (1 occupant / 14' Tiller steer) was being operated on Little Tchefuncte River when it struck a submerged object causing the vessel to capsize. A PFD was not used.

\*Denotes Fatality

**2015 Incidents to date**

Crash / Incidents	94
Injuries	53
Fatalities	13

**2016 Incidents to date**

Crash / Incidents	110
Injuries	72
Fatalities	20

NOTICE: This report only represents incidents reported to and investigated by the Enforcement Division. Some or all of these incidents are still under investigation and cause or fault may or may not have been determined. Information provided is for informational purposes only. For more information contact Lt. Colonel Sammy Martin [smartin@wlf.la.gov](mailto:smartin@wlf.la.gov) or 225/765-2536.

# Denham Springs Man Arrested for Alligator Violations

*Release Date: 09/19/2016*

Louisiana Department of Wildlife and Fisheries agents arrested a Denham Springs man on Sept. 18 for alleged illegal alligator hunting violations.

Agents arrested David Caveretta, 42, for not abiding by alligator hunting rules and regulations, not abiding by Wildlife Management Area (WMA) regulations, taking alligators from unapproved areas, possession of illegally taken alligators, improperly tagging alligators, criminal trespassing and obstruction of justice.

Acting on a public tip, agents began a month long investigation into Caveretta's alligator hunting guide service. During the investigation agents determined that Caveretta was conducting an illegal hunting guide service on the Joyce WMA in Tangipahoa Parish. It is illegal to conduct guided hunts for money on public lands.

Agents also determined that Caveretta was placing alligator lines and capturing alligators on private lands in Tangipahoa Parish without landowners permission. He also did not have the proper LDWF licenses to capture alligators in those areas.

During questioning, Caveretta attempted to mislead agents about these illegal alligator hunting activities. Agents seized two alligators connected to the case.

Not abiding by alligator hunting regulations, taking alligators from unapproved areas, possession of illegally taken alligators and improperly tagging alligators each bring a \$400 to \$950 fine and up to 120 days in jail for each offense. Not abiding by WMA regulations brings a \$100 to \$350 fine and up to 60 days in jail.

Criminal trespass carries up to a \$1,000 fine and up to 30 days in jail. Obstruction of justice brings up to a \$10,000 fine and five years in prison.

1-800-256-2749 | (225) 765-2800 | Louisiana Department of Wildlife and Fisheries, P.O.  
Box 98000  
2000 Quail Dr. Baton Rouge, Louisiana 70898

# Two Houma Men Cited For Taking Polluted Oysters

*Release Date: 09/14/2016*

Louisiana Department of Wildlife and Fisheries enforcement agents cited two men for alleged oyster violations on Sept. 13 in Terrebonne Parish.

Agents cited Justin Dunn, 26, and Donovan Adams Jr., 22, both from Houma for taking oysters from a polluted area.

Agents responded to complaints of illegal taking of oysters in polluted areas in several locations around Bayou Terrebonne. Agents identified the two subjects harvesting oysters in the canal west of Bayou Terrebonne. The area is designated as closed to oyster harvesting by Department of Health and Hospitals.

Agents seized 11 sacks of oysters and returned them to the water. Agents also seized the vessel used in the illegal activity on a department seizure order.

Taking oysters from a polluted area carries a \$900 to \$950 fine and up to 120 days in jail. The men could also have their oyster harvester licenses revoked by the department for up to one year. The violators could also be sentenced to perform 40 hours of community service and only be allowed to harvest oysters from a vessel with a vessel monitoring device for up to one year.

Agents involved in the case are Sgts. Bryan Marie and Ted Dewitt and Senior Agent Norman Deroche.

1-800-256-2749 | (225) 765-2800 | Louisiana Department of Wildlife and Fisheries, P.O.  
Box 98000  
2000 Quail Dr. Baton Rouge, Louisiana 70898

# South Carolina Man Arrested for No Charter Guide License

*Release Date: 09/30/2016*

Louisiana Department of Wildlife and Fisheries enforcement agents arrested a South Carolina man for alleged charter fishing guide violations on Sept. 29 in St. Bernard Parish.

Agents arrested James Hough, 39, of Mount Pleasant, South Carolina, for guiding a chartered fishing trip without a non-resident charter guide license.

Agents received several complaints that Hough was guiding chartered fishing trips in Louisiana without the proper license. Hough also posted on social media as the captain of Flat Spot Charters and offering charter trips in the Delacroix area.

After the investigation, agents were able to determine that Hough conducted a guided fishing trip for profit on Sept. 29. Agents seized four red drum in the case and donated them to a local charity.

Conducting a guided chartered fishing trip without a charter guide license carries a fine of up to a \$950 and 120 days in jail plus forfeiture of anything seized. Hough was booked into the St. Bernard Parish Jail.

Agents participating in the case are Sgts. Todd Laviolette and Ezekiel Talbert, Jr.

1-800-256-2749 | (225) 765-2800 | Louisiana Department of Wildlife and Fisheries, P.O.  
Box 98000  
2000 Quail Dr. Baton Rouge, Louisiana 70898

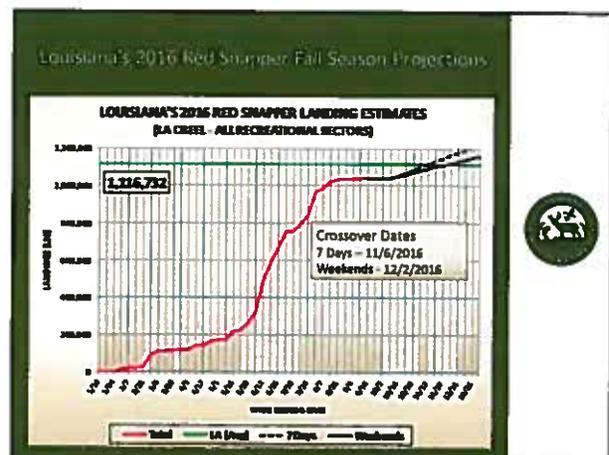
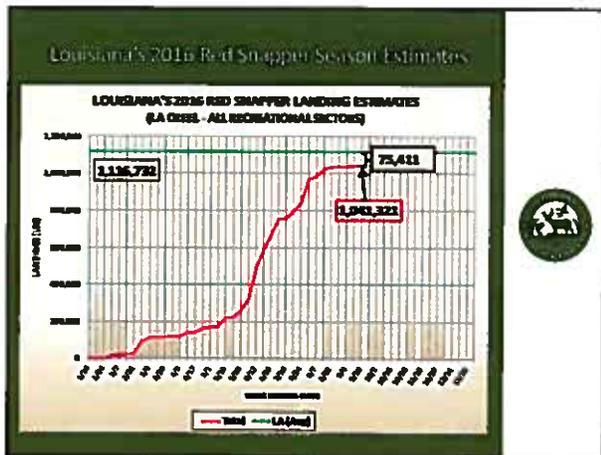


**Louisiana's 2016 Recreational Red Snapper Season Update**  
 Wildlife and Fisheries Commission  
 Baton Rouge, LA  
 October 6, 2016

Louisiana's 2016 Red Snapper Season Estimates

LOUISIANA'S 2016 RED SNAPPER SEASON LANDINGS				
Federal EEZ Season	OPEN	CLOSE	DAYS	POUNDS
Private Angler	June 1, 2016	June 11, 2016	11	187,577
Charter	June 1, 2016	July 16, 2016	46	140,404
State Waters Season	OPEN	CLOSE	DAYS	POUNDS
Private Angler	January 8, 2016	September 5, 2016	242	643,998
Charter	January 8, 2016	September 5, 2016	242	69,192

LOUISIANA STATE WATERS PROVIDED	+ DAYS	% TOTAL
PRIVATE ANGLER FISHING OPPORTUNITY	221	77%
CHARTER FISHING OPPORTUNITY	196	83%

1) Projections are based upon the harvest rates we have observed and there is some uncertainty around projecting those rates forward.

(Rates could be higher or lower depending on a variety of factors (weather, availability of other species, socio-economic factors, assumption of effort, assumption of avg. fish weight, etc.)

2) IFWT can continuously monitor harvest rates through the IACrest program in order to provide timely landings and have the flexibility to adjust the season if needed.

3) Declaration of Emergency would open the season daily from October 7 until the quotas are met.



Questions?



## DECLARATION OF EMERGENCY

### REEF FISH – HARVEST REGULATIONS 2016 RECREATIONAL RED SNAPPER SEASON RE-OPENING

Louisiana Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in LAC 76.VII.335.G.5 to modify opening and closing dates of recreational red snapper harvest seasons in Louisiana state waters, the Commission hereby declares:

The season for the recreational harvest of red snapper in Louisiana state waters, previously closed on September 6, 2016, shall re-open at 12:01 a.m. on October 7, 2016. Effective with this action, the season shall be open on weekends only, with a weekend defined as Friday, Saturday, and Sunday, with a bag and possession limit of 2 fish per person per day at the currently established minimum size limit in LAC 76.VII.335 of 16 inches total length. The season shall remain open until further notice.

The Commission further declares that the Secretary of the Department of Wildlife and Fisheries is authorized to modify the recreational season for the harvest of red snapper, upon notification to the chairman of the Louisiana Wildlife and Fisheries Commission, if monitoring data indicate that the self-imposed state allocation of red snapper is projected to be met or is met.

Preliminary estimates of recreational red snapper landings in Louisiana from the La Creel program indicate that the Department's self-imposed quota for the recreational harvest of red snapper has not been met and there is additional opportunity for recreational harvest.

---

Bart R. Yakupzack, Chairman  
Louisiana Wildlife and Fisheries Commission

---

Date Signed



## Inshore Artificial Reefs – Notice of Intent

Craig Gothreaux | Louisiana Wildlife and Fisheries Commission | October 6, 2016

## Inshore Artificial Reefs *Summary*



### Overview

**28 Established Reef Sites (33 Reefs)**

### Projects

**3,036 Acres Approved Reef Area**

### NOI

**Shell, Limestone, Concrete, Reefballs**

### Overview

#### Recent

### Projects

**Redfish Point  
Independence Island  
West End**

### NOI



Overview

*Recent*

Projects

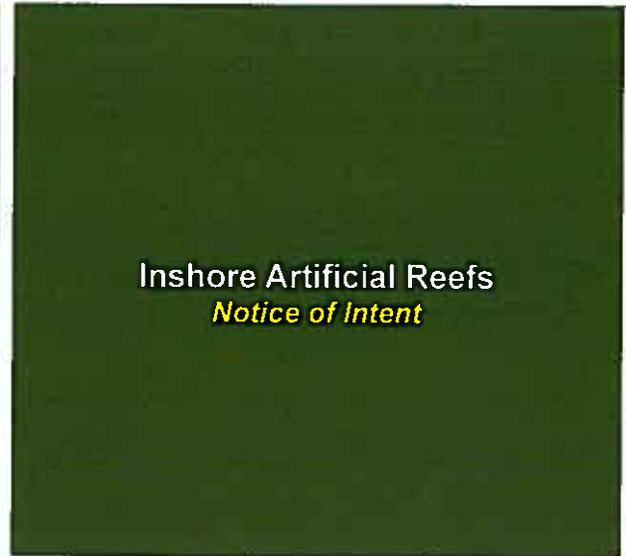
Upcoming

Point Mast

St. John

NOI

East Calcasieu



Inshore Artificial Reefs  
*Notice of Intent*



### Background

#### Original Notice of Intent:

Submitted March 19, 2015

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

#### Chapter 5. Oyster

#### §537. Establishment of Recreational Reef Sites and Restriction of Oyster Harvest

A. The Wildlife and Fisheries Commission hereby establishes the following recreational reef sites:

...

B. No person shall harvest oysters from these recreational reefs.



### Background

#### Original Notice of Intent:

Submitted March 19, 2015

Presented to LWFC at April 2, 2015 meeting

Published in Louisiana Register on April 20, 2015

No public comments or correspondence received

- as described in Legislative Oversight Letter dated September 22, 2015

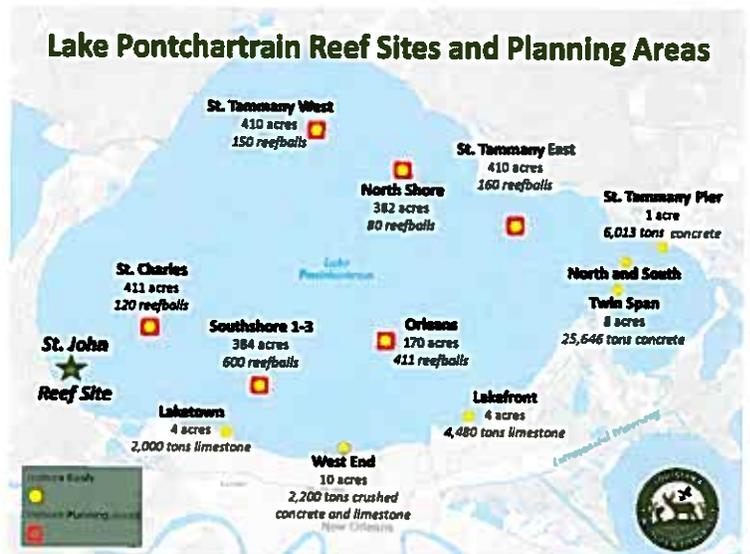
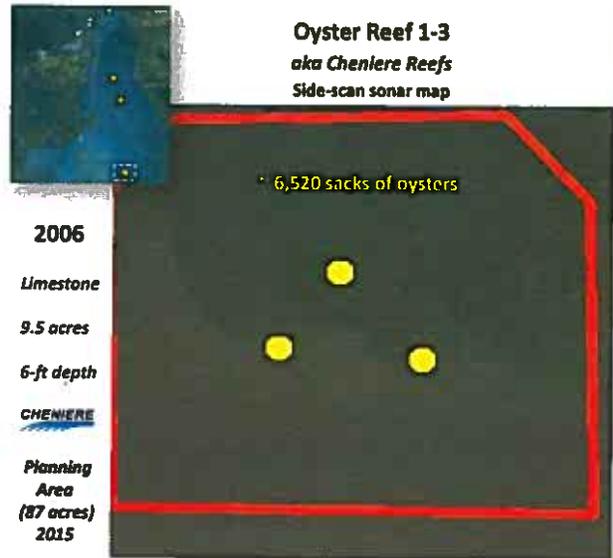
Rule Promulgated in July 2015

Wildlife and Fisheries Wildlife and Fisheries Commission—Recreational Reef Sites and Restriction of Oyster Harvest (LAC 76:18.537)	803
Workforce Commission Rehabilitation Services—Business Enterprise Program Manual (LAC 67:18.519) Vocational Rehabilitation Program (LAC 67:18 Chapter 1)	808
V. ADMINISTRATIVE CODE UPDATE Curriculum—January 2015 through March 2015	471



### Current Notice of Intent

1. Remove Oyster Reef Planning Area (Oyster Reefs 1-3)
2. Add New Reefs (West End, St. John, East Calcasieu)
3. Consistency Corrections



## Consistency Corrections

### §537. Establishment of Recreational Reef Sites and Restriction of Oyster Harvest

The Wildlife and Fisheries Commission hereby establishes the following recreational reef sites as that area within the following coordinates (North America Datum 1983):

1. California Point - Plaquemines Parish
  - a. 29 degrees 29 minutes 08.86 seconds N  
89 degrees 29 minutes 11.15 seconds W
  - b. 29 degrees 29 minutes 08.63 seconds N  
89 degrees 28 minutes 54.46 seconds W
  - c. 29 degrees 28 minutes 54.02 seconds N  
89 degrees 28 minutes 54.73 seconds W
  - d. 29 degrees 28 minutes 54.25 seconds N  
89 degrees 29 minutes 11.42 seconds W



## Consistency Corrections

2. Bay Ronquille - Plaquemines Parish
  - a. 29 degrees ~~19~~<sup>20</sup> minutes ~~52.76~~<sup>04.46</sup> seconds N  
89 degrees 50 minutes ~~34.46~~<sup>33.38</sup> seconds W
  - b. 29 degrees 20 minutes ~~03.24~~<sup>04.54</sup> seconds N  
89 degrees 50 minutes ~~34.00~~<sup>39.29</sup> seconds W
  - c. 29 degrees 20 minutes ~~03.34~~<sup>07.96</sup> seconds N  
89 degrees 50 minutes 40.22~~4~~ seconds W
  - d. 29 degrees 20 minutes 09.09 seconds N  
89 degrees 50 minutes 44.75 seconds W
  - e. 29 degrees 20 minutes 01.34 seconds N  
89 degrees 50 minutes 44.21 seconds W
  - f. 29 degrees 20 minutes 01.59 seconds N  
89 degrees 50 minutes 41.69 seconds W
  - g. 29 degrees 19 minutes 50.07 seconds N  
89 degrees 50 minutes 38.19 seconds W
  - h. 29 degrees 19 minutes 53.35 seconds N  
89 degrees 50 minutes 34.71 seconds W
  - i. 29 degrees 19 minutes 52.76 seconds N  
89 degrees 50 minutes 34.16 seconds W
  - j. 29 degrees 20 minutes 02.34 seconds N  
89 degrees 50 minutes 24.99 seconds W
  - k. 29 degrees 20 minutes 05.37 seconds N  
89 degrees 50 minutes 31.18 seconds W



## Consistency Corrections

3. St. Tammany ~~(eEast)~~ - St. Tammany Parish
4. St. Tammany ~~(wWest)~~ - St. Tammany Parish
9. Orleans - Orleans Parish
  - a. 30 degrees 07 minutes 47.46 seconds N  
90 degrees 05 minutes 05.70 seconds W
  - b. 30 degrees 07 minutes 47.46 seconds N  
90 degrees 04 minutes 17.70 seconds W
  - c. 30 degrees 07 minutes 05.46 seconds N  
90 degrees 04 minutes 17.70 seconds W
  - d. 30 degrees 07 minutes 05.46 seconds N  
90 degrees ~~05~~<sup>7</sup> minutes 05.70 seconds W



## Consistency Corrections

10. Lake Front - Orleans Parish
  - a. 30 degrees 03 minutes 34.72 seconds N  
89 degrees 59 minutes 40.25 seconds W
  - b. 30 degrees 03 minutes 35.72 seconds N  
89 degrees 59 minutes 38.25 seconds W
  - c. 30 degrees 03 minutes 35.57 seconds N  
89 degrees 59 minutes 38.05 seconds W
  - d. 30 degrees 03 minutes 30.22 seconds N  
89 degrees 59 minutes 33.25 seconds W
  - e. 30 degrees 03 minutes 28.22 seconds N  
89 degrees 59 minutes 35.25 seconds W



## Consistency Corrections

### 11. West End - Orleans Parish

- a. 30 degrees 01 minutes 54.23 seconds N  
90 degrees 07 minutes 17.97 seconds W
- b. 30 degrees 01 minutes 54.70 seconds N  
90 degrees 07 minutes 11.13 seconds W
- c. 30 degrees 01 minutes 47.65 seconds N  
90 degrees 07 minutes 09.28 seconds W
- d. 30 degrees 01 minutes 47.19 seconds N  
90 degrees 07 minutes 16.12 seconds W

### 12. St. John - St. John the Baptist Parish

- a. 30 degrees 05 minutes 53.21 seconds N  
90 degrees 24 minutes 20.29 seconds W
- b. 30 degrees 05 minutes 53.16 seconds N  
90 degrees 24 minutes 12.77 seconds W
- c. 30 degrees 05 minutes 46.63 seconds N  
90 degrees 24 minutes 12.83 seconds W
- d. 30 degrees 05 minutes 46.68 seconds N  
90 degrees 24 minutes 20.35 seconds W



## Consistency Corrections

### 113. South Shore 1, 2, and 3 - Jefferson Parish

- a. 30 degrees 05 minutes 25.00 seconds N  
90 degrees 12 minutes 42.00 seconds W
- b. 30 degrees 05 minutes 25.00 seconds N  
90 degrees 11 minutes 56.00 seconds W
- c. 30 degrees 04 minutes 44.00 seconds N  
90 degrees 11 minutes 56.00 seconds W
- d. 30 degrees 04 minutes 44.00 seconds N  
90 degrees 12 minutes 42.00 seconds W



## Consistency Corrections

### 1517. Bully Camp 2 - Lafourche Parish

- a. 29 degrees 27 minutes 44.08 seconds N  
90 degrees 23 minutes 03.33 seconds W
- b. 29 degrees 27 minutes 44.04 seconds N  
90 degrees 22 minutes 58.63 seconds W
- c. 29 degrees 27 minutes 39.92 seconds N  
90 degrees 22 minutes 58.67 seconds W
- d. 29 degrees 27 minutes 39.96 seconds N  
90 degrees 23 minutes 03.37 seconds W

### 1618. St. Charles - St. Charles Parish

- a. 30 degrees 08 minutes 26.10 seconds N  
90 degrees 19 minutes 26.28 seconds W
- b. 30 degrees 08 minutes 26.10 seconds N  
90 degrees 18 minutes 38.28 seconds W
- c. 30 degrees 07 minutes 44.10 seconds N  
90 degrees 18 minutes 38.28 seconds W
- d. 30 degrees 07 minutes 44.10 seconds N  
90 degrees 19 minutes 26.28 seconds W



## Consistency Corrections

### 1719. Rabbit Island Reef - St. Mary Parish

### 1820. Finfish Reef-1 - Cameron Parish

### 1921. Turner's Bay Island Reef - Cameron/Calcasieu Parish

*...Removal of Oyster Reef 1, 2, and 3...*

### 22. East Calcasieu - Cameron Parish

- a. 29 degrees 53 minutes 16.49 seconds N  
93 degrees 16 minutes 58.85 seconds W
- b. 29 degrees 53 minutes 16.52 seconds N  
93 degrees 16 minutes 34.79 seconds W
- c. 29 degrees 52 minutes 57.20 seconds N  
93 degrees 16 minutes 34.74 seconds W
- d. 29 degrees 52 minutes 57.17 seconds N  
93 degrees 16 minutes 56.85 seconds W



## Consistency Corrections

23. Sweet Lake - Cameron Parish
- a. 29 degrees 56 minutes 38.052 seconds N  
93 degrees 17 minutes 33.42 seconds W
  - b. 29 degrees 56 minutes 38.27 seconds N  
93 degrees 17 minutes 16.65 seconds W
  - c. 29 degrees 56 minutes 23.66 seconds N  
93 degrees 17 minutes 16.36 seconds W
  - d. 29 degrees 56 minutes 23.41 seconds N  
93 degrees 17 minutes 33.14 seconds W



## Consistency Corrections

24. Bird Island 1 and 2 - Terrebonne Parish
- a. 29 degrees 03 minutes 40.34 seconds N  
90 degrees 43 minutes 34.07 seconds W
  - b. 29 degrees 03 minutes ~~40.26~~41.97 seconds N  
90 degrees 43 minutes ~~37.44~~29.63 seconds W
  - c. 29 degrees 03 minutes ~~25.65~~41.89 seconds N  
90 degrees 43 minutes ~~17.59~~12.99 seconds W
  - d. 29 degrees 03 minutes ~~25.79~~27.28 seconds N  
90 degrees 43 minutes ~~34.16~~13.08 seconds W
  - e. 29 degrees 03 minutes 25.65 seconds N  
90 degrees 43 minutes 17.53 seconds W
  - f. 29 degrees 03 minutes 25.73 seconds N  
90 degrees 43 minutes 34.16 seconds W
25. Bird Island II - Terrebonne Parish
- a. ~~29 degrees 03 minutes 41.97 seconds N~~  
~~90 degrees 43 minutes 29.63 seconds W~~
  - b. ~~29 degrees 03 minutes 41.89 seconds N~~  
~~90 degrees 43 minutes 12.99 seconds W~~
  - c. ~~29 degrees 03 minutes 17.28 seconds N~~  
~~90 degrees 43 minutes 13.08 seconds W~~
  - d. ~~29 degrees 03 minutes 27.28 seconds N~~  
~~90 degrees 43 minutes 29.71 seconds W~~



## Consistency Corrections

257. Cypremort Point #1 - Iberia Parish
278. Cypremort Point #2 - Iberia Parish
29. Redfish Pointe (original) - Vermillion Parish
- a. 29 degrees 40 minutes 47.76 seconds N  
92 degrees 07 minutes 14.90 seconds W
  - b. 29 degrees 40 minutes 47.86 seconds N  
92 degrees 06 minutes 58.17 seconds W
  - c. 29 degrees 40 minutes 33.14 seconds N  
92 degrees 06 minutes 58.06 seconds W
  - d. 29 degrees 40 minutes 33.14 seconds N  
92 degrees 07 minutes 14.79 seconds W

3028. Redfish Pointe - Vermillion Parish



## Current Notice of Intent

1. Remove Oyster Reef Planning Area (Oyster Reefs 1-3)
2. Add New Reefs (West End, St. John, East Calcasieu)
3. Consistency Corrections

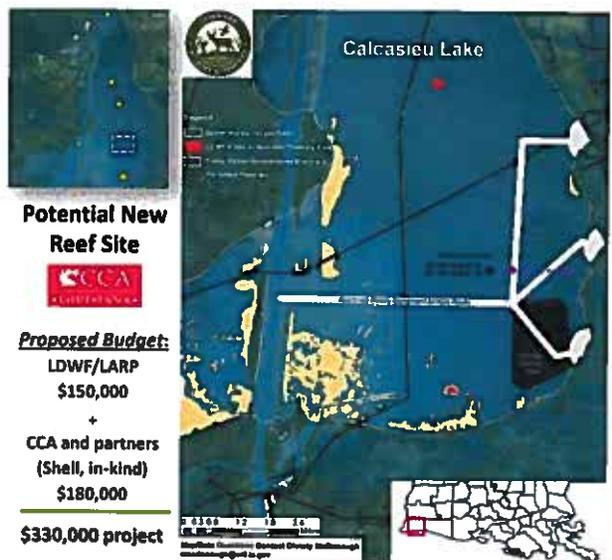
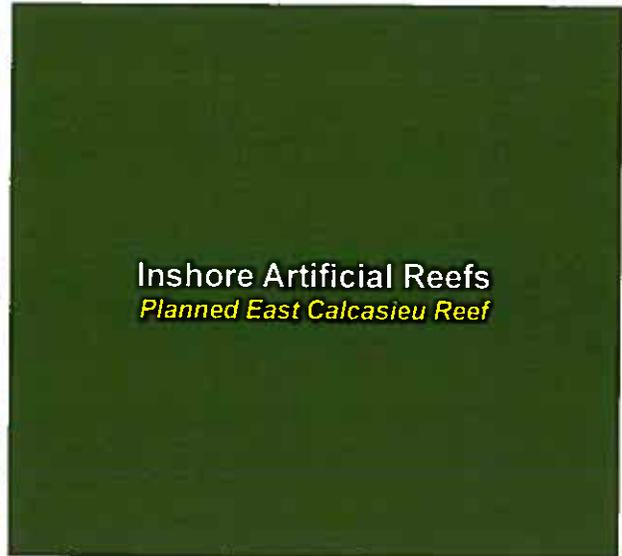
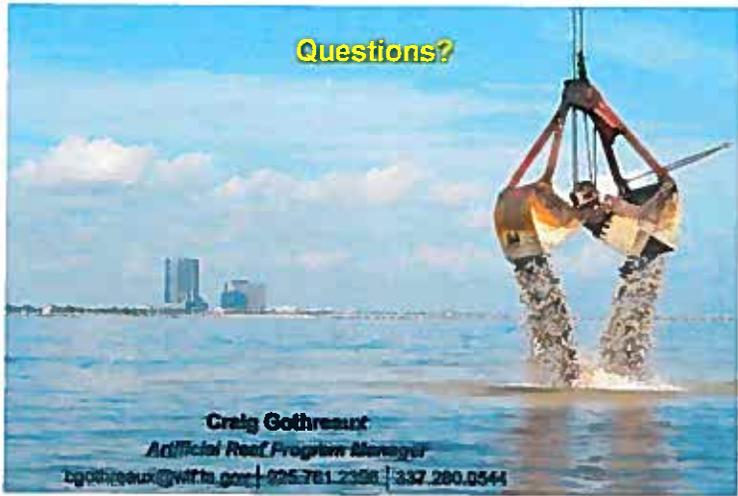
Notice of Intent to be Published in Louisiana Register

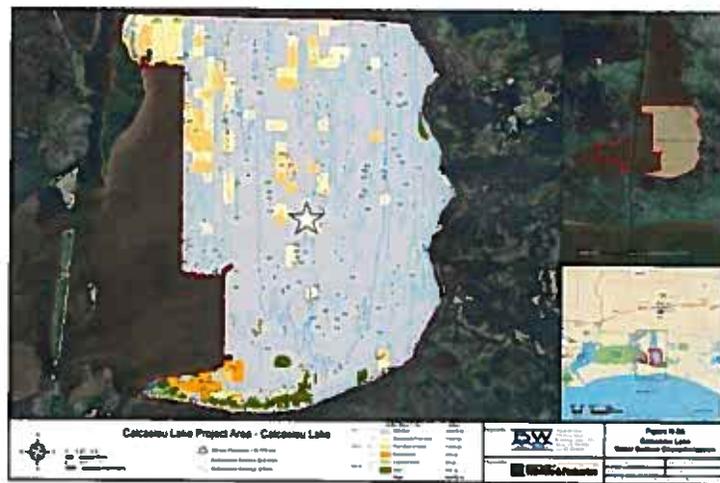
- October 20, 2016

Public Comment Until November 28, 2016

Rule Effective Date of January 20, 2017







### East Calcasieu Reef Site – Pre-Monitoring

**Sounding Pole**  
(16-ft marked aluminum)

**Water depth**

**Bottom characterization**

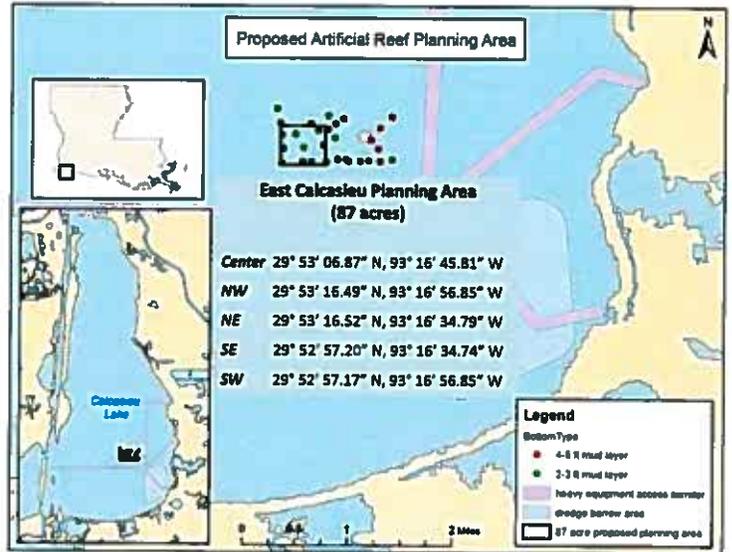


### East Calcasieu Reef Site – Pre-Monitoring

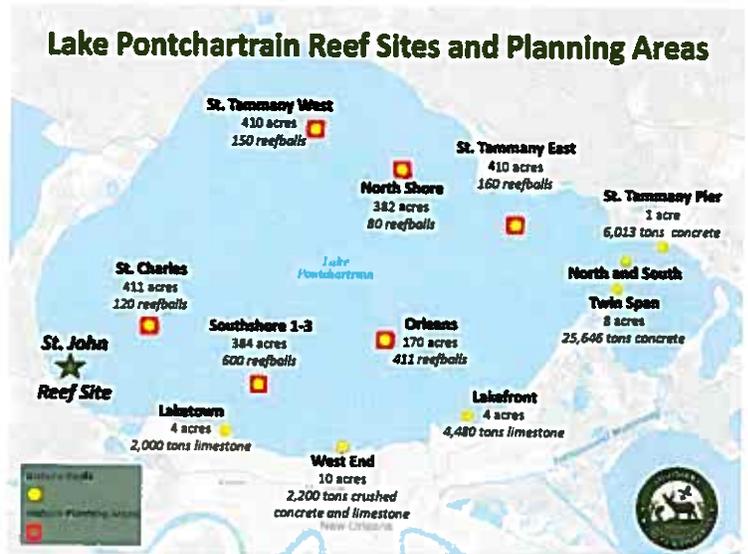
**Sounding Pole**  
+  
**Petit Ponar Dredge**

**Bottom composition**

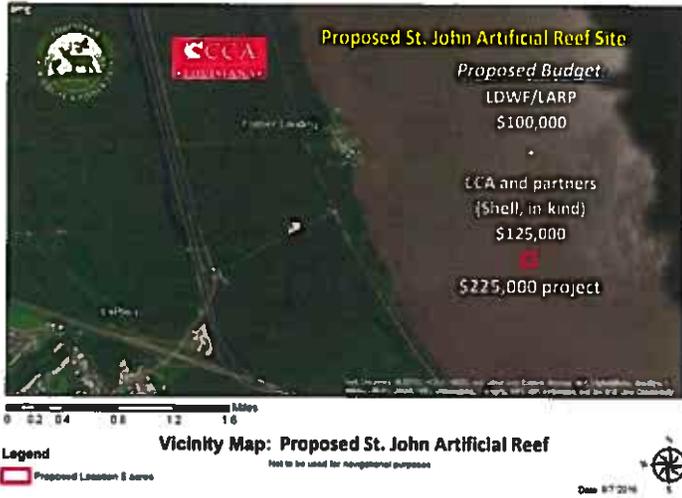




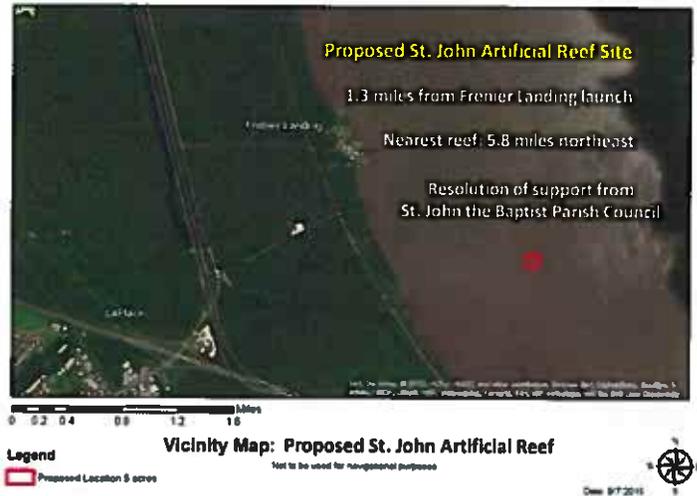
**Inshore Artificial Reefs**  
*Planned St. John Reef*



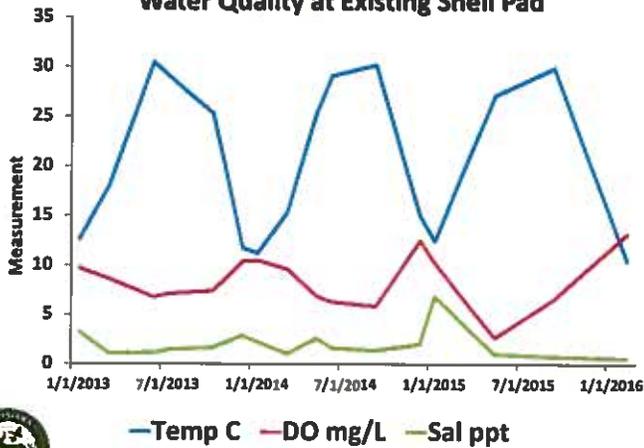
### Louisiana Artificial Reef Program



### Louisiana Artificial Reef Program



### Water Quality at Existing Shell Pad



### Habitat Utilization by Fishes

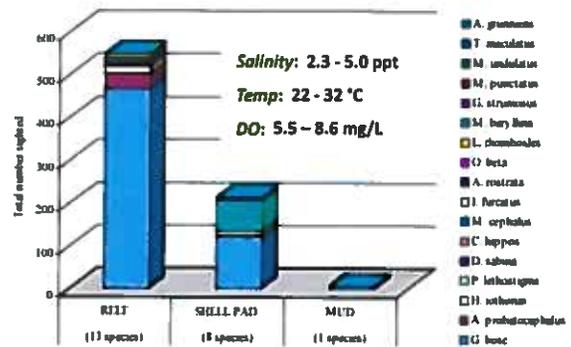


Figure 6. Comparison of species and abundances of fishes observed at the Lake Pontchartrain artificial reef, shell pad, and sediment bottom sites in 2005

From: LDWF Acoustic Telemetry Project

From: Whitmore, Kelly A., 2006. Artificial reef performance in Lake Pontchartrain, Louisiana

### Habitat Utilization by Macroinvertebrates

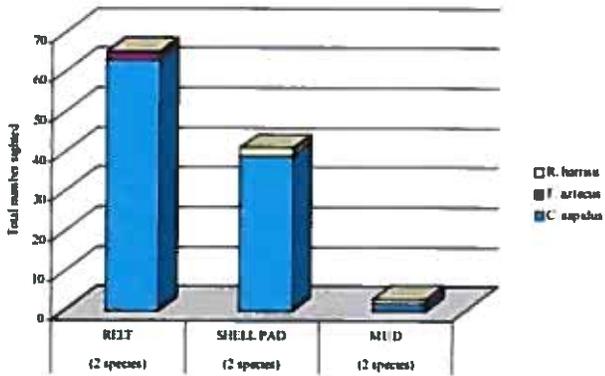
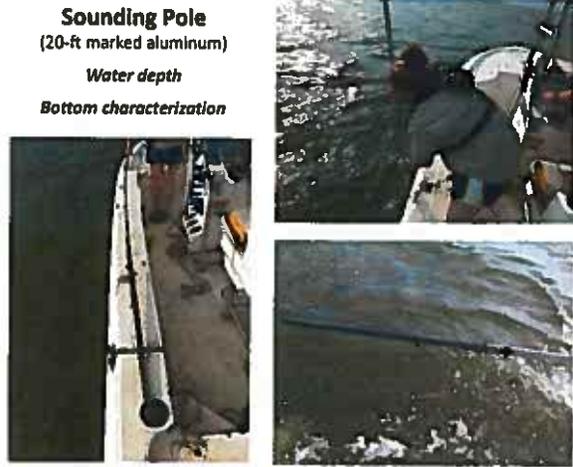


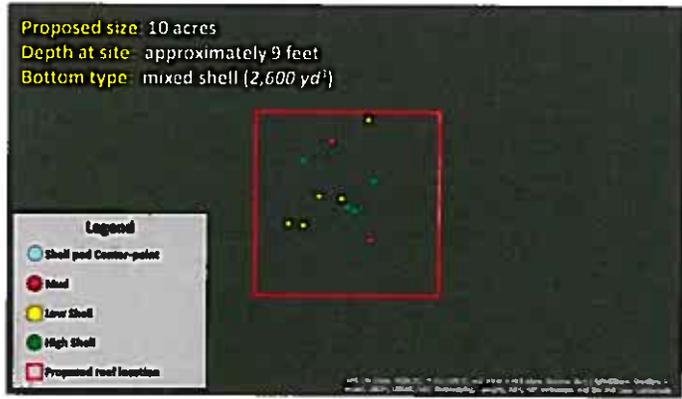
Figure 7. Comparison of species and abundances of mobile macroinvertebrates observed at the Lake Pontchartrain artificial reef, shell pad, and sediment bottom sites in 2005

From: Whitmore, Kelly A., 2006. Artificial reef performance in Lake Pontchartrain, Louisiana

### St. John Reef Site – Pre-Monitoring



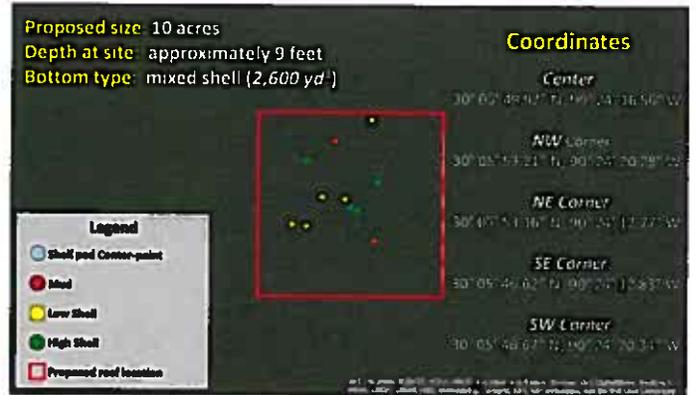
### Louisiana Artificial Reef Program



Bottom Type: Proposed St. John Artificial Reef  
 Not to be used for navigational purposes

Date: 9/7/2016

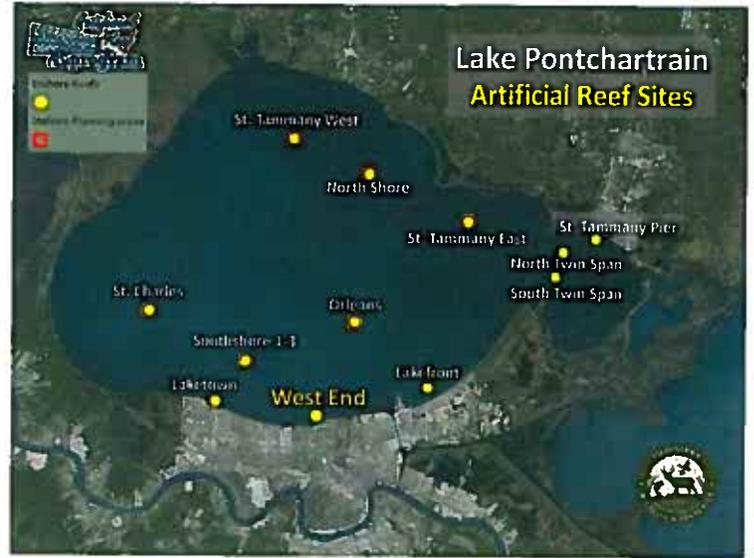
### Louisiana Artificial Reef Program



Bottom Type: Proposed St. John Artificial Reef  
 Not to be used for navigational purposes

Date: 9/7/2016

**Inshore Artificial Reefs**  
*Constructed West End Reef*

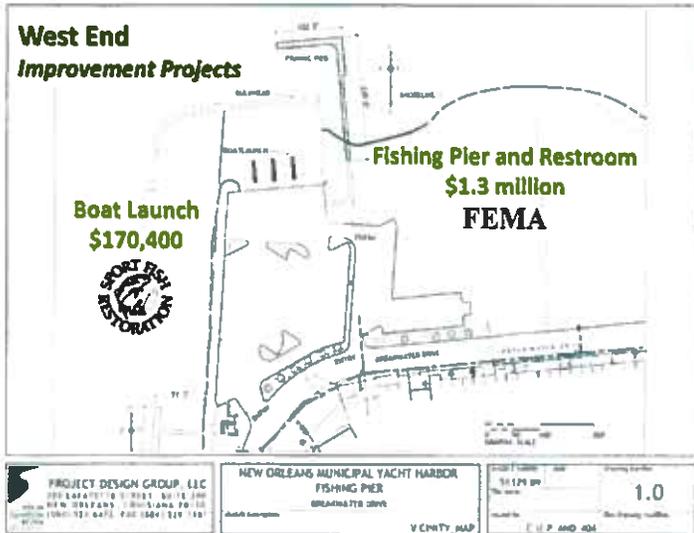


**West End Improvement Projects**

**Boat Launch**  
**\$170,400**



**Fishing Pier and Restroom**  
**\$1.3 million**  
**FEMA**



**Louisiana Artificial Reef Program**

*Pre-Deployment Monitoring*

Area Survey



Depth and Substrate



Material



**Permit Area Map DRAFT**  
**West End Pier Reef**



### West End Artificial Reef Depth and Sediment Survey



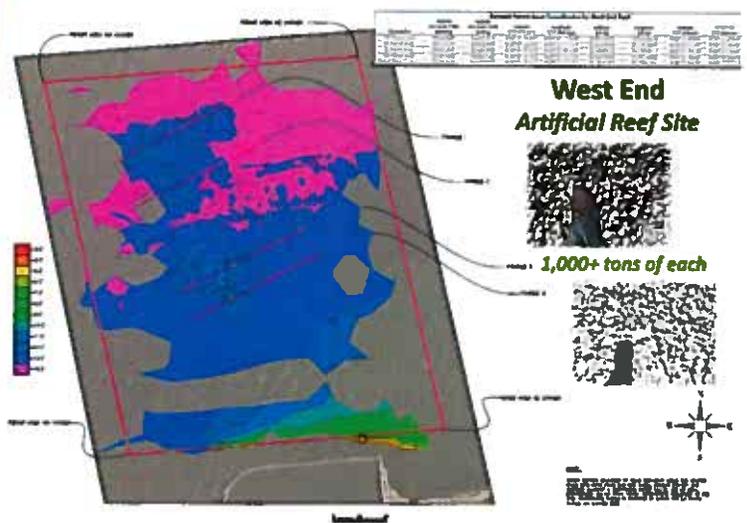
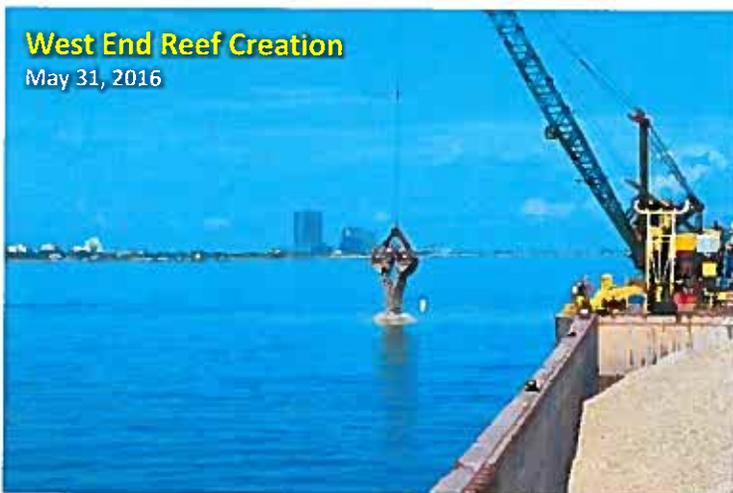
### Reef Materials



Crushed Concrete  
and Limestone



2,200+ tons



### West End Artificial Reef Site



1,000+ tons of each







## NOTICE OF INTENT

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

Notice is hereby given that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.5.537 to remove Oyster Reefs 1-3 in Calcasieu Lake from the list of established recreational reef sites, and thus allow for the harvest of oysters thereon. Furthermore, a new area of water bottoms in Calcasieu Lake (East Calcasieu reef site) would be designated and set aside as a recreational reef whereby the restriction of all harvest of oysters thereon would be applied. Two new areas of water bottoms in Lake Pontchartrain (West End and St. John) would also be added to the list of established recreational reef sites. Additional changes to this section include removal of duplicative reef site coordinates (Redfish Pointe (original)), consistency corrections (Bay Ronquille, St. Tammany East, St. Tammany West, Orleans, South Shore, Bully Camp, St. Charles, Rabbit Island, Finfish, Turner's Bay Island, Sweet Lake, Bird Island, Cypremort Point, and Redfish Point), and subsequent renumbering of reef sites.

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

#### Chapter 5. Oyster

#### §537. Establishment of Recreational Reef Sites and Restriction of Oyster Harvest

A. The Wildlife and Fisheries Commission hereby establishes the following recreational reef sites as that area within the following coordinates (North America Datum 1983):

1. California Point - Plaquemines Parish
  - a. 29 degrees 29 minutes 08.86 seconds N  
89 degrees 29 minutes 11.15 seconds W
  - b. 29 degrees 29 minutes 08.63 seconds N  
89 degrees 28 minutes 54.46 seconds W
  - c. 29 degrees 28 minutes 54.02 seconds N

- 89 degrees 28 minutes 54.73 seconds W
- d. 29 degrees 28 minutes 54.25 seconds N
- 89 degrees 29 minutes 11.42 seconds W

2. Bay Ronquille - Plaquemines Parish

- a. 29 degrees ~~19~~20 minutes ~~52.76~~04.46 seconds N
- 89 degrees 50 minutes ~~34.16~~33.38 seconds W
- b. 29 degrees 20 minutes ~~02.34~~04.54 seconds N
- 89 degrees 50 minutes ~~24.99~~39.29 seconds W
- c. 29 degrees 20 minutes ~~01.34~~07.96 seconds N
- 89 degrees 50 minutes ~~40.22~~1 seconds W
- d. 29 degrees 20 minutes 09.09 seconds N
- 89 degrees 50 minutes 44.75 seconds W
- e. 29 degrees 20 minutes 01.34 seconds N
- 89 degrees 50 minutes 44.21 seconds W
- f. 29 degrees 20 minutes 01.59 seconds N
- 89 degrees 50 minutes 41.69 seconds W
- g. 29 degrees 19 minutes 50.07 seconds N
- 89 degrees 50 minutes 38.19 seconds W
- h. 29 degrees 19 minutes 53.35 seconds N
- 89 degrees 50 minutes 34.71 seconds W
- i. 29 degrees 19 minutes 52.76 seconds N
- 89 degrees 50 minutes 34.16 seconds W
- j. 29 degrees 20 minutes 02.34 seconds N
- 89 degrees 50 minutes 24.99 seconds W
- k. 29 degrees 20 minutes 05.37 seconds N
- 89 degrees 50 minutes 31.18 seconds W

3. St. Tammany ~~(eEast)~~ - St. Tammany Parish

- a. 30 degrees 13 minutes 48.36 seconds N
- 89 degrees 57 minutes 15.24 seconds W
- b. 30 degrees 13 minutes 48.36 seconds N
- 89 degrees 56 minutes 27.24 seconds W
- c. 30 degrees 13 minutes 06.36 seconds N
- 89 degrees 56 minutes 27.24 seconds W
- d. 30 degrees 13 minutes 06.36 seconds N

- 89 degrees 57 minutes 15.24 seconds W
4. St. Tammany (~~w~~est) - St. Tammany Parish
- a. 30 degrees 18 minutes 41.88 seconds N  
90 degrees 09 minutes 24.00 seconds W
  - b. 30 degrees 18 minutes 41.88 seconds N  
90 degrees 08 minutes 36.00 seconds W
  - c. 30 degrees 17 minutes 59.88 seconds N  
90 degrees 08 minutes 36.00 seconds W
  - d. 30 degrees 17 minutes 59.88 seconds N  
90 degrees 09 minutes 24.00 seconds W
5. St. Tammany Pier - St. Tammany Parish
- a. 30 degrees 12 minutes 28.34 seconds N  
89 degrees 47 minutes 54.03 seconds W
  - b. 30 degrees 12 minutes 27.96 seconds N  
89 degrees 47 minutes 53.57 seconds W
  - c. 30 degrees 12 minutes 20.66 seconds N  
89 degrees 48 minutes 01.30 seconds W
  - d. 30 degrees 12 minutes 21.03 seconds N  
89 degrees 48 minutes 01.76 seconds W
6. North Shore - St. Tammany Parish
- a. 30 degrees 16 minutes 38.00 seconds N  
90 degrees 04 minutes 08.00 seconds W
  - b. 30 degrees 16 minutes 38.00 seconds N  
90 degrees 03 minutes 21.00 seconds W
  - c. 30 degrees 15 minutes 58.00 seconds N  
90 degrees 03 minutes 21.00 seconds W
  - d. 30 degrees 15 minutes 58.00 seconds N  
90 degrees 04 minutes 08.00 seconds W
7. North Twin Span - St. Tammany Parish
- a. 30 degrees 11 minutes 39.13 seconds N  
89 degrees 50 minutes 15.54 seconds W
  - b. 30 degrees 11 minutes 39.13 seconds N  
89 degrees 50 minutes 10.78 seconds W
  - c. 30 degrees 11 minutes 35.02 seconds N

89 degrees 50 minutes 10.78 seconds W  
d. 30 degrees 11 minutes 35.02 seconds N  
89 degrees 50 minutes 15.54 seconds W

8. South Twin Span - Orleans Parish

a. 30 degrees 10 minutes 12.23 seconds N  
89 degrees 50 minutes 47.04 seconds W  
b. 30 degrees 10 minutes 12.23 seconds N  
89 degrees 50 minutes 42.27 seconds W  
c. 30 degrees 10 minutes 08.11 seconds N  
89 degrees 50 minutes 42.27 seconds W  
d. 30 degrees 10 minutes 08.11 seconds N  
89 degrees 50 minutes 47.04 seconds W

9. Orleans - Orleans Parish

a. 30 degrees 07 minutes 47.46 seconds N  
90 degrees 05 minutes 05.70 seconds W  
b. 30 degrees 07 minutes 47.46 seconds N  
90 degrees 04 minutes 17.70 seconds W  
c. 30 degrees 07 minutes 05.46 seconds N  
90 degrees 04 minutes 17.70 seconds W  
d. 30 degrees 07 minutes 05.46 seconds N  
90 degrees 05~~7~~ minutes 05.70 seconds W

10. Lake Front - Orleans Parish

a. 30 degrees 03 minutes 34.72 seconds N  
89 degrees 59 minutes 40.25 seconds W  
b. 30 degrees 03 minutes 35.72 seconds N  
89 degrees 59 minutes 38.25 seconds W  
c. 30 degrees 03 minutes 35.57 seconds N  
89 degrees 59 minutes 38.05 seconds W  
d. 30 degrees 03 minutes 30.22 seconds N  
89 degrees 59 minutes 33.25 seconds W  
e. 30 degrees 03 minutes 28.22 seconds N  
89 degrees 59 minutes 35.25 seconds W

11. West End - Orleans Parish

a. 30 degrees 01 minutes 54.23 seconds N

- 90 degrees 07 minutes 17.97 seconds W  
b. 30 degrees 01 minutes 54.70 seconds N  
90 degrees 07 minutes 11.13 seconds W  
c. 30 degrees 01 minutes 47.65 seconds N  
90 degrees 07 minutes 09.28 seconds W  
d. 30 degrees 01 minutes 47.19 seconds N  
90 degrees 07 minutes 16.12 seconds W

12. St. John - St. John the Baptist Parish

- a. 30 degrees 05 minutes 53.21 seconds N  
90 degrees 24 minutes 20.29 seconds W  
b. 30 degrees 05 minutes 53.16 seconds N  
90 degrees 24 minutes 12.77 seconds W  
c. 30 degrees 05 minutes 46.63 seconds N  
90 degrees 24 minutes 12.83 seconds W  
d. 30 degrees 05 minutes 46.68 seconds N  
90 degrees 24 minutes 20.35 seconds W

~~11~~13. South Shore 1, 2, and 3 - Jefferson Parish

- a. 30 degrees 05 minutes 25.00 seconds N  
90 degrees 12 minutes 42.00 seconds W  
b. 30 degrees 05 minutes 25.00 seconds N  
90 degrees 11 minutes 56.00 seconds W  
c. 30 degrees 04 minutes 44.00 seconds N  
90 degrees 11 minutes 56.00 seconds W  
d. 30 degrees 04 minutes 44.00 seconds N  
90 degrees 12 minutes 42.00 seconds W

~~12~~14. Laketown - Jefferson Parish

- a. 30 degrees 02 minutes 40.92 seconds N  
90 degrees 14 minutes 23.11 seconds W  
b. 30 degrees 02 minutes 38.30 seconds N  
90 degrees 14 minutes 18.46 seconds W  
c. 30 degrees 02 minutes 35.07 seconds N  
90 degrees 14 minutes 20.28 seconds W  
d. 30 degrees 02 minutes 37.69 seconds N  
90 degrees 14 minutes 24.93 seconds W

~~13~~15. Independence Island - Jefferson Parish

- a. 29 degrees 18 minutes 34.48 seconds N  
89 degrees 56 minutes 13.37 seconds W
- b. 29 degrees 18 minutes 34.22 seconds N  
89 degrees 55 minutes 48.52 seconds W
- c. 29 degrees 18 minutes 24.32 seconds N  
89 degrees 55 minutes 48.66 seconds W
- d. 29 degrees 18 minutes 24.58 seconds N  
89 degrees 56 minutes 13.51 seconds W

~~14~~16. Bully Camp 1 - Lafourche Parish

- a. 29 degrees 27 minutes 30.08 seconds N  
90 degrees 22 minutes 43.33 seconds W
- b. 29 degrees 27 minutes 30.04 seconds N  
90 degrees 22 minutes 38.63 seconds W
- c. 29 degrees 27 minutes 25.92 seconds N  
90 degrees 22 minutes 38.67 seconds W
- d. 29 degrees 27 minutes 25.96 seconds N  
90 degrees 22 minutes 43.37 seconds W

~~15~~17. Bully Camp 2 - Lafourche Parish

- a. 29 degrees 27 minutes 44.08 seconds N  
90 degrees 23 minutes 03.33 seconds W
- b. 29 degrees 27 minutes 44.04 seconds N  
90 degrees 22 minutes 58.63 seconds W
- c. 29 degrees 27 minutes 39.92 seconds N  
90 degrees 22 minutes 58.67 seconds W
- d. 29 degrees 27 minutes 395.96 seconds N  
90 degrees 23 minutes 03.37 seconds W

~~16~~18. St. Charles - St. Charles Parish

- a. 30 degrees 08 minutes 26.10 seconds N  
90 degrees 19 minutes 26.28 seconds W
- b. 30 degrees 08 minutes 26.10 seconds N  
90 degrees 184 minutes 38.28 seconds W
- c. 30 degrees 07 minutes 44.10 seconds N  
90 degrees 18 minutes 38.28 seconds W

- d. 30 degrees 07 minutes 44.10 seconds N  
90 degrees 19 minutes 26.28 seconds W
- ~~17~~19. Rabbit Island Reef - St. Mary Parish
- a. 29 degrees 30 minutes 41.31 seconds N  
91 degrees 34 minutes 00.39 seconds W
  - b. 29 degrees 30 minutes 41.34 seconds N  
91 degrees 33 minutes 43.68 seconds W
  - c. 29 degrees 30 minutes 26.73 seconds N  
91 degrees 33 minutes 43.65 seconds W
  - d. ~~29~~ degrees 30 minutes 26.70 seconds N  
91 degrees 34 minutes 00.35 seconds W

~~18~~20. Finfish Reef ~~1~~ - Cameron Parish

- a. 29 degrees 58 minutes 15.58 seconds N  
93 degrees 18 minutes 12.25 seconds W
- b. 29 degrees 58 minutes 15.83 seconds N  
93 degrees 17 minutes 55.47 seconds W
- c. 29 degrees 58 minutes 01.22 seconds N  
93 degrees 17 minutes 55.19 seconds W
- d. 29 degrees 58 minutes 00.97 seconds N  
93 degrees 18 minutes 11.97 seconds W

~~19~~21. Turner's Bay Island Reef - ~~Cameron~~Calcasieu Parish

- a. 30 degrees 03 minutes 20.56 seconds N  
93 degrees 18 minutes 29.54 seconds W
- b. 30 degrees 03 minutes 20.11 seconds N  
93 degrees 18 minutes 26.51 seconds W
- c. 30 degrees 03 minutes 18.54 seconds N  
93 degrees 18 minutes 26.82 seconds W
- d. 30 degrees 03 minutes 18.99 seconds N  
93 degrees 18 minutes 29.85 seconds W

~~20. Oyster Reef 1 - Cameron Parish~~

- ~~a. 29 degrees 51 minutes 05.56 seconds N  
93 degrees 17 minutes 09.90 seconds W~~
- ~~b. 29 degrees 51 minutes 05.81 seconds N  
93 degrees 16 minutes 53.14 seconds W~~

~~e. 29 degrees 50 minutes 51.20 seconds N~~

~~93 degrees 16 minutes 52.86 seconds N~~

~~d. 29 degrees 50 minutes 50.96 seconds N~~

~~93 degrees 17 minutes 09.62 seconds W~~

~~21. Oyster Reef 2 Cameron Parish~~

~~a. 29 degrees 51 minutes 05.08 seconds N~~

~~degrees 17 minutes 02.82 seconds W~~

~~b. 29 degrees 51 minutes 05.33 seconds N~~

~~degrees 16 minutes 46.06 seconds W~~

~~e. 29 degrees 50 minutes 50.72 seconds N~~

~~degrees 16 minutes 45.78 seconds W~~

~~d. 29 degrees 50 minutes 50.47 seconds N~~

~~93 degrees 17 minutes 02.54 seconds W~~

~~22. Oyster Reef 3 Cameron Parish~~

~~a. 29 degrees 51 minutes 09.10 seconds N~~

~~93 degrees 17 minutes 06.96 seconds W~~

~~b. 29 degrees 51 minutes 09.35 seconds N~~

~~93 degrees 16 minutes 50.20 seconds W~~

~~e. 29 degrees 50 minutes 54.74 seconds N~~

~~93 degrees 16 minutes 49.92 seconds W~~

~~d. 29 degrees 50 minutes 54.49 seconds N~~

~~93 degrees 17 minutes 06.68 seconds W~~

22. East Calcasieu - Cameron Parish

a. 29 degrees 53 minutes 16.49 seconds N

93 degrees 16 minutes 58.85 seconds W

b. 29 degrees 53 minutes 16.52 seconds N

93 degrees 16 minutes 34.79 seconds W

c. 29 degrees 52 minutes 57.20 seconds N

93 degrees 16 minutes 34.74 seconds W

d. 29 degrees 52 minutes 57.17 seconds N

93 degrees 16 minutes 56.85 seconds W

23. Sweet Lake - Cameron Parish

a. 29 degrees 56 minutes 38.052 seconds N

93 degrees 17 minutes 33.42 seconds W

- b. 29 degrees 56 minutes 38.27 seconds N  
93 degrees 17 minutes 16.65 seconds W
  - c. 29 degrees 56 minutes 23.66 seconds N  
93 degrees 17 minutes 16.36 seconds W
  - d. 29 degrees 56 minutes 23.41 seconds N  
93 degrees 17 minutes 33.14 seconds W
24. Bird Island 1 and 2 - Terrebonne Parish
- a. 29 degrees 03 minutes 40.34 seconds N  
90 degrees 43 minutes 34.07 seconds W
  - b. 29 degrees 03 minutes ~~40.26~~41.97 seconds N  
90 degrees 43 minutes ~~17.44~~29.63 seconds W
  - c. 29 degrees 03 minutes ~~25.65~~41.89 seconds N  
90 degrees 43 minutes ~~17.53~~12.99 seconds W
  - d. 29 degrees 03 minutes ~~25.73~~27.28 seconds N  
90 degrees 43 minutes ~~34.16~~13.08 seconds W
  - e. 29 degrees 03 minutes 25.65 seconds N  
90 degrees 43 minutes 17.53 seconds W
  - f. 29 degrees 03 minutes 25.73 seconds N  
90 degrees 43 minutes 34.16 seconds W
- ~~25. Bird Island II - Terrebonne Parish~~
- ~~a. 29 degrees 03 minutes 41.97 seconds N~~  
~~90 degrees 43 minutes 29.63 seconds W~~
  - ~~b. 29 degrees 03 minutes 41.89 seconds N~~  
~~90 degrees 43 minutes 12.99 seconds W~~
  - ~~e. 29 degrees 03 minutes 27.28 seconds N~~  
~~90 degrees 43 minutes 13.08 seconds W~~
  - ~~d. 29 degrees 03 minutes 27.36 seconds N~~  
~~90 degrees 43 minutes 29.71 seconds W~~
256. Point Mast - Terrebonne Parish
- a. 29 degrees 06 minutes 34.01 seconds N  
90 degrees 38 minutes 16.87 seconds W
  - b. 29 degrees 06 minutes 33.92 seconds N  
90 degrees 38 minutes 00.24 seconds W
  - c. 29 degrees 06 minutes 19.31 seconds N

- 90 degrees 38 minutes 00.34 seconds W
- d. 29 degrees 06 minutes 19.40 seconds N
- 90 degrees 38 minutes 16.97 seconds W

267. Cypremort Point #1 - Iberia Parish

- a. 29 degrees 43 minutes 21.03 seconds N
- 91 degrees 52 minutes 23.19 seconds W
- b. 29 degrees 43 minutes 21.04 seconds N
- 91 degrees 52 minutes 20.82 seconds W
- c. 29 degrees 43 minutes 18.97 seconds N
- 91 degrees 52 minutes 20.81 seconds W
- d. 29 degrees 43 minutes 18.96 seconds N
- 91 degrees 52 minutes 23.18 seconds W

278. Cypremort Point #2 - Iberia Parish

- a. 29 degrees 44 minutes 26.95 seconds N
- 91 degrees 52 minutes 54.25 seconds W
- b. 29 degrees 44 minutes 27.02 seconds N
- 91 degrees 52 minutes 37.51 seconds W
- c. 29 degrees 44 minutes 12.41 seconds N
- 91 degrees 52 minutes 37.43 seconds W
- d. 29 degrees 44 minutes 12.34 seconds N
- 91 degrees 52 minutes 54.17 seconds W

~~29. Redfish Pointe (original) Vermilion Parish~~

- ~~a. 29 degrees 40 minutes 47.76 seconds N~~
- ~~92 degrees 07 minutes 14.90 seconds W~~
- ~~b. 29 degrees 40 minutes 47.86 seconds N~~
- ~~92 degrees 06 minutes 58.17 seconds W~~
- ~~e. 29 degrees 40 minutes 33.24 seconds N~~
- ~~92 degrees 06 minutes 58.06 seconds W~~
- ~~d. 29 degrees 40 minutes 33.14 seconds N~~
- ~~92 degrees 07 minutes 14.79 seconds W~~

3028. Redfish Pointe - Vermilion Parish

- a. 29 degrees 40 minutes 44.28 seconds N
- 92 degrees 07 minutes 13.40 seconds W
- b. 29 degrees 40 minutes 44.38 seconds N

- 92 degrees 06 minutes 56.67 seconds W
- c. 29 degrees 40 minutes 29.76 seconds N
- 92 degrees 06 minutes 56.56 seconds W
- d. 29 degrees 40 minutes 29.66 seconds N
- 92 degrees 07 minutes 13.29 seconds W

~~3129~~. Prien Point - Vermilion Parish

- a. 29 degrees 39 minutes 45.53 seconds N
- 92 degrees 08 minutes 05.36 seconds W
- b. 29 degrees 39 minutes 45.64 seconds N
- 92 degrees 07 minutes 48.63 seconds W
- c. 29 degrees 39 minutes 31.02 seconds N
- 92 degrees 07 minutes 48.52 seconds W
- d. 29 degrees 39 minutes 30.92 seconds N
- 92 degrees 08 minutes 05.25 seconds W

B. No person shall harvest oysters from these recreational reefs.

AUTHORITY NOTE: Promulgated in accordance with La. R.S.

56:805.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 41:1309 (July 2015), 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.

#### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, 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).

#### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

Interested persons may submit written comments relative to the proposed rule to Craig Gothreaux, Artificial Reef Program Manager, Department of Wildlife and Fisheries - Fisheries Extension Section, P.O. Box 98000, Baton Rouge, Louisiana, 70898-9000 prior to November 28, 2016.

---

Bart R. Yakupzack, Chairman  
Wildlife and Fisheries Commission

---

Date Signed

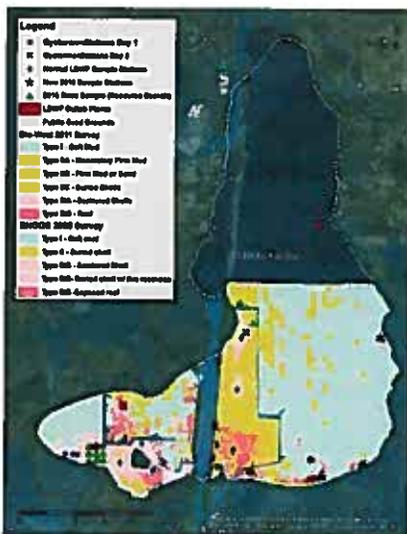


## Evaluation of Supplemental Data in Consideration of the 2016/2017 Calcasieu Lake Oyster Season

Steve Beck  
Louisiana Wildlife and Fisheries Commission  
October 6, 2016

### Prior to Setting 2016/2017 Calcasieu Lake Oyster Season: Request for Additional Data Review

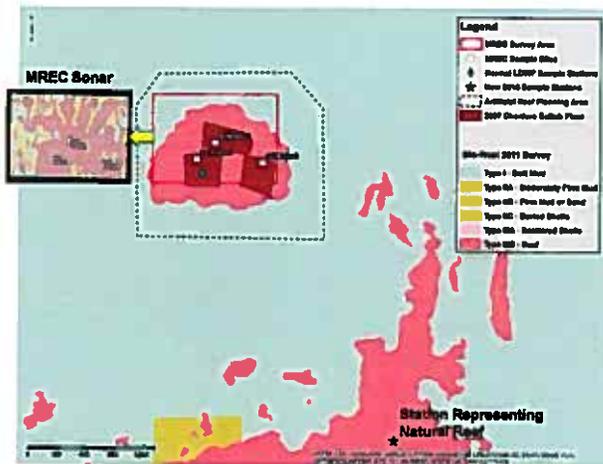
- Commission Meeting held on September 1, 2016
- LDWF presented assessment recommended full lake closure
- Oyster Industry provided independent sampling report
- Commission requested report review and a joint sampling trip with oystermen and LDWF biologists



### Independent Report (MREC Environmental)

- Sampled the Chenier Reef Area in Big Lake (east side)
- Data collected on August 30, 2016:
  - Side-scan sonar data (32 acres of water bottom)
    - LDWF has surveyed 34,128 acres
    - 3 square-meter samples
- Determined reef acreage:
  - 22.3 acres
- Estimated *maximum standing crop potential*:
  - 51,000 sacks of oysters

## LDWF Independent Report Review: Location



## LDWF Independent Report Review: Comparison of Chenier Reef Data

	MREC	LDWF
# of samples	3	5
Mean Oyster Density ( $m^{-2} \pm SE$ )		
Spat	3.7 (2.7)	2.6 (0.5)
Seed	98.7 (18.8)	73.8 (8.3)
Market	52.3 (14.0)	29.0 (4.6)
Sacks Available		
MREC reef acreage (22.3)	26,221	14,539
LDWF cultch plant acreage (10)	11,758	6,520

## LDWF Independent Report Review: Results/Conclusions

- Differences in Methods/Goals:**
  - MREC estimates *potential* production
  - LDWF estimates *existing* stock size
- MREC overestimated resource availability:**
  - Sampled only cultch plants with high oyster density
    - Expanded estimates to all reef area
  - LDWF: separate densities cultch plants/natural reef
- Other reasons for estimate differences:**
  - Timing of samples (seed oyster growth to market size):
    - MREC samples taken 2 months after LDWF samples
  - Sample site selection process (MREC selected best sites)

## Joint LDWF/Oystermen Sampling Trip: West Cove

- September 15, 2016
- Tandem 1 minute dredge samples collected:
  - 3 stations proposed by oystermen (purple below)
  - 1 LDWF sampling station (WC central, star below)
  - Oystermen had one area on East Side. all agreed to sample later (weather)



### Joint West Cove Sampling Trip: Results

- **Obvious Dredge Differences:**
  - Size/Shape
- **Dredge Tow Speed:**
  - Oystermen faster

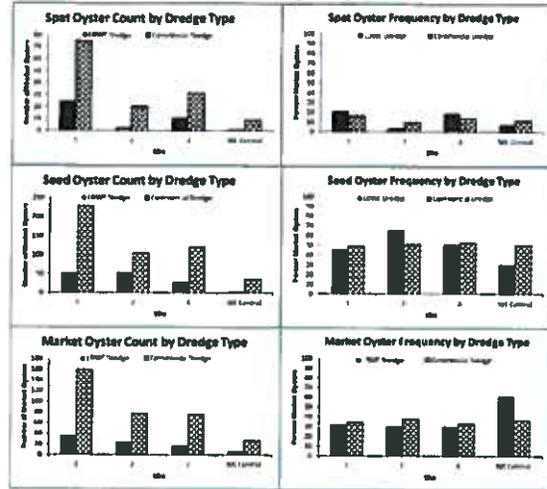


Commercial Dredge/Sample

- **Dredge Differences Reflect Purpose:**
  - Commercial: Maximize Efficiency
  - LDWF: Representative Sample



### Joint West Cove Sampling Trip: Results

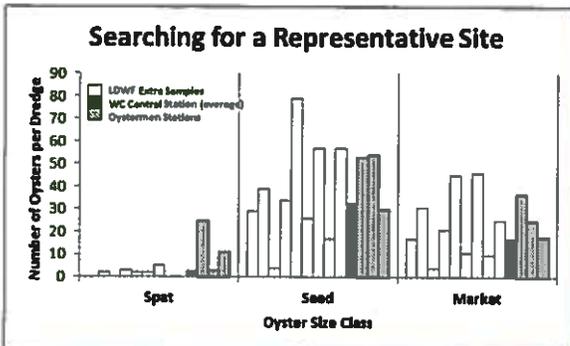


-Commercial dredge collects more oysters  
-Frequency graphs show LDWF samples representative



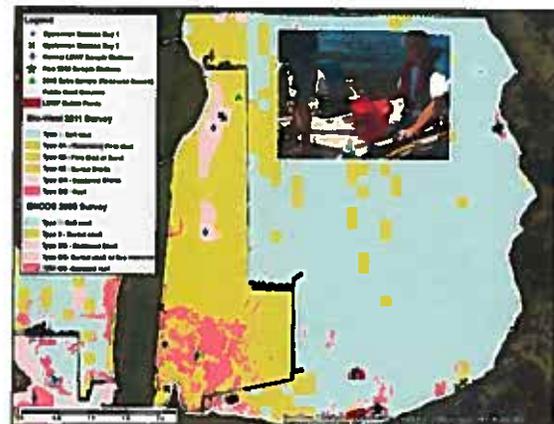
### Joint West Cove Sampling Trip: Results

- Sampling trip reinforced assumption that new West Cove Central station is representative of the area



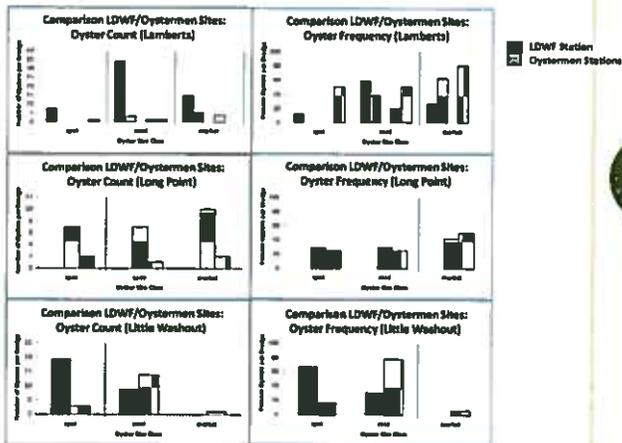
### Joint LDWF/Oystermen Sampling Trip: East Side

- September 29<sup>th</sup>, 2016 - 1 minute dredge samples
- Leo Dyson joined LDWF - 8 stations sampled (X's below)



## Joint East Side Sampling Trip: Results

- LDWF Regular Dredge Samples: 3 minute (vs 1 minute joint samples)



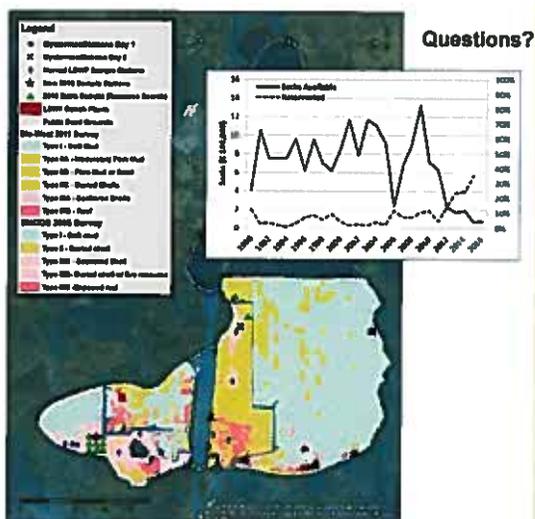
## Conclusions:

- Dredge samples only reflect general conditions, dive samples required for stock size estimates
- Consider moving/adding Long Point Station (previously planned)
  - Likely will result in minor change in total stock size (few hot spots)
- Review of supplemental data did not result in change of the LDWF recommendation for the 2016/2017 Calcasieu Lake oyster season
  - Compounding effects of hydrologic shifts and harvest pressure
  - Preventative action now = faster resource recovery



## Original Recommendation: Full Closure

- West Cove Stock: 15% of Long-Term Average
- East Side Stock: 17% of LTA
- Percent of resource harvested increasing despite decreased landings and stock size
- \*Currently seeing signs of a good recruitment year



DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

October 6, 2016

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953, and under the authority of R.S. 56:435.1 and R.S. 56:435.1.1, notice is hereby given that the Wildlife and Fisheries Commission hereby declare the 2016/2017 oyster season in Calcasieu Lake and Sabine Lake as follows:

Both the East Side and West Cove portions of the Calcasieu Lake Public Oyster Area as described in R.S. 56:435.1.1 shall open one-half hour before sunrise on November 1, 2016. However, this action shall not supersede public health closures. The following areas shall remain closed for the entire 2016/2017 oyster season:

1. The 2015 Calcasieu Lake West Cove Cultch Plant within the following coordinates:

A. 29 degrees 52 minutes 39.66 seconds

93 degrees 23 minutes 42.14 seconds

B. 29 degrees 52 minutes 28.94 seconds

93 degrees 23 minutes 42.20 seconds

C. 29 degrees 52 minutes 39.60 seconds

93 degrees 23 minutes 31.92 seconds

D. 29 degrees 52 minutes 29.01 seconds

93 degrees 23 minutes 31.92 seconds

2. The 2015 Calcasieu Lake Southeast Side Cultch Plant within the following coordinates:

A. 29 degrees 50 minutes 25.46 seconds

93 degrees 17 minutes 05.83 seconds

B. 29 degrees 50 minutes 19.83 seconds

93 degrees 17 minutes 04.64 seconds

C. 29 degrees 50 minutes 28.52 seconds

93 degrees 16 minutes 51.37 seconds

D. 29 degrees 50 minutes 22.86 seconds

93 degrees 16 minutes 50.19 seconds

3. The Cheniere Reef Artificial Reef Planning Area within the following coordinates:

A. 29 degrees 51 minutes 09.10 seconds

93 degrees 17 minutes 06.96 seconds

B. 29 degrees 51 minutes 09.35 seconds

93 degrees 16 minutes 50.20 seconds

C. 29 degrees 51 minutes 05.33 seconds

93 degrees 16 minutes 46.06 seconds

D. 29 degrees 50 minutes 50.72 seconds

93 degrees 16 minutes 45.78 seconds

E. 29 degrees 50 minutes 50.96 seconds

93 degrees 17 minutes 09.62 seconds

F. 29 degrees 51 minutes 05.56 seconds

93 degrees 17 minutes 09.90 seconds

4. The Sabine Lake Public Oyster Area (as described in R.S. 56:435.1).

During the 2016/2017 Calcasieu Lake oyster season, the following provisions shall be in effect:

1. Any vessel from which any person(s) takes or attempts to take oysters from the Calcasieu Lake Public Oyster Area described above shall be limited to a daily take and possession limit not to exceed 7 sacks of oysters per vessel as provided for in R.S. 56:435.1.1. A sack of oysters for the purposes of this declaration of emergency shall be defined as the size described in R.S. 56:440.
2. If any person on a vessel takes or attempts to take oysters from the Calcasieu Lake Public Oyster Area described above, all oysters contained on that vessel

shall be deemed to have been taken from said public oyster area from the time harvest begins until all oysters are off-loaded dockside.

3. Prior to leaving the Calcasieu Lake Public Oyster Area with oysters harvested from said oyster area: all oysters must be sacked, the number of sacks shall be recorded in a log book, and each sack shall be properly tagged.
4. All vessels located in the Calcasieu Lake Public Oyster Area during those times between one-half hour after sunset and one-half hour before sunrise shall have all oyster dredges unshackled.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered; and,
2. Adjust daily take and/or possession limits as biological or enforcement data indicate a need; and,
3. Reopen an area previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Prior to any action, the Secretary shall notify the Chairman of the Wildlife and Fisheries Commission of his intention to make any or all of the changes indicated above.

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

---

Chairman, LWFC



**Louisiana Wildlife and Fisheries Commission Meeting**  
*Louisiana Room | LDWF | November 1, 2016*

### National Fishing Enhancement Act of 1984

- Directed the Secretary of Commerce to develop:
  - National Artificial Reef Plan
    - Fisheries management tool
  - Involvement of state natural resource agencies
    - Ensure compatibility with fisheries management
    - In state and federal waters
    - Ability to assume long-term liability



### The Louisiana Fishing Enhancement Act (1986)

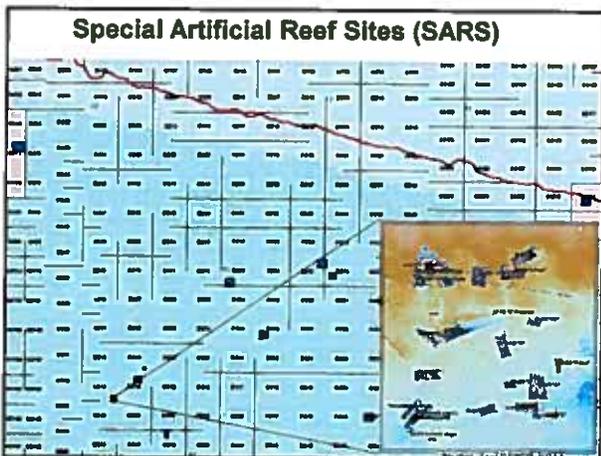
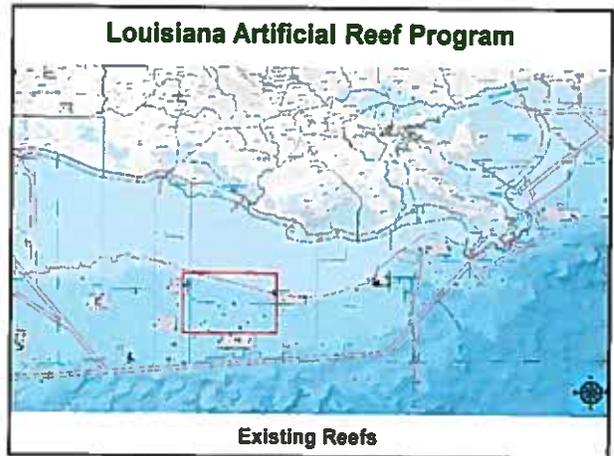
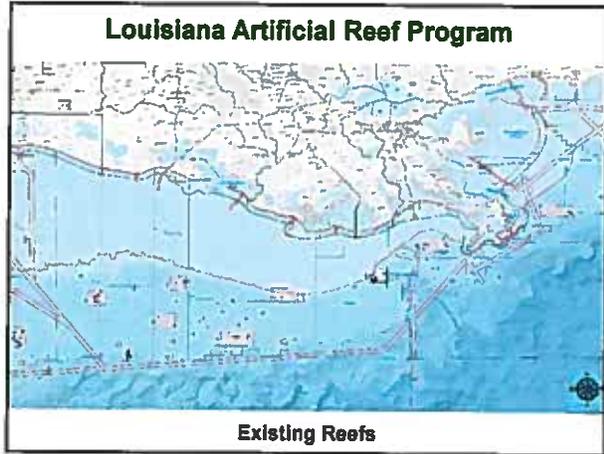
- Created the Artificial Reef Program within the Department of Wildlife and Fisheries
- Required an Artificial Reef Plan to be written (1987)
- Established the Artificial Reef Trust Fund
- Formed the Artificial Reef Council
  - Department of Wildlife and Fisheries
  - School of the Coast and Environment
  - Louisiana Sea Grant Program



### Artificial Reef Council

- Empowered by LFEA to oversee development and implementation of Artificial Reef Plan
- Decisions for "outside the box"
  - Amendment II: SARS
  - Amendment III: Deepwater Reefs
  - Each SARS proposal
- Recommendations for Artificial Reef Trust Fund





### Existing SARS Criteria

- Qualifying criteria (must meet *one or more* of the following):
  - Historical or biological significance
  - Cooperative effort with LARP
  - Contains ship wrecks and other derelicts
  - Integral part of LARP or demonstration project



**Existing SARS Criteria**

- **Mandatory criteria (must meet *all* of the following):**
  - Benefit commercial or recreational fishing or provide fish habitat
  - Removing material would have negative impact on fish
  - Does not pose a threat to navigation
  - **Does not occupy currently trawlable bottom**
  - Overall positive impact on other user groups
  - For every SARS created, an equal area of Planning Area will be removed (Blocks: MP-145, MP-272, MP-273, 55-228)
    - SARS acreage=6792; removed PA acreage=23,040
  - Free of hazardous material



**SARS—Established and Permitted**

Reef Site Name	Reef Status	Name of Hurricane
East Cameron 322	Established	Rita 2005
Eugene Island 175	Established	L0 2002
Eugene Island 176	Established	L0 2002
Eugene Island 176	Established	Rita 2005
Eugene Island 200	Established	Rita 2005
Eugene Island 200	Established	L0 2002
Eugene Island 210	Established	*Curtain 1979*
Eugene Island 210	Established	Rita 2005
Eugene Island 223	Established	L0 2002
Eugene Island 224	Established	L0 2002
Eugene Island 224	Established	Rita 2005
<b>Grand Isle</b>	<b>Established</b>	
Abaco Pass 243	Established	George 1998
Ship Shoal 260	Established	George 2005
South Marsh Island 300	<b>Established</b>	<b>Rita 2005</b>
South Thimblebar 301	<b>Established</b>	<b>Rita 2005</b>
South Thimblebar 301	Established	George 2005
Vermilion 256	Established	Laura 2000
West Delta 100/100	Permitted	Laura 2000
West Delta 117	Established	George 2005
West Delta 126	Permitted	George 2005
West Delta 126	Established	Dolly 1995

**Bureau of Safety & Environmental Enforcement (formerly MMS)**

- **2009 Rigs-to-Reef Policy Addendum (MMS 2000-073)**
  - In Response to 2005 Hurricanes
  - Supports and encourages reuse of obsolete oil & gas facilities
  - Effective SARS moratorium
- **2013 Interim Policy Document (IPD No. 2013-07)**
  - Lifted SARS moratorium
  - No toppled platforms



**Rigs to Reef Conversions**



**What we are asking ARC to consider:**

- Lifting the SARS moratorium
- Adding a restriction against reefing toppled structures to Amendment II
  - Consider subtracting areas with *higher shrimp trawl effort* from Planning Areas
- The Program's role:
  - 30 day public comment period
  - Scheduling meetings with user groups
    - Answering questions
    - Concerns
    - Suggestions
- ARC Meeting to be scheduled by end of year





LOUISIANA ARTIFICIAL REEF PLAN

Charles A. Wilson  
Coastal Fisheries Institute  
Center for Wetland Resources  
Louisiana State University

Virginia R. Von Sickle  
David L. Pope  
Louisiana Geological Survey  
Louisiana State University

Louisiana Department of Wildlife and Fisheries  
Technical Bulletin No. 41

produced by  
The Louisiana Sea Grant College Program

November 1987

CONTENTS

	PAGE
LIST OF FIGURES . . . . .	v
EXECUTIVE SUMMARY . . . . .	vii
LIST OF ABBREVIATIONS USED . . . . .	xiii
OVERVIEW . . . . .	1
Introduction . . . . .	1
Other Artificial Reef Programs . . . . .	2
U.S. Programs . . . . .	2
Japanese Program . . . . .	5
Need for a Louisiana Artificial Reef Plan . . . . .	5
Demonstration Projects . . . . .	7
Authority: The Louisiana Fishing Enhancement Act . . . . .	7
SITE SELECTION . . . . .	9
Exclusion and Inclusion Mapping . . . . .	10
Geologic and Engineering Criteria . . . . .	11
Nonproprietary Mapping Sources . . . . .	12
TMS . . . . .	12
MGDC . . . . .	12
DNR . . . . .	13
Other data sources . . . . .	13
Proprietary Data Sources . . . . .	13
RMS . . . . .	13
Offshore operators . . . . .	14
Other data sources . . . . .	14
Data Collection and Correlation . . . . .	14
User-Group Preferences . . . . .	15
Analysis of User-Group Patterns . . . . .	15
Neuhaden and Shrimp Industry Preferences . . . . .	16
Artificial Reef Planning Areas . . . . .	17
Public Hearings . . . . .	17
Phase I Sites . . . . .	20
Phase II Sites . . . . .	20
PERMITTING . . . . .	23
Primary Agencies . . . . .	23
U.S. Army Corps of Engineers . . . . .	23
U.S. Coast Guard . . . . .	26



This publication was produced by the Louisiana Sea Grant College Program, a part of the National Sea Grant College Program maintained by NOAA, U.S. Department of Commerce, and by the state of Louisiana.

CONTENTS (Continued)

	PAGE
Distance from navigation fairways . . . . .	28
Overall diameter of the reef complex . . . . .	28
Buoy identification . . . . .	29
Waiver of marking requirements . . . . .	32
Other Affected Agencies . . . . .	32
EPA Authority . . . . .	33
Secretary of Commerce Authority . . . . .	33
USFWS and NMFS Authority . . . . .	34
NPS Authority . . . . .	34
Department of Defense Authority . . . . .	35
MMS Authority . . . . .	35
DNR Authority . . . . .	35
Permit Application and Processing . . . . .	35
IMPLEMENTATION . . . . .	39
Procedures . . . . .	39
Roles of Primary Participants . . . . .	41
ACKNOWLEDGMENTS . . . . .	45
REFERENCES CITED . . . . .	47
APPENDIX I: Members of the Louisiana Artificial Reef Initiative . . . . .	53
APPENDIX II: National Fishing Enhancement Act . . . . .	57
APPENDIX III: The Louisiana Fishing Enhancement Act . . . . .	69
APPENDIX IV: Coordinates of Artificial Reef Planning Areas, Offshore Louisiana, Phase I . . . . .	83
APPENDIX V: Federal Regulations for Permitting Artificial Reefs . . . . .	87
APPENDIX VI: Permit Application Procedures Published in the National Artificial Reef Plan . . . . .	97
APPENDIX VII: Donation Agreement for Louisiana Artificial Reef Plan . . . . .	125

LIST OF FIGURES

Figure		Page
1	Offshore Louisiana artificial reef planning areas (Phase I) . . . . .	18
2	South Marsh Island (146) planning area . . . . .	19
3	Typical permit review process of the U.S. Army Corps of Engineers . . . . .	24
4	U.S. Coast Guard buoying requirements for artificial reefs . . . . .	30

EXECUTIVE SUMMARY

The development of the oil and gas industry in the Gulf of Mexico resulted in the creation of this country's most extensive artificial reef system. Over 90% of the 4,000 mineral mining structures in the United States coastal waters are located off Louisiana's coastline. Since the first platform went into place in 1947, fishermen of Louisiana and bordering states have recognized the fishing value associated with this industry, and such structures are currently the destination of over 75% of all recreational fishing trips originating in Louisiana. For over 40 years, Louisiana fishermen have benefited from the increased biological activity associated with this unintentional artificial reef habitat.

Since three platforms are so commonplace off the Louisiana coast, many citizens and management groups believe that they are permanent and will always be available for fishing. This is, however, not the case. Already, 470 structures are estimated to have been removed from coastal Louisiana, and by the year 2000, over 40% of the remaining oil and gas structures in the Gulf of Mexico could be removed. This would represent a major loss to Louisiana fishermen.

It was, therefore, imperative that Louisiana recognize this potential loss of habitat and plan to offset it by either creating new artificial reefs or preserving existing structures. Many U.S. states and Japan already have artificial reef programs. Louisiana can profit from the mistakes and successes of these other programs and build what could become one of the largest artificial reef programs in the United States.

The National Fishing Enhancement Act of 1984 (Public Law 98-623) established national standards for the development of artificial reefs, called for the creation of a national artificial reef plan, and established guidelines for creating artificial reefs in state and federal waters. In response to this federal act, the Louisiana Artificial Reef Initiative (LARI) combined the talents of university, state, federal, and industry representatives to develop an artificial reef program for Louisiana. As a result of their efforts, the Louisiana Fishing Enhancement Act (Act 100) became law during the 1986 regular legislative session. The Louisiana Artificial Reef Plan, mandated by Act 100 and prepared under the guidance of LARI, outlines steps for implementing the legislation that created the Louisiana Artificial Reef Program in 1986.

The Louisiana Artificial Reef Plan contains the rationale and guidelines for implementation and maintenance of a state artificial reef program. Intended to serve as a flexible working document, it will be periodically updated through the Louisiana Artificial Reef Council on the basis of the results of operation. The Artificial Reef Council consists of the Secretary of Wildlife and Fisheries, who is responsible for administration of the program, along with the Dean of the Center for Wetland Resources, and the Director of the Louisiana Geological Survey at LSU, which provides technical support.

Following a lengthy process of site selection described in the plan, the Council approved seven artificial reef planning areas off the Louisiana coast. These seven areas were presented at public hearings in Chalmette, Houma, and Lake Charles and then discussed with representatives of the shrimp industry in Lafitte and Galliano. To accommodate the user

viii

Pursuant to the Louisiana Fishing Enhancement Act, three entities are the primary participants in the Louisiana Artificial Reef program: the Louisiana Department of Wildlife and Fisheries, the Louisiana Geological Survey, and the Center for Wetland Resources at Louisiana State University. As stated in the Louisiana Fishing Enhancement Act, the Department of Wildlife and Fisheries will administer and enforce the program. The Department will plan and review permit applications with the advice of the Center for Wetland Resources and the Louisiana Geological Survey. The Department will also oversee the maintenance and placement requirements of artificial reefs and develop additional technical information needed to carry out the program. In addition, the Department will be responsible for promoting public awareness of the program by cooperating with sportsman's groups and the media, publishing reef maps, and conducting other public-information activities.

The Louisiana Geological Survey will provide geological and geotechnical support for siting reefs through evaluation and interpretation of available geologic data. This data will be used to identify geologic hazards and determine sediment type and suitability. The Survey will assist the Department by coordinating federal and state permitting procedures and other activities and will develop engineering criteria for the placement of artificial reefs in cooperation with the offshore operators or other parties donating the reef materials.

The Center for Wetland Resources at Louisiana State University will provide technical support to the Department for program development. The Center shall prepare, update, and provide the Department with technical, biological, and operational criteria for site selection and development

x

groups' preferences, the Council added an eighth area and slightly modified the locations of two others. The eight areas will be used in Phase I of Louisiana's Artificial Reef Program.

Permitting guidelines for artificial reefs are outlined in the National Artificial Reef Plan and summarized in this state plan. The U.S. Army Corps of Engineers is the primary agency permitting the establishment of artificial reefs. The state must file an application with the Corps, who will then notify other federal and state agencies about the application. In addition to filing for a Corps permit, the state must also acquire a permit from the U.S. Coast Guard authorizing the use of aids to navigation. Depending on the location and depth of water, different types and sizes of buoys are required. As part of the state permitting process, the Coastal Management Division of the Louisiana Department of Natural Resources will review artificial reef permit applications to determine their consistency with the state plan.

The state plan has been approved by the Louisiana Senate and House Natural Resources Committees and will be implemented under the leadership of the Louisiana Department of Wildlife and Fisheries.

Materials for use as artificial reefs will be accepted and their placement within reef planning areas determined on a case-by-case basis by the consensus of the Louisiana Artificial Reef Council. Artificial reef complexes will be established within each reef planning area on the basis of the best available information regarding bottom type, currents, bathymetry, and other factors affecting performance and productivity of the reefs. Precise design and location of the reef complex will also depend upon the physical dimensions of the donated materials.

xi

and assist the Department in preparing permit applications for artificial reefs. The Center will develop a biological monitoring program to help evaluate existing artificial reefs and improve them for future development. In addition, the Center will evaluate reef potential and design and update exclusion mapping as necessary.

Louisiana is in the enviable position of having over 3,500 artificial reefs adjacent to its coastline. Through the implementation of this plan, Louisiana can maintain a portion of this valuable fisheries habitat for future generations.

xii

LIST OF ABBREVIATIONS USED

COE	U.S. Army Corps of Engineers
CWR	Center for Wetland Resources, Louisiana State University
DNR	Louisiana Department of Natural Resources
EPA	U.S. Environmental Protection Agency
LARI	Louisiana Artificial Reef Initiative
LDWF	Louisiana Department of Wildlife and Fisheries
LGS	Louisiana Geological Survey, Louisiana State University
LSU	Louisiana State University
MMS	Minerals Management Services
NFEA	National Fishing Enhancement Act
NGDC	National Geophysical Data Center
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollution Discharge and Eliminations System
NPS	National Park Service
OCS	Federal Outer Continental Shelf
USFWS	U.S. Fish and Wildlife Service

iii

OVERVIEW

Introduction

Commercial and recreational fishermen of Louisiana and bordering states have long recognized the fishing value of oil and gas production platforms. By late 1983, 4,056 such platforms were located in the state and federal waters of the Gulf of Mexico, and over 90% of these were off Louisiana. Over the past 40 years, Louisiana's citizens have benefited financially from this offshore industry and enjoyed and profited from the increased biological activity associated with oil rigs (Claverie 1982; National Research Council 1985).

Soon after the first production platforms were installed off Louisiana in the late 1930s, fishermen noticed that they attracted fishery resources. Currently, oil and gas structures are estimated to be the destination of up to 75% of all fishing trips off Louisiana. Commercial shrimpers and hook-and-line fishermen report higher catches near structures, and sport divers also enjoy the resources associated with this habitat (Byrd 1983; Caldwell 1982; Dimitroff 1982; Dugas et al. 1979; Horst and Hialjevich 1985; Roberts and Thompson 1983; U.S. Dept. Commerce 1980).

Since these platforms are so commonplace in coastal Louisiana, many citizens and management groups believe that they are "permanent" and will always be available for fishing. This is, however, not the case. Already, 470 structures are estimated to have disappeared from Louisiana's coast, and by the year 2000, 40% (1,625) of the oil and gas structures in the Gulf of Mexico will have been removed (Lee 1985). Unfortunately, the most popular fishing platforms, those within 25 miles of shore, are where the oil and gas fields are being rapidly depleted and have the shortest remaining life expectancies. Of the 1,625 structures scheduled

for removal, 1,500 are in water depths of less than 100 feet (Collier 1984; Dutton and Graefe 1978; Lee 1985; National Research Council 1985).

It was, therefore, imperative that Louisiana recognize this potential loss and plan to offset it either by creating new artificial reef habitats or by preserving those that already exist. Proper investment in resource management is crucial to maintaining and improving the economic contributions of fisheries associated with these structures. For these reasons, the Louisiana Artificial Reef Initiative (LARI) (Appendix I), consisting of university, state, federal, and industry representatives, was formed in 1985 to develop an artificial reef program for Louisiana.

This document, prepared under the guidance of LARI, sets forth a plan for implementing the legislation that created the Louisiana Artificial Reef Program in 1986.

Other Artificial Reef Programs

U.S. Programs

Since 1979, various state, federal, and private groups have documented how offshore oil and gas platforms have positively affected recreational and commercial fishing and scuba diving. The Minerals Management Service (MMS), Sea Grant College Program, and various state agencies throughout the United States have gathered information on user groups, fishing value and incidental benefits, and legal, economic, and technical aspects of artificial reef development (Asks 1981; Barrett 1984; Bertrand 1984; Bohnsack and Sutherland 1985; Bockstail et al. 1985; Buckley et al. 1985; Culjunga and Stone 1974; Dutton and Falk 1981; Lee 1985; Mottet 1982; Radzinski 1983; Richards 1973; Roberts and Thompson 1983; Sport Fishing Institute 1980, 1985; Stanton et al. 1985; Stone 1982; Sullivan 1984).

On November 8, 1984, President Reagan signed Public Law 98-623, the National Fishing Enhancement Act of 1984 (NFEA). This act mandated the development of a national artificial reef plan (Appendix II). Introduced by Congressman John Breau of Louisiana, this law's purpose is to "promote and facilitate responsible and effective efforts to establish artificial reefs in waters covered under this title." The NFEA mandates that the Secretary of Commerce and other support groups develop a long-term plan. Artificial reefs are "to be sited and constructed and subsequently monitored and managed in a manner which will: enhance fisheries resources; facilitate access by both commercial and recreational fishermen; minimize conflicts among competing users; and, minimize environmental risks to personal health and property" (Section 203). In summary, the NFEA establishes national standards for the development of artificial reefs; calls for the creation of a national artificial reef plan under the leadership of the Department of Commerce, and provides for a government-coordinated, national permitting system for artificial reefs under the U.S. Army Corps of Engineers (COE). Particularly important to this program is Section 205 of the NFEA, which delineates and limits liability of the permittee and donors of materials used for artificial reefs.

In response to the NFEA, a national artificial reef plan was drafted, circulated for public review, and presented to Congress. The plan provides guidance for planning, siting, constructing, permitting, installing, monitoring, managing, and maintaining artificial reefs. It encourages states to become involved in planning and developing artificial reefs within and seaward of state jurisdictions. Although the national plan does not provide federal funding, it clearly supports and encourages the development of artificial reefs (Stone 1985).

Between 1981 and 1983, Washington state allocated \$3.7 million for 14 artificial reefs and three new fishing piers. Washington's program continues to enjoy strong government support (Bohnsack and Sutherland 1985).

#### Japanese Program

Japan has by far the most impressive artificial reef program, on which it spends millions of dollars per year. Japan's artificial reefs are designed for either aquaculture or commercial fishing. In most cases, the national government funds 50%-70% of the construction costs, and local prefecture or private groups fund the remainder. The Japanese develop different types of artificial reefs, depending on the species they wish to attract. They have made much of their information available to artificial reef proponents in the United States. Japanese experts consider oil and gas structures ideal reef materials very similar to the fabricated structures the Japanese spend a great deal of money to build (Bohnsack and Sutherland 1985; Mattet 1982; Sheehy and Vik 1982).

#### Need for a Louisiana Artificial Reef Plan

Louisiana needs an artificial reef program and plan because

1. The inevitable removal of the oil and gas structures Louisiana fishermen presently utilize will result in the loss of recreational and commercial fishing opportunities.
2. Other states are willing to receive retired Louisiana structures.
3. User-group conflicts could increase if fishery habitat decreases.

Many coastal states already have well-developed artificial reef programs. These programs have used many different types of materials to create reefs, including rocks, cars, tires, trees, bridge rubble, boats, buoys, and oil and gas structures. South Carolina, whose first documented artificial reef was initiated by a private individual in the early 1800s, has numerous state-supported artificial reefs both inshore and offshore. In 1973, South Carolina formally established an artificial reef program within the Recreational Fisheries Branch of the Department of Marine Resources, and the state has been the permittee for all subsequent structures (Asks 1981; Artificial Reef Development Center 1985; Barrett 1984; Schmieel 1983; Sport Fishing Institute 1985).

Florida has developed an active program sponsored by state, county, and private organizations. Over 140 artificial reefs composed of a variety of available material have been established in state waters. Recently, the state and some local groups have expressed a willingness to acquire and help bear the expense of moving oil and gas structures, as they are retired, from the coast of Louisiana to Florida (Barrett 1984b; Bohnsack and Sutherland 1985; Stone 1979).

Alabama's artificial reef program began in 1953 as a cooperative program between state and private interests. Although the program lost momentum in 1979, it has since been revitalized. Alabama now has several liberty ships and at least one oil and gas structure located off its coast and is interested in obtaining additional oil and gas structures for future reefs. Alabama received an artificial reef permit for a 300-square-mile area in 1987. Mississippi, Alabama, and Texas together have another 25 permitted artificial reefs composed of various materials (Swingle 1983).

4. The loss of existing oil and gas structures could lead to a reduction in current charter-boat operations, as well as potential tourism and coastal development opportunities.
5. Haphazard and uncoordinated siting of artificial reefs would seriously impact Louisiana's net fisheries and others to whom unmarked bottom obstructions would pose a hazard.

The National Research Council's recent study on disposition of oil and gas structures indicates that an average of 100 oil and gas platforms are scheduled for removal from U.S. waters each year for the next 15 years (Lee 1985). By the year 2000, approximately 40% of all existing structures offshore of Louisiana will become unproductive; under present FMS regulations, they must then be removed (Lee 1985; National Research Council 1985).

Loss of Louisiana's oil and gas structures could have several adverse consequences. These consequences could include a significant decrease in recreational and commercial fishing and thus a potentially negative economic impact on coastal communities. Fishermen might shift their efforts from offshore to the already stressed inshore fishery stocks, leading to greater competition and conflict between user groups.

Loss of existing oil and gas structures could also affect the charter-boat industry along the coast. Likewise, without a well-planned program for artificial reef development, the state will not share in potential increases in tourism and charter-boat fishing promoted by other states with artificial reef programs (Hardison 1982).

### Demonstration Projects

Several demonstration projects supported by the oil and gas industry have heightened interest in the use of oil and gas structures as artificial reefs:

- In 1980, Exxon towed a 2,200-ton submerged production system structure 300 miles from the Louisiana coast to a preselected site permitted by the Florida Department of Natural Resources.
- In 1982, a Tenneco structure was removed from the coast of Louisiana, towed 275 miles, and placed off of the coast of Pensacola, Florida, approximately 22 miles from the coastline (Bohneck and Sutherland 1985; Ditton and Falk 1981; Frishman 1982).
- In 1983, Marathon Oil Company towed a 1,650-ton oil platform 220 miles from the coast of Louisiana to an artificial reef site 50 miles south-southeast of Mobile Bay off of Alabama. The Alabama Department of Conservation and Natural Resources was the permit recipient for this project.
- On October 2, 1985, two Tenneco structures were towed 920 miles from Louisiana to a site 1.5 miles off of Dade County, Florida.

### Authority: The Louisiana Fishing Enhancement Act

The first step in providing authority for a Louisiana program was to enact enabling legislation. The Louisiana Fishing Enhancement Act (Act 100-1986), signed into law on June 25, 1986 (Appendix III), provides for the following:

1. Establishment and administration of the Louisiana Artificial Reef Development Program

### SITE SELECTION

Proper development and implementation of an artificial reef program for Louisiana requires an understanding of the legal, technical, social, and economic aspects of developing and maintaining artificial reefs in state and federal waters off Louisiana.

Provisions of the plan are applicable to all territorial waters and the Exclusive Economic Zone (EEZ) off the coast of Louisiana to the international boundary. In effect, this area comprises the zone defined by extending the eastern and western boundaries of the state to the international boundary.

This plan provides guidance for artificial reef development in both state and federal waters. One intent of the plan is to help prevent haphazard construction of artificial reefs; all Louisiana artificial reefs should be developed consistent with this plan. To accomplish this, LAMI delineated planning areas on the basis of a combination of exclusion mapping and site-selection screening described below. Any additional planning areas added in subsequent phases of the program will be selected through a similar process.

The Louisiana Artificial Reef Plan uses the following terms:

Reef planning area. Planners used exclusion and inclusion mapping to outline the perimeters of general areas within which artificial reefs will be located. Within a reef planning area will be located complexes composed of reef units.

Artificial reef complexes. An aggregation of artificial reef units planned and placed within an artificial reef planning area constitutes an artificial reef complex. The space left between artificial reef units and the sizes of artificial reef complexes

2. Creation of the Louisiana Artificial Reef Council, consisting of the
  - Secretary, Louisiana Department of Wildlife and Fisheries (Chairman)
  - Dean, Center for Wetland Resources, Louisiana State University
  - Director, Louisiana Geological Survey
3. The roles of the Louisiana Department of Wildlife and Fisheries, the Center for Wetland Resources, the Louisiana Geological Survey, the Louisiana Sea Grant College Program, and the Louisiana Artificial Reef Initiative
4. Establishment of the Artificial Reef Development Fund to provide monies for program development, operation, and research
5. Development of the Louisiana Artificial Reef Development Plan and its legislative approval (this document)
6. Establishment of the state of Louisiana as the permittee for artificial reefs developed under the plan and appointment of the Louisiana Department of Wildlife and Fisheries as agent for the state
7. Relief of the state, donors, and other participants in the program from liability, provided the terms and conditions of the federal artificial reef permits are met

The Louisiana Artificial Reef Plan contains the rationale and procedures for the implementation and maintenance of the state artificial reef program. The plan is intended to serve as a flexible working document that will be periodically updated through the Council on the basis of the results of operation.

will be determined on a case-by-case basis. However, the area of an artificial reef complex generally will not exceed 0.75 mile on each side. If the side of a complex is limited to less than 0.75 mile, the Coast Guard will require only a single buoy in or near the center of the complex. The artificial reef complex will be the site designated in an artificial reef permit.

Artificial reef unit. A set of structures planned and placed at a specific site within an artificial reef complex constitutes an artificial reef unit. A permit application to the COE for an artificial reef site should include a description of several artificial reef units. It is anticipated that completed artificial reef units will be composed of five to six oil and gas structures.

The artificial reef plan for Louisiana includes three categories of reef development: (1) reefs for recreational fishing established within a 25-mile radius of the popular boat landings and facilities of Louisiana, (2) reefs to help promote and enhance recreational and commercial fishing and sport diving between 25 and 75 miles offshore in depths of 200-400 feet, and (3) reefs established to provide deep-water sanctuaries for important marine fishes.

### Exclusion and Inclusion Mapping

The selection of the artificial reef planning areas identified for Phase I of the state program began with exclusion mapping efforts that eliminated areas in which reefs could not be established for a variety of reasons. Planners utilized a series of Gulfwide exclusion maps developed by the Sport Fishing Institute that provide information on population

centers, areas used as navigation fairways, and bottom type (Myatt and Ditton 1986). Personnel at Louisiana State University (LSU) developed more detailed maps showing the locations of fishing grounds, bottom obstructions, muddy areas, slide-prone areas, and present oil and gas exploration activities. Such areas include navigation fairways, travelable bottoms traditionally used by the commercial fishing industry, pipeline corridors, restricted military zones, existing live bottom areas (e.g., coral reefs), and other areas that are unsuitable for reefs because of bottom type and hydrological conditions (Christian 1984; D'Itri 1985; Myatt 1985; Sport Fishing Institute 1985; Swingle 1985). A collection of well maps incorporating the results of exclusion mapping is available at the LSU Center for Wetland Resources.

#### Geologic and Engineering Criteria

Before obsolete oil and gas platforms and other "materials of opportunity" can be sited as artificial reefs offshore of Louisiana, natural (geologic) and man-made features must be identified and evaluated so that their possible impacts on the stability or function of artificial reefs can be assessed. Geologic and man-made features, commonly referred to as "hazards," are identified and assessed from data acquired through a variety of geophysical surveys that provide a comprehensive acoustical picture of the seafloor morphology and the underlying shallow stratigraphy and structure. The seafloor and subbottom data obtained from geophysical surveys may be correlated directly with the surface and subsurface geologic and engineering properties of reef-site sediments obtained by bottom sampling, geotechnical borehole measurements, and core analysis. Combined with data from computerized ship navigation, the geophysical and geotechnical data provide accurate geologic information on the seafloor

11

reports; bathymetric data; magnetic data; numerous logs of cores, grab, and dredged samples; and geotechnical borings.

DNR. Nonproprietary data available from the Louisiana Department of Natural Resources (DNR) include latitude/longitude coordinates and well-status information for drilling and production facilities in Louisiana territorial waters. This information will be used to prepare location maps showing where "shell pads" were utilized to prevent drilling barges and production facilities from sinking into the soft, muddy sediments. The firm substrate offered by the shell pads has proved to be an effective fish attractor in an otherwise soft-bottom environment. The shell-pad location maps will be prepared for use by nearshore and inland fishermen.

Other data sources. Additional nonproprietary data available include published research papers, technical reports, and other publications, as well as detailed bathymetric and seafloor morphologic and sediment maps.

#### Proprietary Data Sources

MMS. In addition to nonproprietary data, MMS files also archive proprietary data. Although these data may not be released without the permission of the respective offshore operators, they may be inspected by authorized representatives of the state. These data are required of the offshore operators to ensure compliance with federal regulations concerning exploration, development, and construction on the outer continental shelf. Proprietary data archived at MMS include high-resolution and deep-penetration geophysical data, geotechnical borings and technical reports, and archeological, hazard, and pipeline side-scan sonar and magnetometer surveys and technical reports. The proprietary data at MMS can be used as a supplementary data base for those lease blocks within

13

and subbottom that can be used to identify geologic and man-made hazards (Ploessel and Campbell 1980; Souma 1981; Prior 1984; Prior and Coleman 1984).

Numerous high-resolution geophysical surveys and geotechnical borings and cores have been obtained offshore of Louisiana by federal agencies, universities, other research institutions, and private industry. These data have been obtained (1) to assess strategic minerals and other resources on the continental shelf, (2) to identify areas on the continental shelf of potential archeological significance, (3) to assess geologic engineering hazards to platform and pipeline installation for oil and gas exploration and development, and (4) to further geologic and oceanographic research projects. Although most of this data is proprietary, a considerable portion is within the public domain. Sources of proprietary and nonproprietary data identified for the proposed artificial reef planning areas are described below.

#### Nonproprietary data sources

MMS. Nonproprietary geophysical, geologic, and cartographic data available from the MMS in New Orleans include high-resolution geophysical data with survey trackline maps and technical reports, offshore area/lease block maps, bathymetric maps, pipeline and platform location maps, numerous technical reports and environmental impact statements, and visuals (various maps that illustrate bottom sediment type, oceanographic currents, shrimp trawling areas, etc.).

NGDC. Nonproprietary geophysical and geologic data available from the National Geophysical Data Center (NGDC) in Boulder, Colorado, include high-resolution geophysical data with survey trackline maps and technical

12

artificial reef planning areas for which no nonproprietary data is available.

Offshore operators. Numerous offshore operators engaged in oil and gas exploration and development on the Louisiana continental shelf have obtained large quantities of high-resolution geophysical data; geotechnical borings and cores; archeological, hazard, and pipeline surveys; and platform and pipeline location maps. Proprietary data will generally be requested from participating offshore operators who have leases for blocks within the proposed artificial reef planning areas for which nonproprietary data is not available.

Other data sources. Additional "nonexclusive" proprietary geophysical data from several geophysical surveying companies are also available for certain areas offshore of Louisiana, although these data are generally rather expensive. Also, atlases of the seafloor sediments and their general engineering properties offshore of Louisiana have been published by McClelland Engineers and are available for purchase.

#### Data Collection and Correlation

Once the data are identified and located through the procedures outlined above, copies are made or purchased. The geophysical and geotechnical data are used to compile information on the geologic and man-made hazards on the seafloor that must be avoided. Features mapped from the geophysical, geotechnical, and cartographic data that are considered "hazards" include faults, gas pockets and vents, sediments of low bearing capacity, irregular and steep seafloor topography, active and relic channels, scarps, salt diapirs, natural reefs, pipelines, platforms, sub-sea production facilities, unstable areas on the seafloor susceptible to landslides (i.e., Mississippi delta region), and others. Planners use

14

these maps to determine the most suitable sites for artificial reefs within the proposed planning areas.

Once a suitable site is selected and materials identified, a placement pattern/design is constructed that will optimize both stability and habitat-enhancement goals (Sport Fishing Institute 1985).

#### User-Group Preferences

Analysis of User-Group Patterns. The use patterns of recreational fishermen, commercial fishermen, and sport divers were analyzed in an effort to select areas that participants in the artificial reef program would prefer. Several available sources of data document user-group patterns. The Sport Fishing Institute published a document that explains exclusion mapping to maximize artificial reefs for recreational fishermen in the Gulf of Mexico (Myatt and Ditton 1986). This report discusses recreational user-group patterns in four population centers--New Orleans, Houma, Lafayette, and Lake Charles. It lists the locations of public boat launches, numbers of boats in the areas, and water-depth patterns offshore at these respective population centers. In general, Myatt and Ditton (1986) report that recreational fishermen are willing to travel some 25 miles from their departure points. This finding is based on boat size, fuel consumption, and phone interviews of recreational fishermen.

In a separate study, the NMS collected data from offshore petroleum platform operators (Ditton and Auyang 1984). Operators on the platforms were given questionnaires concerning the types of boats, number of fishermen, and types of fish being caught off various structures. Analysis of these data confirms the Myatt and Ditton finding that, in general, recreational fishermen fished an average of 25 miles from shore. Average distance from shore varied by region from 29 miles on the western

side of the state to 12 miles off the New Orleans area. The NMS study revealed a similar pattern for charter fishermen, scuba divers, and commercial fishermen, although these groups were willing to go farther offshore than recreational fishermen. The NMS study found that, in general, charter fishermen were willing to go 16-40 miles offshore, scuba divers 19-47 miles offshore, and commercial fishermen 23-72 miles offshore.

Menhaden and shrimp industry preferences. In assessing user-group data, planners also had to consider both the menhaden and shrimp fisheries off Louisiana. Menhaden industry representatives reported that they operate generally within 5-10 miles of shore fairly uniformly along the coast. However, they indicated that if the state wished to place artificial reefs within this range of the shoreline, they would help the Council select specific sites not heavily fished during the menhaden season.

Representatives of LARI also consulted with members of the shrimp industry. The Louisiana Cooperative Extension Service coordinated two meetings in Lafitte and Galliano between shrimp fishermen and council members. Shrimping industry representatives indicated that in general they had no objections to the Louisiana Artificial Reef Program if they were involved in the specific site-selection process. After reviewing the proposed sites shown in Figure 1, the shrimping representatives provided specific input concerning which areas within these sites would be acceptable. Future siting activities should include immediate contact with the shrimping industry through the marine advisory service of the Louisiana Cooperative Extension Service.

In general, shrimpers strongly preferred that artificial reefs and reef complexes be sited where existing structures are located. Interestingly, shrimpers will drag to within 0.25 mile of a structure because

these areas tend to be more productive. We anticipate that most, if not all, artificial reefs will be placed in areas where oil and gas structures and other obstructions now exist.

#### Artificial Reef Planning Areas

Site selection for Louisiana's Artificial Reef Program will occur in multiple phases. Upon completion of the exclusion and selection mapping, the sites most suited for reef construction during Phase I were identified (locations listed in Appendix IV; Figures 1 and 2). These selections were based on the best available scientific information and comments obtained from user groups, the oil and gas industry, and other federal and state agencies.

#### Public Hearings

Public hearings were held at the following times and locations to obtain additional information concerning user-group preferences for reef sites:

Houma: February 26, 1987  
7:30 p.m., East Park Recreation Center

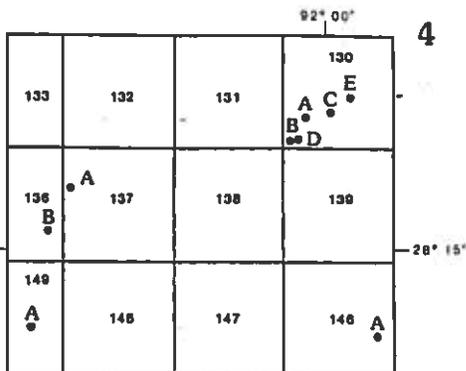
Chalmette: March 3, 1987  
7:30 p.m., Police Jury Meeting Room  
St. Bernard Police Jury Office  
Government Complex

Lake Charles: March 9, 1987  
7:30 p.m., Police Jury Meeting Room  
Calcasieu Policy Jury Office  
Government Complex



Figure 1. Offshore Louisiana artificial reef planning areas (Phase I). Reef complexes will not exceed 0.75 square mile in area.





BLOCK	NO.	OPERATOR
130	A	Shell Offshore, Inc.
130	B	Shell Offshore, Inc.
130	C	Shell Offshore, Inc.
130	D	Shell Offshore, Inc.
130	E	Shell Offshore, Inc.
136	B	Conoco, Inc.
137	A	Conoco, Inc.
146	A	Cities Service Co.
149	A	Shell Offshore, Inc.

Figure 2. South Marsh Island (146) planning areas.

As a result of these hearings, the south Timbalier planning area (no. 6, Figure 1) was added off the Fourchon/Timbalier coastline. These hearings also provided detailed and valuable information regarding which specific areas and platforms fishermen preferred. Ideas on the buoying of sites, descriptions of the depth and profile of reef that scuba divers prefer, and many other types of information were obtained at the hearings. Virtually all of the comments obtained supported the concept of an artificial reef plan for Louisiana. Many interest groups felt that a centrally coordinated state plan was critical to preventing artificial reef development from deteriorating into haphazard ocean dumping off the Louisiana coast.

Phase I Sites

For several reasons, Phase I will focus on areas of the federal outer continental shelf (OCS) where water depths are greater than 90 feet. Because the enabling legislation does not provide a state budget for the program, it must develop an independent funding base. This will depend upon oil and gas companies donating a portion of their savings realized through their participation in the program. Therefore, money will have to be generated from the offshore program to fund the development of a nearshore and inshore program. Additionally, the first few years of Louisiana's plan will be a learning process, and slight errors in placement will have less impact in the greater depths of the Phase I areas than they would inshore.

Phase II Sites

Phase II of the program will include the establishment and maintenance of artificial reefs in state waters. Presently, there are still

numerous shell pads, wellheads, and the remains of jackets from inshore oil and gas activities that can provide cores for reef habitats.

The first step in developing the inshore program will be to map all of the inshore obstructions known to exist. The Louisiana Department of Wildlife and Fisheries (LDWF) will publish these maps and provide them to fishermen. The state will next determine which of these obstructions would be most effective as reefs. Whether it would be more valuable to enhance shell pads with more shell or to use concrete rubble and other available materials through the oil and gas industry are among the questions that must be answered.

## PERMITTING

This section presents a general overview of the regulatory authorities involved in permitting artificial reefs. Much of the information was taken from a guide by Richard Christian (1984b) of the Artificial Reef Development Center in Washington, D.C. Christian compiled information for the guide by reviewing existing artificial reef programs and contacting appropriate agency administrators at the regional and national levels.

### Primary Agencies

At least two agencies are directly involved in issuing permits for artificial fishing reefs in federal waters: the COE and the U.S. Coast Guard. These highly decentralized agencies have regional decision-making capabilities, and agency-promulgated rules and regulations are thus subject to interpretation by the regional district authorities. As a result, permits are considered on a case-by-case basis within the agency's legislatively mandated authority. Approval of an application depends on regional or site-specific variables as well as the physical characteristics of the material to be used for reef construction. In some cases, the necessary permits may be obtained within a minimal amount of time (U.S. Dept. Commerce 1985). However, as in the case of the Texas Liberty Ship Reef Program, the permit process may be hindered by unforeseen delays.

### U.S. Army Corps of Engineers

A permit from the COE is the primary certificate of approval for establishing the reef (Figure 3). Applications for these permits are open for review and comment through public notice and notices sent directly to state and federal agencies or concerned private interests at the discretion of the COE district engineer. Several federal agencies

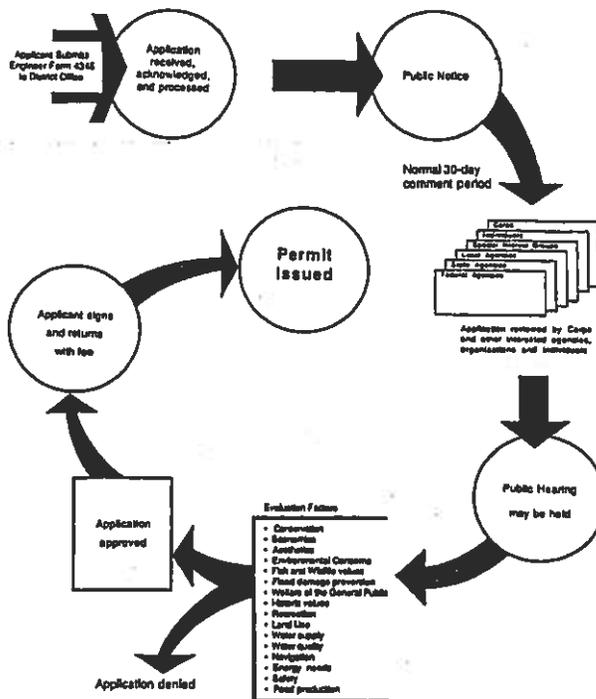


Figure 3. Typical permit review process of the U.S. Army Corps of Engineers (from U.S. Army Corps of Engineers 1977).

may indirectly participate in the permit process through COE solicitation of evaluation and comment. In the territorial sea, state authorization precedes federal approval of applications. Up to 12 federal and state agencies may review a permit application before it is approved. The number and type of reviewing groups, organizations, or agencies varies according to the material to be used and site-specific variables (U.S. Dept. Commerce 1985).

All pertinent information regarding the COE permit program was published in the "Final Rule for Regulatory Program" in the Federal Register, Vol. 51, No. 219, November 13, 1986, under Title 33 CFR, parts 320 through 330 (Appendix V). These rules and regulations incorporate authorities mandated to the COE as set forth in public law. A permit to site a structure to be used as an artificial fishing reef is granted by the COE under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 10 authorizes the COE to prohibit the obstructing or alteration of any navigable waters of the United States. Section 4 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1333[f]) extends this authority to artificial islands and fixed structures on the outer continental shelf (beyond the territorial sea). Hence, a Section 10 permit is required for structures in either the territorial sea or beyond on the outer continental shelf.

Structures placed within the territorial sea must also comply with Section 404 of the Clean Water Act of 1972 (PL 92-500; 33 U.S.C. 1344). Regulations promulgated under Section 404 (33 U.S.C. 1344) require that a COE permit be obtained before dredge or fill material is discharged into any of the navigable waters of the United States and stipulate state

certification of discharge projects. The term "discharge of fill material" is defined in 33 CFR 323.2(1).

States are provided an opportunity to veto COE approvals under Section 401 of PL 92-500 (33 U.S.C. 1251g). State consistency certification is also required under approved Coastal Zone Management programs. This authority stems from Section 307(e)(3) of the Coastal Zone Management Act of 1972 (PL 92-583; 16 U.S.C. 1463).

Much of the authority for administering the COE's permitting process has been delegated to the separate district engineers through 33 CFR 320.1(e)(2).

### U.S. Coast Guard

After the required COE permit is obtained, a reef sponsor must next apply to the U.S. Coast Guard to establish private aids to navigation. The Coast Guard exercises regulatory authority over artificial reef structures to ensure that obstructions in U.S. waters are properly marked for the protection of maritime navigation (this authority is granted the Coast Guard under 43 U.S.C. 1333[e], 14 U.S.C. 81-87, and 33 CFR, parts 64-66). Under 43 U.S.C. 1333(e), the secretary of the department in which the Coast Guard is operating has the authority to "promulgate and enforce such reasonable regulations" with respect to aids to navigation. Further, under 14 U.S.C. 81, the Coast Guard is given authority to establish and maintain a system aiding navigation for commerce and the armed forces. Under 14 U.S.C. 83-85, penalties are prescribed for establishing unauthorized aids to maritime navigation, for interference with aids to navigation, and for failure to comply with the rules and regulations set forth in 33 CFR parts 64 and 66 (Appendix VI).

Most important to reef builders, under Section 86 of 43 U.S.C., the owner of an obstruction is held liable to the United States for the cost of such marking "until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine." Nytt (1984) estimates buoy costs to range from \$300 to \$13,000 and annual maintenance costs to average approximately \$1,000 per year.

Regulatory authority is delegated to the Coast Guard district commander (within the confines of his respective district) under 33 CFR 66.01-3. At the recommendation of the CDE district engineer, the district commander will decide, on a case-by-case basis, if marking is required (33 CFR 64.30) and the type, number, and description of the required markings (Sec. 64.20-1).

Artificial reefs are classified as obstructions to navigation and must be marked in accordance with current U.S. Coast Guard Eighth District "Guidelines for marking submerged artificial structures in the Gulf of Mexico." The following criteria are general guidelines; specific decisions regarding each reef site are made on a case-by-case basis. As part of the permitting process, the reef permit holder is required to use "Private Aid to Navigation Application Form CG-2554" to apply to the Eighth District, U.S. Coast Guard, New Orleans, Louisiana, for approvals for marking each reef site. In general, three factors determine the marking requirements for artificial fishing reefs:

1. distance from navigation fairways
2. diameter of the reef complex
3. minimum clearance between the top of the reef structure and the water surface

27

clearance over the reef structure are not required to have any marker (Figure 4C).

3. Reef complexes extending over 1.0 mile from center with less than 85 feet of water clearance are required to have one lighted, 6-second, yellow, special-purpose buoy on each corner of the reef complex. Additional yellow buoys are to be located at 1.0-mile intervals around the circumference of the reef complex, as determined by the Eighth District, U.S. Coast Guard. Reef complexes with more than 85 feet, but less than 200 feet, of water clearance are required to have one unlighted, special-purpose buoy on each corner of the reef complex. Additional unlighted, yellow buoys are required at 1.0-mile intervals around the circumference of the complex as determined by the U.S. Coast Guard. Reef complexes with more than 200 feet of water clearance over the reef structure are not required to have any marker (Figure 4D).

**Buoy identification.** The Eighth District, U.S. Coast Guard, will assign an identification number to each buoy on the returned copy of the approved "Private Aid to Navigation Application Form (CG-2554)." This assigned number will consist of the letters "FR" (for "fishing reef"), followed by LA (for Louisiana), and an assigned number (e.g., FR-LA-1). Larger reefs requiring more than one buoy will have letter suffixes assigned to identify each buoy. The assigned number will be displayed at least once on each buoy, in block lettering of contrasting color. The identification must be at least 3 inches high, larger if buoy space permits. There are no Coast Guard limitations concerning other markings

28

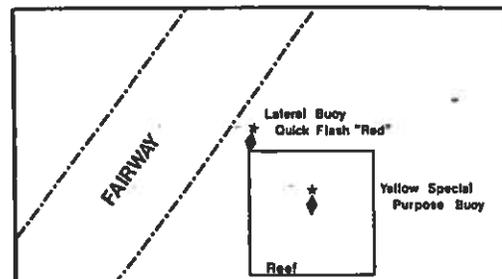
Each requirement is discussed below.

**Distance from navigation fairways.** If an artificial reef is located within 500 yards of a fairway, channel, or anchorage area, a quick-flashing, lateral (i.e., red or green) marker is to be placed between the edge of the reef and the fairway (see Figure 4A). This marker is in addition to any yellow buoy required for locating the reef complex. The reef complex must be located at least 2 miles from fairways, channels, or anchorages for any waiver request to be considered by the U.S. Coast Guard.

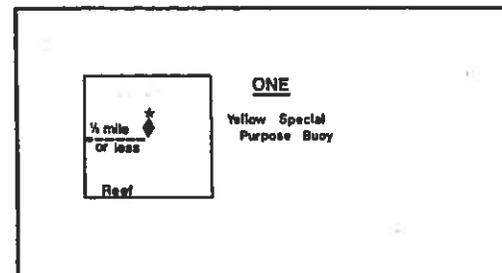
**Overall diameter of the reef complex.** The size of the complex is determined by the widest dimension of the actual submerged structure. Reef marking requirements are divided into three size categories:

1. Reef complexes of up to 0.5 mile from the center with less than 85 feet of water clearance are required to have one lighted, 6-second, yellow, special-purpose buoy located at the center of the complex. Reefs with more than 85 feet, but less than 200 feet, of water clearance are required to have one unlighted, yellow, special-purpose buoy located at the center of the complex. A complex with more than 200 feet of water clearance over the structure is not required to have any markers (Figure 4B).
2. Reef complexes extending from 0.5 to 1.0 mile from the center with less than 85 feet of water clearance are required to have one lighted, 6-second, yellow, special-purpose buoy on each corner of the reef complex. Complexes with more than 85 feet, but less than 200 feet, of water clearance are required to have one unlighted, yellow, special-purpose buoy on each corner of the reef complex. Complexes with more than 200 feet of water

29



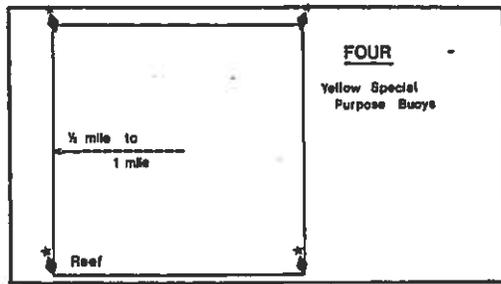
A



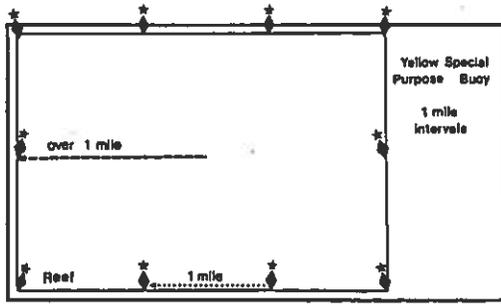
B

Figure 4. U.S. Coast Guard buoying requirements for artificial reefs: (A) requirements for reef complexes within 500 yards of a fairway, channel, or anchorage area; (B) requirements for reef complexes of up to 0.5 mi from the center; (C) requirements for reef complexes extending from 0.5 to 1.0 mile from the center; and (D) requirements for reef complexes extending over 1.0 mile from the center.

30



C



D

Figure 4. Continued.

of national and regional concerns. The final decision of whether to issue or deny a permit will be the result of comments from state and federal agencies obtained through the public notice procedure. The agencies that may be involved in this procedure include, but are not limited to, the U.S. Environmental Protection Agency (EPA), the National Parks Service (NPS) (through the Advisory Council on Historic Preservation), the Department of Defense, the NMS, the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and state agencies (e.g., DNR, Department of Culture, Recreation and Tourism).

EPA Authority

Some discrepancy occurs within the laws granting authority to the EPA for the permitting of artificial reef structures. In general, the EPA acts only as a review agency for COE permits. Typically, the EPA will not require a separate permit if the structure is intended for fisheries enhancement and the reef materials do not violate water-quality standards (Casselbaum 1983; Rogers 1983; Vickery 1983). The EPA reviews permits using criteria developed for the EPA permit program for ocean dumping and the permit program for the National Pollution Discharge and Elimination Systems (NPDES). Under Section 122.3(b) of 40 CFR, materials regulated under Section 404 (33 U.S.C. 1344) of the Clean Water Act are excluded from NPDES permit requirements.

Secretary of Commerce Authority

The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA) and the NMFS, is authorized to administer Section 302 of the Marine Protection Research and Sanctuaries Act of 1972 (PL 92-532; 16 U.S.C. 1431). Section 1431 of 16 U.S.C. authorizes the

(such as program logs) on the buoys, but they must not interfere with the assigned Coast Guard identification number.

Waiver of marking requirements. Marking requirements for each reef complex, and requests to waive requirements, will be determined on a case-by-case basis by the Eighth District, U.S. Coast Guard. Current guidelines for granting waivers of marking requirements are as follows: A waiver of lighted buoy requirements may be granted for reefs with over 30 feet of water clearance. A waiver of marking requirements may be granted for reefs with over 85 feet of water clearance once the reef is charted on navigational charts.

The following requirements must be met for a waiver to be considered:

1. The reef structure must be over 2 miles from fairways, channels, and anchorages.
2. The reef must have a minimum of 30 feet of water clearance.
3. The entire reef complex must be adequately marked and charted.
4. The individual reef structure must be part of an overall reef plan involving a number of reefs.
5. There must be no history of deep-draft traffic through the area.

The Coast Guard suggests that reef sponsors contact the district Coast Guard office early in the process so that the marking requirements can be approximated and the cost considered in deciding whether the reef should be constructed.

Other Affected Agencies

Other agencies may play an indirect role in the processing of COE permits. These agencies become involved through authorities outlined in public laws relating to the COE authority and through special interests

Secretary of Commerce to designate areas within the oceans and the Great Lakes as sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or aesthetic values. Activities within a designated sanctuary are allowed only if NOAA certifies that those activities are consistent with the regulations of the sanctuary.

USFWS and NMFS Authority

Under the Fish and Wildlife Coordination Act of 1956 (16 U.S.C. 760c-760g) and the Reorganization Plan No. 4 of 1970, any agency that proposes to control or modify any body of water must first consult with the USFWS, NMFS (as appropriate), and the head of the state agency managing the fish and wildlife resources of the affected state.

The USFWS and NMFS also share responsibilities under the Endangered Species Act (16 U.S.C. 1531 et. seq.) to conserve threatened and endangered species and the ecosystems on which those species depend. Activities should not jeopardize, destroy, or adversely modify habitat of species covered by the Endangered Species Act.

NPS Authority

The NPS, acting through the Advisory Council on Historic Preservation, may voice concerns if a site selected could be of particular archeological or historical significance. Under the Historical and Archeological Data Act of 1974 (16 U.S.C. 469 et. seq.), the Secretary of the Interior may take action necessary to recover and preserve any data of significance before a project begins.

Department of Defense Authority

A number of restricted areas, danger zones, and prohibited areas in the oceans are set aside for safety or the security of the U.S. Navy, U.S. Air Force, or National Aeronautics and Space Administration (Goode 1985). The Department of Defense may become involved if a proposed artificial reef site falls within military stipulation areas. Some areas may be more sensitive in regard to military operations, especially when metal is to be used in reef construction.

MMS Authority

The MMS reviews artificial reef applications with respect to areas of prospective development of hydrocarbons and other mineral resources. The MMS might object if reef construction could prohibit or interfere with the effective extraction of mineral resources.

DMR Authority

The Coastal Zone Management Division of DMR issues coastal-use permits for activities in state waters and reviews activities in federal waters that have a direct and significant impact on state waters for consistency with program guidelines. This state artificial reef plan will be reviewed for consistency by the Coastal Management Division, and its findings will be incorporated into the program.

Permit Application and Processing

The procedure for obtaining the necessary permits to establish an artificial reef is somewhat confusing because of the lack of interagency communication or agreements on specific standards and criteria for artificial reef implementation. Although artificial reefs have been used in the United States for many years, interpretation of the general laws

and rules and regulations has varied from case to case. In some instances, interpretation has varied between agencies or even between the regional offices of those agencies.

The NMFS Office of Marine Recreational Fisheries in Tampa, Florida, has been working with the COE District Office in Jacksonville, Florida, to develop criteria to be incorporated into a general permit for artificial reefs (Schmid 1983). As a result, the COE District Office in Jacksonville has recently issued a public notice and draft of a General Permit, SA J-50, for artificial fishing reefs and fish attractors proposed to be sited in the waters of Florida, the Commonwealth of Puerto Rico, the U.S. Territory of the Virgin Islands, and in the adjacent waters subject to U.S. jurisdiction.

The general procedure for obtaining a reef permit is outlined in Figure 3. Following this procedure, the applicant first notifies the COE district engineer and asks for a pre-application consultation for a Section 10 permit identifying all the agencies and public interest groups (e.g., sport and commercial fishermen) that may become involved in the review process. It is particularly important for the applicant to consult the Coast Guard district office at this stage because the marking requirements may prove to be costly to the project in the long run.

The COE will make recommendations to the Coast Guard with regard to establishing private aids to navigation. The applicant is responsible for contacting the Coast Guard district commander and submitting an application, Form CG 2554, to establish private aids to navigation. This permit is typically issued without delay. After the necessary permits have been obtained and the reef has been placed, the permittee is solely

responsible for maintenance costs and making routine inspections to verify that the required markers remain in place.

## IMPLEMENTATION

### Procedure

This state plan, approved by the Louisiana Artificial Reef Council and the Senate and House Natural Resources Committees, will be implemented under the leadership of the LDWF. The following concurrent actions are required to initiate the implementation process:

1. Permit applications must be prepared and submitted to the appropriate state and federal agencies.
2. Public notice must be given to oil and gas operators in both state and federal offshore waters. This will be accomplished by sending a letter to all members of the Offshore Operators Committee inviting their participation. A separate letter will be sent to the Mid-Continent Oil and Gas Association to solicit the participation of oil and gas companies operating in state waters.

Materials will be accepted or rejected for use as artificial reefs on a case-by-case basis by consensus of the Louisiana Artificial Reef Council. A donation agreement will then be signed by the Secretary of the LDWF or his designee and an authorized representative of the company, organization, or individual donating the reef material. A suggested "Act of Donation" that can be used for this purpose is presented in Appendix VII.

Artificial reef complexes will be sited within each planning area on the basis of the best available information regarding bottom type, currents, bathymetry, and other factors affecting the performance and productivity of a reef. The precise design and location of reef complexes will also depend upon the physical dimensions of the donated materials.

39

3. A third option is to cut the upper portion of the structure at a preselected depth and allow it to topple over next to the lower part. This option is attractive because it would provide a relatively stable structure and minimize the chance of drifting.
4. The option most attractive to the Department of Defense is relocation of the oil and gas structures to permitted sites. This option entails cutting the rig off 15 feet below the mud line, picking up or floating the structure to a new artificial reef site, and sinking it on that site in a manner consistent with the terms and conditions of the permit.
5. A fifth option is to use a combination of any or all of the above-mentioned alternatives. Part of the site-selection process could include gathering information on existing structures. Other structures could then be moved to the selected site to enhance the existing habitat. A number of architectural variations are possible under this option. For example, one oil and gas structure could be cut off at a preselected depth consistent with the law and other oil and gas structures subsequently employed in a spoke-like fashion radiating out from the central rig.

### Roles of Primary Participants

Pursuant to the Louisiana Fishing Enhancement Act, three entities will be the primary participants in Louisiana's Artificial Reef Program: the LDWF, the Louisiana Geological Survey (LGS) at LSU, and the Center for Wetland Resources (CWR) at LSU.

41

We anticipate that retired oil and gas structures will be the primary materials available for reef construction off the Louisiana coast.

Five alternatives exist for employing and utilizing oil and gas structures as artificial reefs (Bleakley 1982; Christian 1984; Ditton and Falk 1981; Frishman 1982; National Research Council 1985; Reggio 1987; Sport Fishing Institute 1983).

1. The short-term plan most popular with oil and gas companies is to leave the structures standing in place. Many fishermen also prefer this option because they can easily locate and tie up to the structures. However, this alternative would increase liability associated with the reef site. This option also requires that the structure be lighted and maintained with cathodic protection. In addition, Department of Defense representatives recently shared their concerns about this option with representatives of other countries at a meeting of the International Maritime Organization concerning the International Law of the Sea. The organization may establish international regulations prohibiting this option in the future; also the Navy has informed the state of Louisiana that it would object to any permit incorporating this option.
2. Partial removal of a structure, the second option, entails cutting off the structure at a preselected, approved depth below the water line. This option represents one of the most stable ways of employing an oil and gas structure as an artificial reef because the structure would be well anchored and have only a minimal chance of drifting. Maintenance costs and liability risks would therefore be minimized.

40

The LDWF will administer and enforce the program as provided in the Louisiana Fishing Enhancement Act and in accordance with the NFPA. This will include planning and reviewing permit applications with the advice of the CWR and LGS. The LDWF will also coordinate activities with relevant state and federal agencies, hold joint public hearings on proposed reef sites, oversee the maintenance and placement requirements of the artificial reefs, and gather additional technical information needed to carry out the program. The LDWF will either oversee or contract out buoying stipulated under permits. The LDWF will periodically publish maps depicting the location of inshore and offshore artificial reefs and other obstructions, which will be useful to Louisiana's commercial and recreational fishermen. To promote public relations, the LDWF will cooperate with the media by arranging news releases concerning new artificial reef sites and by occasionally providing data of public interest concerning artificial reef activities in Louisiana.

The LGS at LSU will provide geotechnical support for siting reefs through evaluation and interpretation of available geologic data. This data will be used to identify geologic hazards and determine sediment type and suitability. The LGS will assist the Department by coordinating federal and state permitting procedures and other activities and will develop engineering criteria for the placement of reefs in cooperation with the offshore operators or other parties donating the reef materials. In addition, the LGS will serve as liaison with federal (DHS) and state (DNR) agencies to consider the potential for future oil and gas or other mineral leasing and production activities in reef-site areas in the respective federal or state territorial waters.

42

The CWR at LSU will provide technical support to the LDMF for program development. The CWR will prepare, update, and provide the LDMF with technical, biological, and operational criteria for site selection and development and assist the LDMF in preparing permit applications for artificial reefs. In addition, the CWR will work to develop a biological monitoring program to evaluate created artificial reefs for future improvements. The CWR will evaluate reef potential and design and update exclusion mapping as necessary. The CWR will also assist LDMF in promoting public awareness of the program.

#### ACKNOWLEDGMENTS

The authors wish to express their appreciation to the members of the Louisiana Artificial Reef Initiative who participated in the drafting of this plan.

The concept of rigs-to-reefs was first brought to light by Mr. Dana Larson (Rigs-to-Reefs Company) and Mr. Villiers Reggio and Ms. Naureen Fleetwood of the Department of the Interior's Minerals Management Service. The authors would like to acknowledge that it was the vision and perseverance of these individuals that have made this program a reality in the Gulf of Mexico.

This project was funded in part with Federal Aid in Sport Fish Restoration Funds under Louisiana Project P-54 through the Louisiana Department of Wildlife and Fisheries, the Amoco Foundation, and Louisiana State University.

We wish to express our appreciation to Gerald Adkins and Corky Ferret, Louisiana Department of Wildlife and Fisheries, for their continued support and guidance. We thank Richard Christian of the Sport Fishing Institute for allowing us to extract sections of his guide to permitting artificial reefs.

We would also like to thank Mary Hester for her editorial comments and Denise Dube and Carolyn Lemon for typing and compiling the plan. Edwin B. Millet of the Louisiana Geological Survey Cartographic Section designed and executed the cover illustration. Susan Birnbaum, Edward Koch, and Robert Paulsell of the Survey drafted the other illustrations for the Plan.

We especially wish to thank State Representative Sam Theriot, State Senator Hank Lauricella, and State Representative Frank Pettit, who authored Act 100 creating the Artificial Reef Program.

This document was prepared for the Louisiana Artificial Reef Council and represents Louisiana Department of Wildlife and Fisheries Technical Bulletin No. 41 and LSU Coastal Fisheries Institute contribution no. LSU-CFI-87-17.

## REFERENCES CITED

- Aska, D. Y. (ed.) 1981. Artificial Reefs: Proceedings Artificial Reef Conference. Florida Sea Grant Report No. 41. Gainesville, Fla.: Florida Sea Grant College Program, University of Florida.
- Barrett, J. 1984a. Rigs-to-reefs in the eastern Gulf: past accomplishments and future plans. Pp. 137-142 in Proceedings, Fourth Annual Gulf of Mexico Information Transfer Meeting. OCS Report HMS 84-0026. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Barrett, J. 1984b. Comments on rigs-to-reefs by the administrator of Florida's artificial reef program. Paper presented at the Third REEFS Task Force Meeting, 1984 Louisiana World Exposition, New Orleans, La.
- Bertland, A. 1984. Marine Recreational Fishermen in Louisiana: A Socioeconomic Study of Licensed Recreational Fishermen Fishing in Coastal Study Area IV. Coastal Ecology and Fisheries Institute Technical Series No. 3. Baton Rouge, La.: Center for Wetland Resources, Louisiana State University.
- Bleskey, W. B. 1982. Platform demobilization: a future shock. Petroleum Engineer International Magazine, May.
- Bohnack, J. A. and D. L. Sutherland. 1985. Artificial reef research: a review with recommendations for future priorities. Bulletin of Marine Science 37(1):11-39.
- Bohrtell, Y., A. Graefe, and I. Strand. 1985. Economic Analysis of Artificial Reefs: An Assessment of Issues and Methods. Technical Report Series No. 5. Washington, D.C.: Sport Fishing Institute, Artificial Reef Development Center.
- Bouma, A. H. 1981. Introduction to geologic hazards. Pp. 1-1-69 in Offshore Geologic Hazards, AAPG Short Course Note Series No. 18. Tulsa, Okla.: American Association of Petroleum Geologists.
- Buckley, R. M., J. J. Grant, and J. Stephens, Jr. 1985. Foreword on Proceedings of the Third International Artificial Reef Conference. Bulletin of Marine Science 37(1).
- Byrd, W. 1983. Fall rig fishing. Louisiana Conservationist, September/October.
- Caldwell, E. 1982. Scuba diving and oil rigs. Pp. 66-68 in Proceedings, Third Annual Gulf of Mexico Information Transfer Meeting. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Casselbaum, Carl. 1983. Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Seattle, Washington. Personal communication.
- Christian, R. T. 1984a. Transportation Costs of Artificial Reef Materials. Technical Report No. 4. Washington, D.C.: Sport Fishing Institute, Artificial Reef Development Center.
- Christian, R. T. 1984b. Permitting Procedure for Artificial Reefs. Technical Report Series No. 1. Washington, D.C.: Sport Fishing Institute, Artificial Reef Development Center.
- Claverie, M. F., Jr. 1982. Offshore mineral development and private boat recreational fishing in the Gulf. Pp. 61-63 in Proceedings, Third Annual Gulf of Mexico Information Transfer Meeting. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Collier, N. 1984. Comments on rigs-to-reefs by the chairman of the Gulf of Mexico Offshore Operators Committee. Paper presented at the Third REEFS Task Force Meeting, 1984 Louisiana World Exposition, New Orleans, La.
- Colunga, L., and B. Stone (eds.). 1974. Proceedings of an International Conference on Artificial Reefs. TAMU-SG-74-103. Houston, Tex.: Texas A&M University.
- Dimitroff, V. 1982. Survey of snapper/grouper fishermen of the northwest Florida Coast. Pp. 56-68 in Proceedings, Third Annual Gulf of Mexico Information Transfer Meeting. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- D'Itri, F. M. (ed.). 1985. Artificial Reefs: Marine and Freshwater Applications. Chelsea, Mich.: Lewis Publishers.
- Ditton, R. B., and J. Auyang. 1984. Fishing Offshore Platforms, Central Gulf of Mexico: An Analysis of Recreational and Commercial Fishing Use at 164 Major Offshore Petroleum Structures. OCS Monograph HMS 84-0006. Metairie, La.: Gulf of Mexico Regional Office, Minerals Management Service, U.S. Dept. Interior.
- Ditton, R. B., and J. Falk. 1981. Obsolete petroleum platforms as artificial reef material. Pp. 96-105 in D. Y. Aska (ed.), Proceedings Artificial Reef Conf. Report No. 41. Gainesville, Fla.: Florida Sea Grant College Program, University of Florida.
- Ditton, R. B., and A. R. Graefe. 1978. Recreational Fishing Use of Artificial Reefs on the Texas Coast. College Station, Tex.: Department of Recreation and Parks, Texas A&M University.
- Dugas, Ronald, Vincent Gullory, and Myron Fischer. 1979. Oil rigs and offshore sportfishing in Louisiana. Fisheries 4(6):2-20.
- Fishman, S. 1982. Use of offshore production structures in artificial reef development and enhancement. Pp. 68-73 in Proceedings, Third Annual Gulf of Mexico Information Transfer Meeting. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Goode, B. M. 1985. Regulatory artificial reefs. In 1983 Proceedings for Artificial Reefs in the Great Lakes. Lansing, Mich.: Michigan Sea Grant College Program.
- Harrison, C. 1982. Charter boats and offshore oil and gas development. Pp. 64-65 in Proceedings, Third Annual Gulf of Mexico Information Transfer Meeting. Metairie, La.: Gulf of Mexico Regional Office, Minerals Management Service, U.S. Dept. Interior.
- Horst, J., and Mieljevich. 1985. Potential impacts of the removal of oil and gas production platforms on the Louisiana shrimp industry. Pp. 339-341 in Proceedings, Fifth Annual Gulf of Mexico Information Transfer Meeting. OCS Study, HMS 85-0008. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Lee, G. C. 1985. National research council study of the disposition of offshore petroleum platforms. Pp. 329-335 in Proceedings, Fifth Annual Gulf of Mexico Information Transfer Meeting. OCS Study, HMS 85-0008. Minerals Management Service, U.S. Dept. Interior.
- Mattet, M. G. 1982. Enhancement of the Marine Environment for Fisheries and Aquaculture in Japan. Technical Report 69. Washington Department of Fisheries.
- Nyatt, D. O. 1984. Artificial Reef Maintenance. Technical Report Series No. 2. Washington, D.C.: Sportfishing Institute, Artificial Reef Development Center.
- Nyatt, D. O. 1985. Artificial reef site selection to maximize recreational fishing benefits in the Gulf of Mexico. Pp. 314-321 in Proceedings, Fifth Annual Gulf of Mexico Information Transfer Meeting. OCS Study, HMS 85-0008. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.
- Nyatt, D. O., and R. B. Ditton. 1986. Exclusion mapping for artificial reef site selection to maximize recreational fishing benefits in the Gulf of Mexico. Washington, D. C.: Sport Fishing Institute, Artificial Reef Development Center.
- National Research Council. 1985. Disposal of Offshore Platforms--Marine Board Committee on Disposition of Offshore Platforms. Washington, D.C.: National Academy Press.
- Pleassal, M. R., and K. J. Campbell. 1980. Northwestern Gulf of Mexico--engineering implications of regional geology. Pp. 61-76 D. A. Ards (ed.), The Society for Underwater Technology Conference Proceedings. London, England: Graham and Trotman, Ltd.
- Prior, D. B. 1984. Subaqueous landslides. Pp. 179-196 in Fourth International Symposium on Landslides, Vol. 1, Toronto.
- Prior, D. B., and J. M. Coleman. 1984. Submarine slope instability. Pp. 419-455 in D. Brunsden and D. B. Prior (eds.), Slope Instability. New York: John Wiley and Sons, Ltd.
- Radzinski, G. C. 1983. The Needs of the Recreational Fisheries Community in the Development of a National Artificial Reef Policy: A Report to the Secretary of the Interior from the Sport Fishing Institute. Presented at the Second REEF meeting, Washington, D.C.
- Reggio, Villere C., Jr. 1987. Rigs-to-reefs. OCS Rept., HMS 87-0015. New Orleans, La.: Minerals Management Service, U.S. Dept. Interior.
- Richards, W. L. 1973. A Bibliography of Artificial Reefs and Other Man-made Fish Attractants. UNC-80-73-04. Chapel Hill, N.C.: North Carolina Sea Grant College Program, University of North Carolina.
- Roberts, K. J., and M. E. Thompson. 1983. Petroleum Production Structures: Economic Resources of the Louisiana Sport Divers. Baton Rouge, La.: Louisiana Sea Grant College Program, Center for Wetland Resources, Louisiana State University.
- Rogers, Reginald. 1983. Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Fourth District, Atlanta, Ga. Personal communication.
- Schmid, R. L. 1983. The role of artificial reefs in the future of the Gulf of Mexico fishery management process. Pp. 125-131 in Proceedings, Fourth Annual Gulf of Mexico Information Transfer Meeting. Raleigh, N.C.: Science Applications, Inc.
- Sheehy, D. J., and B. F. Vik (eds.). 1982. Japanese Artificial Reef Technology. Tech. Rept. 604. Annapolis, Md.: Aquabio, Inc.
- Sport Fishing Institute. 1980. Economic Activity Associated with Marine Recreational Fishing. Washington, D.C.: Sport Fishing Institute, Artificial Reef Development Center.
- Sport Fishing Institute. 1985. Artificial Reef Development for Recreational Fishing: A Planning Guide. Washington, D.C.: Sport Fishing Institute, Artificial Reef Development Center.
- Stanton, Gregg, Dora Wilbur, and Anthony Murray. 1985. Annotated Bibliography of Artificial Reef Research and Management. Report No. 74. Tallahassee, Fla.: Florida Sea Grant College Program, Florida State University.
- Stone, R. B. 1979. A comparison of fish populations on an artificial and natural reef in the Florida Keys. Marine Fisheries Review (September):1-11.
- Stone, R. B. 1982. Artificial reefs: toward a new era in fisheries enhancement. Marine Fisheries Review (June-July):2-3.
- Stone, R. B. 1985. National Artificial Reef Plan. (Draft.) Washington, D.C.: National Marine Fisheries Services, U.S. Dept. Commerce.

Sullivan, C. R. 1984. Fishery enhancement. Paper presented at the Third Reefs Task Force Meeting, U.S. Pavilion, 1984 Louisiana World Exposition, New Orleans, La.

Swingle, N. 1985. Alabama's artificial reef program. Pp. 324-326 in Proceedings, Fifth Annual Gulf of Mexico Information Transfer Meeting. OCS Study, HMS 85-0008. Metairie, La.: Minerals Management Service, U.S. Dept. Interior.

U.S. Army Corps of Engineers. 1977. United States Army Corps of Engineers Regulatory Program Applicant Information. EP 1143-2-1. Washington, D.C.: U.S. Army Corps of Engineers.

U.S. Department of Commerce. 1980. Marine Recreational Fishery Statistics Survey, Atlantic and Gulf Coasts, 1979. U.S. DOC/NOAA/NMFS Current Fishery Statistics No. 8063. Washington, D.C.: National Marine Fisheries Service, U.S. Dept. Commerce.

U.S. Department of Commerce. 1985. National Artificial Reef Plan. NOAA Technical Memorandum NMFS OF-6. Washington, D.C.: National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Dept. Commerce.

Vickery, Bob. 1983. Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Region 5, Dallas, Tex. Personal communication.

APPENDIX I

MEMBERS OF THE LOUISIANA ARTIFICIAL REEF INITIATIVE

Center for Wetland Resources, Louisiana State University  
Louisiana Cooperative Extension Service  
Louisiana Department of Culture, Recreation and Tourism  
Louisiana Department of Natural Resources  
Louisiana Department of Wildlife and Fisheries  
Louisiana Geological Survey, Louisiana State University  
Louisiana Sea Grant College Program  
Louisiana Wildlife Federation and other conservation groups  
National Marine Fisheries Service  
Offshore Operators Committee, oil and gas industry  
Recreational and commercial fisheries groups  
U.S. Army Corps of Engineers  
U.S. Department of the Interior, Minerals Management Service

APPENDIX II

NATIONAL FISHING ENHANCEMENT ACT OF 1984

1 TITLE II—ARTIFICIAL REEFS

2 SEC. 201. SHORT TITLE.

3 This title may be cited as the "National Fishing En-  
4 hancement Act of 1984".

5 SEC. 202. FINDINGS AND CONCLUSIONS.

6 (a) FINDINGS.—The Congress finds that—

7 (1) although fishery products provide an important  
8 source of protein and industrial products for United  
9 States consumption, United States fishery production  
10 annually falls far short of satisfying United States  
11 demand;

12 (2) overfishing and the degradation of vital fishery  
13 resource habitats have caused a reduction in the abun-  
14 dance and diversity of United States fishery resources;

15 (3) escalated energy costs have had a negative  
16 effect on the economics of United States commercial  
17 and recreational fisheries;

18 (4) commercial and recreational fisheries are a  
19 prominent factor in United States coastal economies  
20 and the direct and indirect returns to the United States  
21 economy from commercial and recreational fishing ex-  
22 penditures are threefold; and

23 (5) properly designed, constructed, and located ar-  
24 tificial reefs in waters covered under this title can en-  
25 hance the habitat and diversity of fishery resources: en-

59

1 SEC. 204. NATIONAL ARTIFICIAL REEF PLAN.

2 Not later than one year after the date of enactment of  
3 this title, the Secretary of Commerce, in consultation with  
4 the Secretary of the Interior, the Secretary of Defense, the  
5 Administrator of the Environmental Protection Agency, the  
6 Secretary of the Department in which the Coast Guard is  
7 operating, the Regional Fishery Management Councils, inter-  
8 ested States, Interstate Fishery Commissions, and represent-  
9 atives of the private sector, shall develop and publish a long-  
10 term plan which will meet the purpose of this title and be  
11 consistent with the standards established under section 203.  
12 The plan must include—

13 (1) geographic, hydrographic, geologic, biological,  
14 ecological, social, economic, and other criteria for  
15 siting artificial reefs;

16 (2) design, material, and other criteria for con-  
17 structing artificial reefs;

18 (3) mechanisms and methodologies for monitoring  
19 the compliance of artificial reefs with the requirements  
20 of permits issued under section 205;

21 (4) mechanisms and methodologies for managing  
22 the use of artificial reefs;

23 (5) a synopsis of existing information on artificial  
24 reefs and needs for further research on artificial reef  
25 technology and management strategies; and

61

1 enhance United States recreational and commercial fish-  
2 ing opportunities; increase the production of fishery  
3 products in the United States; increase the energy effi-  
4 ciency of recreational and commercial fisheries; and  
5 contribute to the United States and coastal economies.

6 (b) PURPOSE.—The purpose of this title is to promote  
7 and facilitate responsible and effective efforts to establish ar-  
8 tificial reefs in waters covered under this title.

9 SEC. 203. ESTABLISHMENT OF STANDARDS.

10 Based on the best scientific information available, artifi-  
11 cial reefs in waters covered under this title shall be sited and  
12 constructed, and subsequently monitored and managed in a  
13 manner which will—

14 (1) enhance fishery resources to the maximum  
15 extent practicable;

16 (2) facilitate access and utilization by United  
17 States recreational and commercial fishermen;

18 (3) minimize conflicts among competing uses of  
19 waters covered under this title and the resources in  
20 such waters;

21 (4) minimize environmental risks and risks to per-  
22 sonal health and property; and

23 (5) be consistent with generally accepted princi-  
24 ples of international law and shall not create any un-  
25 reasonable obstruction to navigation.

60

1 (U) an evaluation of alternatives for facilitating the  
2 transfer of artificial reef construction materials to per-  
3 sons holding permits issued pursuant to section 203,  
4 including, but not limited to, credits for environmental  
5 mitigation and modified tax obligations.

6 SEC. 205. PERMITS FOR THE CONSTRUCTION AND MANAGE-  
7 MENT OF ARTIFICIAL REEFS.

8 (a) SECRETARIAL ACTION ON PERMITS.—In issuing a  
9 permit for artificial reefs under section 10 of the Rivers and  
10 Harbors Act of 1899, section 404 of the Federal Water Pol-  
11 lution Control Act, or section 4(e) of the Outer Continental  
12 Shelf Lands Act, the Secretary of the Army (hereinafter in  
13 this section referred to as the "Secretary") shall—

14 (1) consult with and consider the views of appro-  
15 priate Federal agencies, States, local governments, and  
16 other interested parties;

17 (2) ensure that the provisions for siting, construct-  
18 ing, monitoring, and managing the artificial reef are  
19 consistent with the criteria and standards established  
20 under this title;

21 (3) ensure that the title to the artificial reef con-  
22 struction material is unambiguous, and that responsibil-  
23 ity for maintenance and the financial ability to assume  
24 liability for future damages are clearly established; and

62

1 (4) consider the plan developed under section 204  
2 and notify the Secretary of Commerce of any need to  
3 deviate from that plan.

4 (b) TERMS AND CONDITIONS OF PERMITS.—(1) Each  
5 permit issued by the Secretary subject to this section shall  
6 specify the design and location for construction of the artificial  
7 reef and the types and quantities of materials that may be  
8 used in constructing such artificial reef. In addition, each  
9 such permit shall specify such terms and conditions for the  
10 construction, operation, maintenance, monitoring, and man-  
11 aging the use of the artificial reef as are necessary for compli-  
12 ance with all applicable provisions of law and as are neces-  
13 sary to ensure the protection of the environment and human  
14 safety and property.

15 (2) Before issuing a permit under section 402 of the  
16 Federal Water Pollution Control Act for any activity relating  
17 to the siting, design, construction, operation, maintenance,  
18 monitoring, or managing of an artificial reef, the Administra-  
19 tor of the Environmental Protection Agency shall consult  
20 with the Secretary to ensure that such permit is consistent  
21 with any permit issued by the Secretary subject to this sec-  
22 tion.

23 (c) LIABILITY OF PERMITTEE.—(1) A person to whom  
24 a permit is issued in accordance with subsection (a) and any  
25 insurer of that person shall not be liable for damages caused

63

1 by activities required to be undertaken under any terms and  
2 conditions of the permit, if the permittee is in compliance  
3 with such terms and conditions.

4 (2) A person to whom a permit is issued in accordance  
5 with subsection (a) and any insurer of that person shall be  
6 liable, to the extent determined under applicable law, for dam-  
7 ages to which paragraph (1) does not apply.

8 (3) The Secretary may not issue a permit subject to this  
9 section to a person unless that person demonstrates to the  
10 Secretary the financial ability to assume liability for all dam-  
11 ages that may arise with respect to an artificial reef and for  
12 which such permittee may be liable.

13 (4) Any person who has transferred title to artificial reef  
14 construction materials to a person to whom a permit is issued  
15 in accordance with subsection (a) shall not be liable for dam-  
16 ages arising from the use of such materials in an artificial  
17 reef, if such materials meet applicable requirements of the  
18 plan published under section 204 and are not otherwise de-  
19 fective at the time title is transferred.

20 (d) LIABILITY OF THE UNITED STATES.—Nothing in  
21 this title creates any liability on the part of the United States.

22 (e) CIVIL PENALTY.—Any person who, after notice and  
23 an opportunity for a hearing, is found to have violated any  
24 provision of a permit issued in accordance with subsection (a)  
25 shall be liable to the United States for a civil penalty, not to

64

1 exceed \$10,000 for each violation. The amount of the civil  
2 penalty shall be assessed by the Secretary by written notice.  
3 In determining the amount of such penalty, the Secretary  
4 shall take into account the nature, circumstances, extent, and  
5 gravity of the violation. The Secretary may compromise,  
6 modify, or remit with or without conditions, any civil penalty  
7 which is subject to imposition or which has been imposed  
8 under this section. If any person fails to pay an assessment of  
9 a civil penalty after it has become final, the Secretary may  
10 refer the matter to the Attorney General for collection.

#### 11 SEC. 204. DEFINITIONS.

12 For purposes of this title—

13 (1) The term "artificial reef" means a structure  
14 which is constructed or placed in waters covered under  
15 this title for the purpose of enhancing fishery resources  
16 and commercial and recreational fishing opportunities.

17 (2) The term "State" means a State of the United  
18 States, the District of Columbia, Puerto Rico, the  
19 United States Virgin Islands, American Samoa, Guam,  
20 Johnston Island, Midway Island, and Wake Island.

21 (3) The term "waters covered under this title"  
22 means the navigable waters of the United States and  
23 the waters superjacent to the outer Continental Shelf  
24 as defined in section 2 of the Outer Continental Shelf

65

1 Lands Act (48 U.S.C. section 1331), to the extent  
2 such waters exist in or are adjacent to any State.

#### 3 SEC. 207. USE OF CERTAIN VESSELS AS ARTIFICIAL REEFS.

4 The Act entitled "An Act to authorize appropriations  
5 for the fiscal year 1973 for certain maritime programs of the  
6 Department of Commerce and for other purposes", approved  
7 August 22, 1972 (16 U.S.C. 1220-1220c), is amended—

8 (1) by striking out "Liberty" each place it appears  
9 in sections 3, 4, 5, and 6 and inserting in lieu thereof  
10 "obsolete";

11 (2) by striking out "Commerce" in section 3 and  
12 inserting in lieu thereof "Transportation";

13 (3) by striking out "shall" in the matter preceding  
14 paragraph (1) in section 4 and inserting in lieu thereof  
15 "may", and

16 (4) by adding at the end thereof the following new  
17 section:

18 "Sec. 7. For purposes of sections 3, 4, 5, and 6, the  
19 term "obsolete ship" means any vessel owned by the Depart-  
20 ment of Transportation that has been determined to be of  
21 insufficient value for commercial or national defense purposes  
22 to warrant its maintenance and preservation in the national  
23 defense reserve fleet and has been designated as an artificial  
24 reef candidate."

66

1 SEC. 204. SAVINGS CLAUSES.

2 (a) TENNESSEE VALLEY AUTHORITY JURISDICTION.—Nothing in this title shall be construed as replacing  
3 or superseding section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831r-1).

4 (b) STATE JURISDICTION.—Nothing in this title shall  
5 be construed as extending or diminishing the jurisdiction or  
6 authority of any State over the siting, construction, monitoring, or managing of artificial reefs within its boundaries.

U. S. GOVERNMENT PRINTING OFFICE: 1986 O-851-000

APPENDIX III

THE LOUISIANA FISHING ENHANCEMENT ACT OF 1986

1966 REGULAR SESSION  
LOUISIANA FISHING ENHANCEMENT ACT—  
ESTABLISHMENT AND MAINTENANCE OF  
ARTIFICIAL REEFS

ACT NO. 100  
HOUSE BILL NO. 1111  
AN ACT

To enact R.S. 36:610(B) and to enact Subpart H of Part VII of Chapter 1 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 36:639.1 through R.S. 36:639.10, to provide for the establishment and administration of the Louisiana Artificial Reef Development Program; to provide for agency participation in the program; to provide for the creation, placement, composition, growth, and duties of the Louisiana Artificial Reef Development Council; to provide for the acceptance and receipt of grants, donations of monies or materials, and other forms of assistance by the Department of Wildlife and Fisheries; to provide for the establishment of the Artificial Reef Development Fund, deposit into the fund, and expenditures from the fund; to provide for the funding of certain research projects, the development and preparation of the Louisiana Artificial Reef Development Plan, and the review of the plan by legislative committee; to provide for certain required contents of the plan; to provide for the acquisition of permits for the establishment of artificial reefs; to provide for the liability of participants in and donors to the program; and to provide for related matters.

As it enacted by the Legislature of Louisiana:

Section 1. Subpart H of Part VII of Chapter 1 of Title 36 of the Louisiana Revised Statutes of 1950, comprised of R.S. 36:639.1 through R.S. 36:639.10, is hereby enacted to read as follows:

71

## SUBPART H. ARTIFICIAL REEFS

## §639.1. Title

This Subpart shall be known and may be cited as the "Louisiana Fishing Enhancement Act".

## §639.2. Purpose

The purpose of this Act is to promote and facilitate effective establishment and maintenance of artificial reefs in the offshore waters of Louisiana, as provided in this Act and in compliance with the National Fishing Enhancement Act. It is the further purpose of this Act to provide for the jurisdiction and cooperation of various state agencies in the implementation of any plan or program developed pursuant to this Act.

## §639.3. Definitions

As used in this Subpart, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Artificial reef" means a structure or system of structures which is constructed, placed, or permitted in waters covered under this Subpart for the purpose of enhancing fishery resources and commercial and recreational fishing opportunities.

(2) "Commission" means the Louisiana Wildlife and Fisheries Commission.

(3) "Department" means the Louisiana Department of Wildlife and Fisheries.

(4) "Geological Survey" means the Louisiana Geological Survey.

72

(3) "Initiative" means the Artificial Reef Initiative at Louisiana State University, which is developing a Louisiana Artificial Reef Development Plan.

(4) "National Fishing Enhancement Act" means the federal artificial reef development legislation, PL 90-623, Title II.

(7) "Reef materials" means any materials allowed under the National Artificial Reef Plan, adopted pursuant to the National Fishing Enhancement Act for construction of artificial reefs.

(8) "Secretary" means the secretary of the Louisiana Department of Wildlife and Fisheries.

(9) "Waters covered under this Act" means the navigable waters of Louisiana and waters of the federal fisheries conservation zone adjacent to Louisiana waters.

(10) "Wetland Resources" means the Center for Wetland Resources at Louisiana State University.

## §639.4. Establishment of standards

Artificial reefs in waters covered under this Act shall be sited, constructed, and subsequently maintained, monitored, and managed based upon the best scientific information available; and, in a manner which shall:

(1) Enhance and conserve fishery resources to the maximum extent practicable.

(2) Facilitate access and utilization by Louisiana recreational and commercial user groups.

(3) Minimize conflicts among competing uses of waters covered under this Act and the resources in such waters.

(4) Minimize environmental risks and risks to personal and public health and property.

73

(5) Be consistent with generally accepted principles of international law and national fishing law, and not create any unreasonable obstructions to navigation.

§639.5. Artificial Reef Development Program; authorities and responsibility of cooperating agencies

A. There is hereby created the Louisiana Artificial Reef Development Program, hereinafter called the "program", to promote, develop, maintain, monitor, and enhance the artificial reef potential in the waters covered under this Act. The department, geological survey, and wetland resources shall be primary participants in this program and shall operate out of the Artificial Reef Development Fund under the direction of the Louisiana Wildlife and Fisheries Commission, hereinafter called the "commission".

B. The department shall administer and enforce the program as provided in this Subpart and in accordance with the National Fishing Enhancement Act. The department shall plan and review permit applications with advice from wetland resources; coordinate with relevant state and federal agencies; hold joint public hearings on proposed reefs; oversee maintenance and placement requirements of the reefs; and develop additional technical information needed to carry out the program.

C. The Center for Wetland Resources shall provide technical support to the department for program development. The center shall additionally:

(1) Prepare, update, and provide the department with technical, biological, and operational criteria for site selection and development.

74

(2) Assist the department in preparing permit applications for artificial reefs.

(3) Assist in biological monitoring.

(4) Evaluate and recommend reef sites.

(5) Evaluate reef potential and design.

(6) Update exclusion mapping.

(7) Promote public awareness of the program.

D. Geological Survey shall provide geotechnical support for reef siting by determining bottom suitability and identifying geologic hazards, evaluating the potential for future oil, gas, and other mineral production in reef sites, and by analyzing the potential for using artificial reefs to supplement the state's coastal protection efforts as described in the Coastal Environment Protection Master Plan. Geological Survey shall also serve as liaison with the United States Department of the Interior regarding the interaction of the program with federal water continental shelf leasing and production activities.

E. The Louisiana Sea Grant College Program shall coordinate fisheries research projects that might be proposed by Louisiana universities to support the program.

#### 1639.6. Louisiana Artificial Reef Development Council

4. To oversee the program, there is hereby created the Louisiana Artificial Reef Development Council, hereinafter referred to as the "council", which shall be within the Louisiana Department of Wildlife and Fisheries. The council will be composed of the secretary of the Department of Wildlife and Fisheries, the director of the Geological Survey, and the dean of the Center for National

(2) Geographic, hydrographic, geological, biological, ecological, social, economic, and other criteria for permitting and siting artificial reefs.

(3) Design, material, and other criteria for establishing, constructing, and maintaining artificial reefs.

(4) Mechanisms and methodologies for monitoring artificial reefs in compliance with the requirements of permits issued under Section 205 of the National Fishing Act.

(5) Mechanisms and methodologies for managing the use of artificial reefs.

(6) An exclusionary map which depicts priority areas for artificial reef development consistent with this Act and the National Fishing Enhancement Act.

(7) Provisions for updating the plan based on findings of the Artificial Reef Development Program.

(8) Provisions for managing the Reef Fund in a manner which will assure successful program implementation.

#### 1639.8. Department of Wildlife and Fisheries; Artificial Reef Development Fund

A. The secretary is authorized to accept and receive grants, donations of money or materials, and other forms of assistance from private and public sources which are provided to the state for the purpose of siting, designing, constructing, monitoring, and otherwise managing an artificial reef system.

3. Any funds received by the department pursuant to the provisions and purposes of this Subpart shall be deposited immediately upon receipt into the state treasury.

Resources at Louisiana State University, or their designees. The council shall select a chairman.

3. The council is empowered to oversee development and implementation of the Louisiana Artificial Reef Development Plan. The council is charged with providing guidance to the commission and department on policy and procedural matters concerning the program and shall make recommendations to the department regarding the allocation of funds to various program components.

#### 1639.7. Preparation of the Louisiana Artificial Reef Development Plan

A. The Louisiana Artificial Reef Initiative is directed to complete its work on the Louisiana Artificial Reef Development Plan, hereinafter called the "plan", within one year of the effective date of this Act.

3. The initiative shall present the plan to the council for approval. Upon unanimous approval by the council, and after review by the department, the plan shall be presented by October 1, 1987, to the House and Senate Natural Resources Committees for their approval.

C. All artificial reefs developed in state waters shall be consistent with the approved plan. State agency comments and recommendations on artificial reefs in federal waters shall also be consistent with the approved plan.

D. The plan shall include:

(1) Operational guidelines for the program, including specific participant roles and projected funding requirements for program elements.

C. There is hereby established a fund in the state treasury to be known as the Artificial Reef Development Fund, hereinafter referred to as the "Reef Fund" or "Fund", into which the state treasurer shall each fiscal year, and beginning with the 1986-87 Fiscal Year, deposit the funds received as provided in R.S. 36:639.8(A) and (B), after these revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the Reef Fund an amount equal to the funds deposited by the department into the treasury as provided in Subsection B. The monies in the Reef Fund shall be used solely as provided by Subsection E herein and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the Reef Fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund, again, following compliance with the requirement of Article VII, Section 9(B) of the Louisiana Constitution, relative to the Bond Security and Redemption Fund.

D. The council shall review and comment on proposed expenditures from the fund at the time of budget preparation by the department. The department shall maintain records of the sources of money received and the purpose thereof, as well as the person or persons to whom money is paid and the purpose thereof.

Vouchers or receipts shall be kept for all money paid out. The department shall employ such personnel as are necessary to meet the department's responsibilities under the program. The department shall allocate from the fund an amount sufficient to pay the salaries of personnel assigned to or responsible for the conduct of the program and shall allocate such amount as necessary for related operating expenses. Money appropriated or otherwise made available to the participants in the program for authorized purposes shall be withdrawn from the treasury on warrant of the secretary or his designee.

E. Monies may be withdrawn directly from the Reef Fund for the operation of the program as described in R.S. 36:639.5, including administrative and field support for the permitting, establishing, monitoring, and maintenance of artificial reefs established pursuant to this Subpart until such time that the council determines that the annual interest earnings from the fund are sufficient to run the program.

F. The secretary shall insure that the Reef Fund contains sufficient reserves to operate the program in a manner consistent with the state plan.

G. In future years, if interest income exceeds operational costs, marine fisheries research and habitat enhancement projects may be funded through the department, the Louisiana Sea Grant College Program, and the Coastal Environment Protection Program within the Ecological Survey.

1639.9. Permitting for the construction and management of artificial reefs

A. The state of Louisiana is empowered to serve as permittee for artificial reefs in waters covered under this Act, provided such reefs are consistent with and established within the guidelines of this Subpart and the National Fishing Enhancement Act. The secretary is hereby empowered to administer and enforce the program for the state of Louisiana.

B. In acquiring necessary federal permits for artificial reefs, the secretary or his designee shall:

(1) Consult with and consider the views of appropriate federal agencies, state, and local governments, and other interested parties.

(2) Ensure that the provisions for siting, constructing, monitoring, maintaining, and managing any artificial reef developed pursuant to this Subpart be consistent with the criteria and standards established under this Subpart and the National Fishing Enhancement Act.

(3) Ensure that title to any artificial reef component or construction material is unambiguous.

(4) Consider the National Artificial Reef Plan developed under Section 204 of the National Fishing Enhancement Act, and notify the secretary of the United States Department of Commerce of any need to deviate from that plan. The secretary of the Department of Wildlife and Fisheries, in consultation with the other members of the council, shall also review and comment on other artificial reef permit applications to insure that artificial reef permits sought by groups other than Louisiana are consistent

with the state plan developed under this Subpart and the National Fishing Enhancement Act.

1639.10. Liability

A. The department, the state of Louisiana and its agencies, and any insurer of these groups shall not be liable for damages caused by activities required to be undertaken under the terms and conditions of state and federal permits acquired for reef development.

B. Any person or company who has transferred title of artificial reef construction materials to the state of Louisiana shall not be liable for damages arising from the use of such materials in an artificial reef, if such materials meet applicable requirements of the National Artificial Reef Plan published under Section 204 of the National Fishing Enhancement Act, and United States Department of Interior regulations.

Section 2. R.S. 36:610(B) is hereby enacted to read as follows:

1610. Transfer of agencies to Department of Wildlife and Fisheries

H. The Louisiana Artificial Reef Development Council (R.S. 36:639.6) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana.

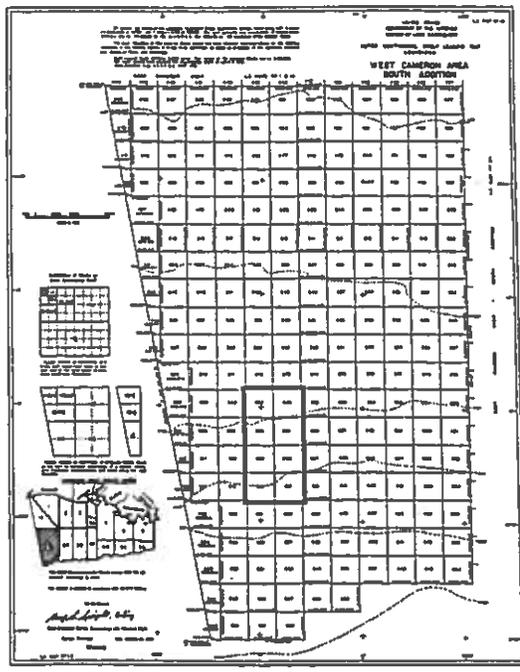
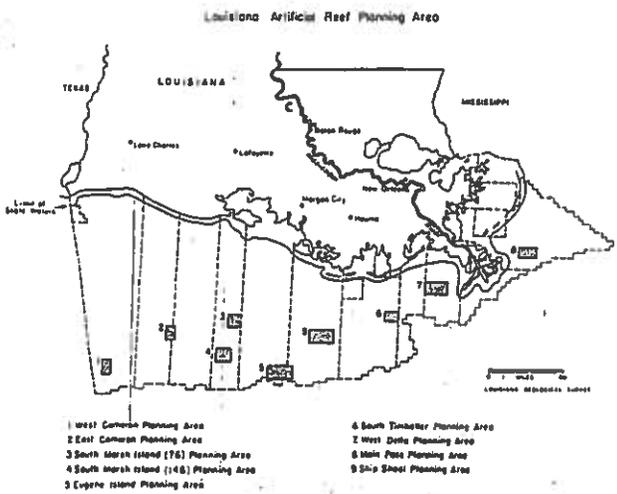
Approved June 23, 1986.

LOUISIANA ARTIFICIAL REEF PLANNING AREAS - OFFSHORE LEASE BLOCK LISTING

1. West Cameron Planning Area  
Blocks 586-587, 594-595, 608-609, 618-617
2. East Cameron Planning Area  
Blocks 254-258, 269-276; Vermilion Blocks 262, 281-282
3. Ship Shoal Planning Area  
Blocks 204-209, 214-219, 224-233
4. South Marsh Island (76) Planning Area  
Blocks 65-67, 75-77, 80-82
5. South Marsh Island (146) Planning Area  
Blocks 130-133, 136-139, 146-149
6. Eugene Island Planning Area  
Blocks 346-350, 363-372; Ship Shoal Blocks 320, 343-364
7. South Timberlief Planning Area  
Blocks 128-133, 151-154
8. West Delta Planning Area  
Blocks 69-76, 89-96
9. Main Pass Planning Area  
Blocks 144-145, 272-273, 292-306

APPENDIX IV

COORDINATES OF ARTIFICIAL REEF PLANNING AREAS  
OFFSHORE LOUISIANA, PHASE I







# Federal Register

## Part II

### Department of Defense

Corps of Engineers, Department of the  
Army

33 CFR Parts 320 through 330  
Regulatory Programs of the Corps of  
Engineers; Final Rule

#### DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the  
Army

33 CFR Parts 320, 321, 322, 323, 324,  
325, 326, 327, 328, 329 and 330

Final Rule for Regulatory Programs of  
the Corps of Engineers

Annular Corps of Engineers, Army  
Department, DOD.

#### Regulatory Programs of the Corps of Engineers

summary: We are hereby issuing final  
regulations for the regulatory program of  
the Corps of Engineers. These  
regulations consolidate earlier final  
interim final, and certain proposed  
regulations along with numerous  
changes resulting from the consideration  
of the public comments received. The  
major changes include modifications  
of the enforcement provisions, modifications  
to the nationwide permit, revision of  
the permit form, and implementation of  
special procedures for artificial reefs as  
required by the National Fishing  
Enhancement Act of 1980.

Authority: 5 U.S.C. 552, 1987,  
504; 16 U.S.C. 1802,  
1803, 1804, 1805, 1806, 1807, 1808,  
1809, 1810, 1811, 1812, 1813, 1814,  
1815, 1816, 1817, 1818, 1819, 1820,  
1821, 1822, 1823, 1824, 1825, 1826,  
1827, 1828, 1829, 1830, 1831, 1832,  
1833, 1834, 1835, 1836, 1837, 1838,  
1839, 1840, 1841, 1842, 1843, 1844,  
1845, 1846, 1847, 1848, 1849, 1850,  
1851, 1852, 1853, 1854, 1855, 1856,  
1857, 1858, 1859, 1860, 1861, 1862,  
1863, 1864, 1865, 1866, 1867, 1868,  
1869, 1870, 1871, 1872, 1873, 1874,  
1875, 1876, 1877, 1878, 1879, 1880,  
1881, 1882, 1883, 1884, 1885, 1886,  
1887, 1888, 1889, 1890, 1891, 1892,  
1893, 1894, 1895, 1896, 1897, 1898,  
1899, 1900, 1901, 1902, 1903, 1904,  
1905, 1906, 1907, 1908, 1909, 1910,  
1911, 1912, 1913, 1914, 1915, 1916,  
1917, 1918, 1919, 1920, 1921, 1922,  
1923, 1924, 1925, 1926, 1927, 1928,  
1929, 1930, 1931, 1932, 1933, 1934,  
1935, 1936, 1937, 1938, 1939, 1940,  
1941, 1942, 1943, 1944, 1945, 1946,  
1947, 1948, 1949, 1950, 1951, 1952,  
1953, 1954, 1955, 1956, 1957, 1958,  
1959, 1960, 1961, 1962, 1963, 1964,  
1965, 1966, 1967, 1968, 1969, 1970,  
1971, 1972, 1973, 1974, 1975, 1976,  
1977, 1978, 1979, 1980, 1981, 1982,  
1983, 1984, 1985, 1986, 1987, 1988,  
1989, 1990, 1991, 1992, 1993, 1994,  
1995, 1996, 1997, 1998, 1999, 2000,  
2001, 2002, 2003, 2004, 2005, 2006,  
2007, 2008, 2009, 2010, 2011, 2012,  
2013, 2014, 2015, 2016, 2017, 2018,  
2019, 2020, 2021, 2022, 2023, 2024,  
2025, 2026, 2027, 2028, 2029, 2030,  
2031, 2032, 2033, 2034, 2035, 2036,  
2037, 2038, 2039, 2040, 2041, 2042,  
2043, 2044, 2045, 2046, 2047, 2048,  
2049, 2050, 2051, 2052, 2053, 2054,  
2055, 2056, 2057, 2058, 2059, 2060,  
2061, 2062, 2063, 2064, 2065, 2066,  
2067, 2068, 2069, 2070, 2071, 2072,  
2073, 2074, 2075, 2076, 2077, 2078,  
2079, 2080, 2081, 2082, 2083, 2084,  
2085, 2086, 2087, 2088, 2089, 2090,  
2091, 2092, 2093, 2094, 2095, 2096,  
2097, 2098, 2099, 2100, 2101, 2102,  
2103, 2104, 2105, 2106, 2107, 2108,  
2109, 2110, 2111, 2112, 2113, 2114,  
2115, 2116, 2117, 2118, 2119, 2120,  
2121, 2122, 2123, 2124, 2125, 2126,  
2127, 2128, 2129, 2130, 2131, 2132,  
2133, 2134, 2135, 2136, 2137, 2138,  
2139, 2140, 2141, 2142, 2143, 2144,  
2145, 2146, 2147, 2148, 2149, 2150,  
2151, 2152, 2153, 2154, 2155, 2156,  
2157, 2158, 2159, 2160, 2161, 2162,  
2163, 2164, 2165, 2166, 2167, 2168,  
2169, 2170, 2171, 2172, 2173, 2174,  
2175, 2176, 2177, 2178, 2179, 2180,  
2181, 2182, 2183, 2184, 2185, 2186,  
2187, 2188, 2189, 2190, 2191, 2192,  
2193, 2194, 2195, 2196, 2197, 2198,  
2199, 2200, 2201, 2202, 2203, 2204,  
2205, 2206, 2207, 2208, 2209, 2210,  
2211, 2212, 2213, 2214, 2215, 2216,  
2217, 2218, 2219, 2220, 2221, 2222,  
2223, 2224, 2225, 2226, 2227, 2228,  
2229, 2230, 2231, 2232, 2233, 2234,  
2235, 2236, 2237, 2238, 2239, 2240,  
2241, 2242, 2243, 2244, 2245, 2246,  
2247, 2248, 2249, 2250, 2251, 2252,  
2253, 2254, 2255, 2256, 2257, 2258,  
2259, 2260, 2261, 2262, 2263, 2264,  
2265, 2266, 2267, 2268, 2269, 2270,  
2271, 2272, 2273, 2274, 2275, 2276,  
2277, 2278, 2279, 2280, 2281, 2282,  
2283, 2284, 2285, 2286, 2287, 2288,  
2289, 2290, 2291, 2292, 2293, 2294,  
2295, 2296, 2297, 2298, 2299, 2300,  
2301, 2302, 2303, 2304, 2305, 2306,  
2307, 2308, 2309, 2310, 2311, 2312,  
2313, 2314, 2315, 2316, 2317, 2318,  
2319, 2320, 2321, 2322, 2323, 2324,  
2325, 2326, 2327, 2328, 2329, 2330,  
2331, 2332, 2333, 2334, 2335, 2336,  
2337, 2338, 2339, 2340, 2341, 2342,  
2343, 2344, 2345, 2346, 2347, 2348,  
2349, 2350, 2351, 2352, 2353, 2354,  
2355, 2356, 2357, 2358, 2359, 2360,  
2361, 2362, 2363, 2364, 2365, 2366,  
2367, 2368, 2369, 2370, 2371, 2372,  
2373, 2374, 2375, 2376, 2377, 2378,  
2379, 2380, 2381, 2382, 2383, 2384,  
2385, 2386, 2387, 2388, 2389, 2390,  
2391, 2392, 2393, 2394, 2395, 2396,  
2397, 2398, 2399, 2400, 2401, 2402,  
2403, 2404, 2405, 2406, 2407, 2408,  
2409, 2410, 2411, 2412, 2413, 2414,  
2415, 2416, 2417, 2418, 2419, 2420,  
2421, 2422, 2423, 2424, 2425, 2426,  
2427, 2428, 2429, 2430, 2431, 2432,  
2433, 2434, 2435, 2436, 2437, 2438,  
2439, 2440, 2441, 2442, 2443, 2444,  
2445, 2446, 2447, 2448, 2449, 2450,  
2451, 2452, 2453, 2454, 2455, 2456,  
2457, 2458, 2459, 2460, 2461, 2462,  
2463, 2464, 2465, 2466, 2467, 2468,  
2469, 2470, 2471, 2472, 2473, 2474,  
2475, 2476, 2477, 2478, 2479, 2480,  
2481, 2482, 2483, 2484, 2485, 2486,  
2487, 2488, 2489, 2490, 2491, 2492,  
2493, 2494, 2495, 2496, 2497, 2498,  
2499, 2500, 2501, 2502, 2503, 2504,  
2505, 2506, 2507, 2508, 2509, 2510,  
2511, 2512, 2513, 2514, 2515, 2516,  
2517, 2518, 2519, 2520, 2521, 2522,  
2523, 2524, 2525, 2526, 2527, 2528,  
2529, 2530, 2531, 2532, 2533, 2534,  
2535, 2536, 2537, 2538, 2539, 2540,  
2541, 2542, 2543, 2544, 2545, 2546,  
2547, 2548, 2549, 2550, 2551, 2552,  
2553, 2554, 2555, 2556, 2557, 2558,  
2559, 2560, 2561, 2562, 2563, 2564,  
2565, 2566, 2567, 2568, 2569, 2570,  
2571, 2572, 2573, 2574, 2575, 2576,  
2577, 2578, 2579, 2580, 2581, 2582,  
2583, 2584, 2585, 2586, 2587, 2588,  
2589, 2590, 2591, 2592, 2593, 2594,  
2595, 2596, 2597, 2598, 2599, 2600,  
2601, 2602, 2603, 2604, 2605, 2606,  
2607, 2608, 2609, 2610, 2611, 2612,  
2613, 2614, 2615, 2616, 2617, 2618,  
2619, 2620, 2621, 2622, 2623, 2624,  
2625, 2626, 2627, 2628, 2629, 2630,  
2631, 2632, 2633, 2634, 2635, 2636,  
2637, 2638, 2639, 2640, 2641, 2642,  
2643, 2644, 2645, 2646, 2647, 2648,  
2649, 2650, 2651, 2652, 2653, 2654,  
2655, 2656, 2657, 2658, 2659, 2660,  
2661, 2662, 2663, 2664, 2665, 2666,  
2667, 2668, 2669, 2670, 2671, 2672,  
2673, 2674, 2675, 2676, 2677, 2678,  
2679, 2680, 2681, 2682, 2683, 2684,  
2685, 2686, 2687, 2688, 2689, 2690,  
2691, 2692, 2693, 2694, 2695, 2696,  
2697, 2698, 2699, 2700, 2701, 2702,  
2703, 2704, 2705, 2706, 2707, 2708,  
2709, 2710, 2711, 2712, 2713, 2714,  
2715, 2716, 2717, 2718, 2719, 2720,  
2721, 2722, 2723, 2724, 2725, 2726,  
2727, 2728, 2729, 2730, 2731, 2732,  
2733, 2734, 2735, 2736, 2737, 2738,  
2739, 2740, 2741, 2742, 2743, 2744,  
2745, 2746, 2747, 2748, 2749, 2750,  
2751, 2752, 2753, 2754, 2755, 2756,  
2757, 2758, 2759, 2760, 2761, 2762,  
2763, 2764, 2765, 2766, 2767, 2768,  
2769, 2770, 2771, 2772, 2773, 2774,  
2775, 2776, 2777, 2778, 2779, 2780,  
2781, 2782, 2783, 2784, 2785, 2786,  
2787, 2788, 2789, 2790, 2791, 2792,  
2793, 2794, 2795, 2796, 2797, 2798,  
2799, 2800, 2801, 2802, 2803, 2804,  
2805, 2806, 2807, 2808, 2809, 2810,  
2811, 2812, 2813, 2814, 2815, 2816,  
2817, 2818, 2819, 2820, 2821, 2822,  
2823, 2824, 2825, 2826, 2827, 2828,  
2829, 2830, 2831, 2832, 2833, 2834,  
2835, 2836, 2837, 2838, 2839, 2840,  
2841, 2842, 2843, 2844, 2845, 2846,  
2847, 2848, 2849, 2850, 2851, 2852,  
2853, 2854, 2855, 2856, 2857, 2858,  
2859, 2860, 2861, 2862, 2863, 2864,  
2865, 2866, 2867, 2868, 2869, 2870,  
2871, 2872, 2873, 2874, 2875, 2876,  
2877, 2878, 2879, 2880, 2881, 2882,  
2883, 2884, 2885, 2886, 2887, 2888,  
2889, 2890, 2891, 2892, 2893, 2894,  
2895, 2896, 2897, 2898, 2899, 2900,  
2901, 2902, 2903, 2904, 2905, 2906,  
2907, 2908, 2909, 2910, 2911, 2912,  
2913, 2914, 2915, 2916, 2917, 2918,  
2919, 2920, 2921, 2922, 2923, 2924,  
2925, 2926, 2927, 2928, 2929, 2930,  
2931, 2932, 2933, 2934, 2935, 2936,  
2937, 2938, 2939, 2940, 2941, 2942,  
2943, 2944, 2945, 2946, 2947, 2948,  
2949, 2950, 2951, 2952, 2953, 2954,  
2955, 2956, 2957, 2958, 2959, 2960,  
2961, 2962, 2963, 2964, 2965, 2966,  
2967, 2968, 2969, 2970, 2971, 2972,  
2973, 2974, 2975, 2976, 2977, 2978,  
2979, 2980, 2981, 2982, 2983, 2984,  
2985, 2986, 2987, 2988, 2989, 2990,  
2991, 2992, 2993, 2994, 2995, 2996,  
2997, 2998, 2999, 3000, 3001, 3002,  
3003, 3004, 3005, 3006, 3007, 3008,  
3009, 3010, 3011, 3012, 3013, 3014,  
3015, 3016, 3017, 3018, 3019, 3020,  
3021, 3022, 3023, 3024, 3025, 3026,  
3027, 3028, 3029, 3030, 3031, 3032,  
3033, 3034, 3035, 3036, 3037, 3038,  
3039, 3040, 3041, 3042, 3043, 3044,  
3045, 3046, 3047, 3048, 3049, 3050,  
3051, 3052, 3053, 3054, 3055, 3056,  
3057, 3058, 3059, 3060, 3061, 3062,  
3063, 3064, 3065, 3066, 3067, 3068,  
3069, 3070, 3071, 3072, 3073, 3074,  
3075, 3076, 3077, 3078, 3079, 3080,  
3081, 3082, 3083, 3084, 3085, 3086,  
3087, 3088, 3089, 3090, 3091, 3092,  
3093, 3094, 3095, 3096, 3097, 3098,  
3099, 3100, 3101, 3102, 3103, 3104,  
3105, 3106, 3107, 3108, 3109, 3110,  
3111, 3112, 3113, 3114, 3115, 3116,  
3117, 3118, 3119, 3120, 3121, 3122,  
3123, 3124, 3125, 3126, 3127, 3128,  
3129, 3130, 3131, 3132, 3133, 3134,  
3135, 3136, 3137, 3138, 3139, 3140,  
3141, 3142, 3143, 3144, 3145, 3146,  
3147, 3148, 3149, 3150, 3151, 3152,  
3153, 3154, 3155, 3156, 3157, 3158,  
3159, 3160, 3161, 3162, 3163, 3164,  
3165, 3166, 3167, 3168, 3169, 3170,  
3171, 3172, 3173, 3174, 3175, 3176,  
3177, 3178, 3179, 3180, 3181, 3182,  
3183, 3184, 3185, 3186, 3187, 3188,  
3189, 3190, 3191, 3192, 3193, 3194,  
3195, 3196, 3197, 3198, 3199, 3200,  
3201, 3202, 3203, 3204, 3205, 3206,  
3207, 3208, 3209, 3210, 3211, 3212,  
3213, 3214, 3215, 3216, 3217, 3218,  
3219, 3220, 3221, 3222, 3223, 3224,  
3225, 3226, 3227, 3228, 3229, 3230,  
3231, 3232, 3233, 3234, 3235, 3236,  
3237, 3238, 3239, 3240, 3241, 3242,  
3243, 3244, 3245, 3246, 3247, 3248,  
3249, 3250, 3251, 3252, 3253, 3254,  
3255, 3256, 3257, 3258, 3259, 3260,  
3261, 3262, 3263, 3264, 3265, 3266,  
3267, 3268, 3269, 3270, 3271, 3272,  
3273, 3274, 3275, 3276, 3277, 3278,  
3279, 3280, 3281, 3282, 3283, 3284,  
3285, 3286, 3287, 3288, 3289, 3290,  
3291, 3292, 3293, 3294, 3295, 3296,  
3297, 3298, 3299, 3300, 3301, 3302,  
3303, 3304, 3305, 3306, 3307, 3308,  
3309, 3310, 3311, 3312, 3313, 3314,  
3315, 3316, 3317, 3318, 3319, 3320,  
3321, 3322, 3323, 3324, 3325, 3326,  
3327, 3328, 3329, 3330, 3331, 3332,  
3333, 3334, 3335, 3336, 3337, 3338,  
3339, 3340, 3341, 3342, 3343, 3344,  
3345, 3346, 3347, 3348, 3349, 3350,  
3351, 3352, 3353, 3354, 3355, 3356,  
3357, 3358, 3359, 3360, 3361, 3362,  
3363, 3364, 3365, 3366, 3367, 3368,  
3369, 3370, 3371, 3372, 3373, 3374,  
3375, 3376, 3377, 3378, 3379, 3380,  
3381, 3382, 3383, 3384, 3385, 3386,  
3387, 3388, 3389, 3390, 3391, 3392,  
3393, 3394, 3395, 3396, 3397, 3398,  
3399, 3400, 3401, 3402, 3403, 3404,  
3405, 3406, 3407, 3408, 3409, 3410,  
3411, 3412, 3413, 3414, 3415, 3416,  
3417, 3418, 3419, 3420, 3421, 3422,  
3423, 3424, 3425, 3426, 3427, 3428,  
3429, 3430, 3431, 3432, 3433, 3434,  
3435, 3436, 3437, 3438, 3439, 3440,  
3441, 3442, 3443, 3444, 3445, 3446,  
3447, 3448, 3449, 3450, 3451, 3452,  
3453, 3454, 3455, 3456, 3457, 3458,  
3459, 3460, 3461, 3462, 3463, 3464,  
3465, 3466, 3467, 3468, 3469, 3470,  
3471, 3472, 3473, 3474, 3475, 3476,  
3477, 3478, 3479, 3480, 3481, 3482,  
3483, 3484, 3485, 3486, 3487, 3488,  
3489, 3490, 3491, 3492, 3493, 3494,  
3495, 3496, 3497, 3498, 3499, 3500,  
3501, 3502, 3503, 3504, 3505, 3506,  
3507, 3508, 3509, 3510, 3511, 3512,  
3513, 3514, 3515, 3516, 3517, 3518,  
3519, 3520, 3521, 3522, 3523, 3524,  
3525, 3526, 3527, 3528, 3529, 3530,  
3531, 3532, 3533, 3534, 3535, 3536,  
3537, 3538, 3539, 3540, 3541, 3542,  
3543, 3544, 3545, 3546, 3547, 3548,  
3549, 3550, 3551, 3552, 3553, 3554,  
3555, 3556, 3557, 3558, 3559, 3560,  
3561, 3562, 3563, 3564, 3565, 3566,  
3567, 3568, 3569, 3570, 3571, 3572,  
3573, 3574, 3575, 3576, 3577, 3578,  
3579, 3580, 3581, 3582, 3583, 3584,  
3585, 3586, 3587, 3588, 3589, 3590,  
3591, 3592, 3593, 3594, 3595, 3596,  
3597, 3598, 3599, 3600, 3601, 3602,  
3603, 3604, 3605, 3606, 3607, 3608,  
3609, 3610, 3611, 3612, 3613, 3614,  
3615, 3616, 3617, 3618, 3619, 3620,  
3621, 3622, 3623, 3624, 3625, 3626,  
3627, 3628, 3629, 3630, 3631, 3632,  
3633, 3634, 3635, 3636, 3637, 3638,  
3639, 3640, 3641, 3642, 3643, 3644,  
3645, 3646, 3647, 3648, 3649, 3650,  
3651, 3652, 3653, 3654, 3655, 3656,  
3657, 3658, 3659, 3660, 3661, 3662,  
3663, 3664, 3665, 3666, 36



## APPENDIX VI

### PERMIT APPLICATION PROCEDURES PUBLISHED IN THE NATIONAL ARTIFICIAL REEF PLAN

## THE PERMIT APPLICATION

### General

The application form used to apply for a permit is Engineer Form 4345, *Application for a Department of the Army Permit*. You can obtain the application from one of the Corps of Engineers district regulatory offices listed in the back of this pamphlet. Some offices may use a slightly modified form for joint processing with a state agency; however, the required information is basically the same. It is important that you provide complete information in the requested format. If incomplete information is provided, processing of your application will be delayed. This information will be used to determine the appropriate form of authorization, and to evaluate your proposal. Some categories of activities have been previously authorized by nationwide or regional permits, and no further Corps approvals are required. Others may qualify for abbreviated permit processing, with authorizations in the form of letters of permission, in which a permit decision can usually be reached in less than 30 days. For other activities, a Public Notice may be required to notify Federal, state, and local agencies, adjacent property owners, and the general public of the proposal to allow an opportunity for review and comment or to request a public hearing. Most applications involving Public Notices are completed within four months and many are completed within 60 days.

The district engineer will begin to process your application immediately upon receipt of all required information. You will be sent an acknowledgement of its receipt and the application number assigned to your file. You should refer to this number when inquiring about your application. Your proposal will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. This process is called the *public interest review*. The Corps goal is to reach a decision regarding permit issuance or denial within 60 days of receipt of a complete application. However, some complex activities, issues, or requirements of law may prevent the district engineer from meeting this goal.

For any specific information on the evaluation process, filling out the application forms, or the status of your application, you should contact the regulatory branch of the Corps of Engineers district office which has jurisdiction over the area where you plan to do the work.

#### Typical Processing Procedure for a Standard Individual Permit

1. Preapplication consultation (optional)
2. Applicant submits ENG Form 4345 to district regulatory office\*
3. Application received and assigned identification number
4. Public notice issued (within 15 days of receiving all information)
5. 15 to 30 day comment period depending upon nature of activity
6. Proposal is reviewed\*\* by Corps and:
  - Public
  - Special interest groups
  - Local agencies
  - State agencies
  - Federal agencies

\*A local variation, often a joint federal-state application form may be submitted.

\*\*Review period may be extended if applicant fails to submit information or due to requirements of certain laws.

7. Corps considers all comments
8. Other federal agencies consulted, if appropriate
9. District engineer may ask applicant to provide additional information
10. Public hearing held, if needed
11. District engineer makes decision
12. Permit issued or  
Permit denied and applicant advised of reason

#### Evaluation Factors

The decision whether to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on items such as:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- fish and wildlife values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

Section 404(b) (1) of the Clean Water Act if your project involves the discharge of dredged or fill material, it will be necessary for the Corps to evaluate your proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist.

100

101

#### Forms and Permits

The following forms apply to the permit process:

##### Application

The form that you will need to initiate the review process is ENG Form 4345 or a joint Federal-state application that may be available in your state. The appropriate form may be obtained from the district regulatory office which has jurisdiction in the area where your proposed project is located.

##### Individual Permits

An individual permit may be issued as either ENG Form 1721, the standard permit, or as a Letter of Permission.

- A standard permit is one processed through the typical review procedures, (see page 7) which include public notice, opportunity for a public hearing, and receipt of comments. It is issued following a case-by-case evaluation of a specific activity.
- If work is minor or routine with minimum impacts and objections are unlikely, then it may qualify for a Letter of Permission (LOP). An LOP can be issued much more quickly than a standard permit since an individual public notice is not required. The District Engineer will notify you if your proposed activity qualifies for an LOP.

##### General Permits

In many cases the formal processing of a permit application is not required because of general permits already issued to the public at large by the Corps of Engineers. These are issued on a regional and nationwide basis.

Separate applications may not be required for activities authorized by a general permit; nevertheless, reporting may be required. For specific information on general permits, contact a district regulatory office.

##### ENG Form 4336

The third form, ENG Form 4336, is used to assist with surveillance for unauthorized activities. The form, which contains a description of authorized work, should be posted at the site of an authorized activity. If the Corps decides it is appropriate for you to post this form, it will be furnished to you when you receive your permit.

**Fees.** Fees are required for most permits. \$10.00 will be charged for a permit for a non-commercial activity; \$100.00 will be charged for a permit for a commercial or industrial activity. The district engineer will make the final decision as to the amount of the fee. Do not send a fee when you submit an application. When the Corps issues a permit, you will be notified and asked to submit the required fee payable to the Treasurer of the United States. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, or for any activities authorized by a general permit or for permits to governmental agencies.

#### Instructions for Preparing an Application

The instructions given below, together with the sample application and drawings, should help in completing the required application form. If you have additional questions, do not hesitate to contact the district regulatory office.

**Block Number 1, Application Number.** Leave this block blank. When your completed application is received, it will be assigned a number for identification. You will be notified of the number in an acknowledgement letter. Please refer to this number in any correspondence or inquiry concerning your application.

**Block 2. Name and address of applicant(s).** Fill in name, mailing address, and telephone number(s) for all applicants. The telephone number(s) should be a number where you can be reached during business hours. If space is needed for additional names, attach a sheet of white, 8 1/2 x 11 inch paper labeled "Block 2 Continued."

**Block 3. Name, address and title of authorized agent.** It is not necessary to have an agent represent you; however, if you do, fill in the agent's name, address, title and telephone number(s). If your agent is submitting and signing the application, you must fill out and sign the Statement of Authorization in Block 3.

**Block 4. Detailed description of proposed activity.** The written description and the drawings are the most important parts of the application. If there is not enough space in Block 4, (a), (b) or (c) attach additional sheet(s) of white, 8 1/2 x 11 inch paper labeled "Block 4 Continued."

- a. **Activity.** Describe the overall activity. Give the approximate dimensions of structures, fills, excavations (lengths, widths, heights or depths).

b. **Purpose.** Describe the purpose, need and intended use (public, private, commercial, or other use) of the proposed activity. Include a description of related facilities, if any, to be constructed on adjacent land. Give the date you plan to begin work on the activity and the date work is expected to be completed.

c. **Discharge of Dredged or Fill Material.** If the activity will involve the discharge of dredged or fill material, describe the type (rock, sand, dirt, rubble, etc.), quantity (in cubic yards), and mode of transportation to the discharge site.

**Block 5. Name and address of adjoining property owners, leasees, etc. whose property adjoins the waterbody.** List complete names, addresses and zip codes of adjacent property owners (both public and private), lessee, etc., whose property also adjoins the waterbody or wetland. In order that they may be notified of the proposed activity. This information is usually available at the local tax assessor office. If more space is needed attach a sheet of white, 8 1/2 x 11 inch paper labeled "Block 5 Continued."

**Block 6. Waterbody and location on waterbody where activity exists or is proposed.** Fill in the name of the waterbody and the river mile (if known) at the location of the activity. Include easily recognizable landmarks on the shore of the waterbody to aid in locating the site of the activity.

**Block 7. Location and land where activity exists or is proposed.** This information is used to locate the site. Give the street address of the property where the proposed activity will take place. If the site does not have a street address, give the best descriptive location (name or waterbody), names and/or numbers of roads or highways, name of nearest community or town, name of county and state, and directions, such as 2 miles east of Brown's Store on Route 105.

102

103

Do not use your home address unless that is the location of the proposed activity. Do not use a post office box number.

Block 8. Information about completed activity. Provide information about parts of the activity which may be complete. An activity may have been authorized by a previously issued permit, may exist from a time before a Corps permit was required or may be constructed on adjacent upland.

Block 9. Information about approvals or denials by other government agencies. You may need approval or certification from other Federal, interstate, state, or local government agencies for the activity described

In your application. Applications you have submitted, and approvals, certifications, or disapprovals that you have received should be recorded in Block 9. It is not necessary to obtain other Federal, state, and local permits before applying for a Corps of Engineers permit.

Block 10. Signature of applicant or agent. The application must be signed in Block 10 by the owner, lessee, or a duly authorized agent. The person named in Block 3 will be accepted as the officially designated agent of the applicant. The signature will be understood to be affirmation that the applicant possesses the requisite property interest to undertake the proposed activity.

104

<b>1. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ADJACES THE WATERWAY</b>	
Mary L. Clark 850 West Branch Road Blue Harbor, Maryland 21703 (301) 585-8830	Harry N. Hampton 854 West Branch Road Blue Harbor, Maryland 21703 (301) 585-3676
<b>2. WATERBODY AND LOCATION OF WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED</b> West Branch of the Haver River on Blue Harbor.	
<b>3. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED</b> ADDRESS: 852 West Branch Road STREET, ROAD, ROUTE OR OTHER DESCRIPTION: Pine Edward, Maryland 21703 COUNTY STATE ZIP CODE Town of Blue Harbor LOCAL GOVERNING BODY WITH JURISDICTION OVER THE ACTIVITY	
<b>4. IS ANY PORTION OF THE ACTIVITY FOR WHICH CONSIDERATION IS TO BE PAID TO THE GOVERNMENT FOR THE PROPERTY OR FOR THE DRAWING?</b> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
<b>5. LIST ALL AGENCIES OR AGENCIES AND AGENCIES RECEIVED FROM OTHER AGENCIES, AND THE DATE OF APPROVAL FOR THE STRUCTURE, CONSTRUCTION, OR OTHER PORTION OF THE ACTIVITY.</b>	
ISSUING AGENCY Town of Blue Harbor	TYPE APPROVAL Zoning
IDENTIFICATION NO. DW125172	DATE OF APPROVAL 6/30/82
DATE OF APPROVAL 6/1/82	DATE OF DENIAL 8/17/82
<b>6. APPROVALS BY OTHER AGENCIES OR AGENCIES RECEIVED FROM OTHER AGENCIES, AND THE DATE OF APPROVAL FOR THE STRUCTURE, CONSTRUCTION, OR OTHER PORTION OF THE ACTIVITY.</b>	
I hereby certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and correct. I further certify that I possess the authority to execute the proposed activity or to act as the duly authorized agent of the applicant.	
SIGNATURE OF APPLICANT [Signature]	DATE Oct. 15, 1982
The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 6 has been filled out and signed.	
18 U.S.C. Section 1061 provides that: "Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statement or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."	
Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.	

106

<b>APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT</b> 122 FOR 1151		GMS APPROVAL NO. 0703-0039 Expires 30 June 1988
The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1889, Section 404 of the Clean Water Act and Section 103 of the Flood Control, River and Harbors Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into navigable waters. Information provided on this form will be used in evaluating the application for a permit. Information in the application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed and the permit will be denied.		
One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.		
<b>1. APPLICANT'S NAME (To be completed by Corps)</b>	<b>2. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT</b> None	
<b>3. NAME AND ADDRESS OF APPLICANT</b> Fred A. Harris 852 West Branch Road Blue Harbor, Maryland 21703	Telephone no. during business hours A.C. 1 _____ (Business) A.C. 1 _____ (Home) Department of authorization (Specify Department and District) Telephone no. during business hours A.C. 1 _____ (Business) A.C. 1 _____ (Home)	
<b>4. DETAILS OF DESCRIPTION OF PROPOSED ACTIVITY</b> IN SHORT:		
Build timber bulkhead and pier and fill.		
IN DETAIL: To provide boat access and prevent erosion of shoreline at place of residence.		
IN SUMMARY OF PROPOSED ACTIVITY: Approximately 200 cubic yards of upland fill will be placed between new bulkhead and existing shoreline.		

ENG FORM 4348, Apr 83

EDITION OF 1 OCT 77 IS OBSOLETE

PROPERTY GAIN 4348-1

105

## DRAWINGS

### General Information

Three types of drawings—Vicinity, Plan, and Elevation—are required to accurately depict activities (See sample drawings on pages 16 and 17).

Submit one original, or good quality copy, of all drawings on 8 1/2 x 11 inch white paper (tracing cloth or film may be used). Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be prepared in accordance with the general format of the samples, using block style lettering. Each page should have a title block. See check list below. Drawings do not have to be prepared by an engineer, but professional assistance may become necessary if the project is large or complex.

Leave a 1-inch margin at the top edge of each sheet for purposes of reproduction and binding.

In the title block of each sheet of drawings identify the proposed activity and include the name of the body of water; river mile (if applicable); name of county and state; name of applicant; number of the sheet and total number of sheets in set; and date the drawing was prepared.

Since drawings must be reproduced, use heavy dark lines. Color shading cannot be used; however, dot shading, hatching, or similar graphic symbols may be used to clarify line drawings.

### Vicinity Map

The vicinity map you provide will be printed in any public notice that is issued and used by the Corps of Engineers and other reviewing agencies to locate the site of the proposed activity. You may use an existing road map or U.S. Geological Survey topographic map (scale 1:24,000) as the vicinity map. Please include sufficient details

to simplify locating the site from both the waterbody and from land. Identify the source of the map or chart from which the vicinity map was taken and, if not already shown, add the following:

- location of activity site (draw an arrow showing the exact location of the site on the map).
- latitude, longitude, river mile, if known, and/or other information that coincides with Block 5 on the application form.
- name of waterbody and the name of the larger creek, river, bay, etc., that the waterbody is immediately tributary to.
- names, descriptions and location of landmarks.
- name of all applicable political (county, parish, borough, town, city, etc.) jurisdictions.
- name of and distance to nearest town, community, or other identifying locations.
- names or numbers of all roads in the vicinity of the site.
- north arrow.
- scale.

### Plan View

The plan view shows the proposed activity as if you were looking straight down on it from above. Your plan view should clearly show the following:

- Name of waterbody (river, creek, lake, wetland, etc.) and river mile (if known) at location of activity.
- Existing shorelines.
- Mean high and mean low water lines and maximum (spring) high tide line in tidal areas.
- Ordinary high water line and ordinary low water line if the proposed activity is located on a non-tidal waterbody.

107

- Average water depths around the activity.
- Dimensions of the activity and distance it extends from the high water line into the water.
- Distances to nearby Federal projects, if applicable.
- Distance between proposed activity and navigation channel, where applicable.
- Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- Location of any wetlands (marshes, swamps, tidal flats, etc.)
- North arrow.
- Scale.
- If dredged material is involved, you must describe the type of material, number of cubic yards, method of handling, and the location of fill and spoil disposal area. The drawing should show proposed retention levees, weirs, and/or other means for retaining hydraulically placed materials.
- Mark the drawing to indicate previously completed portions of the activity.
- Water depth at waterward face of proposed activity or, if dredging is proposed, dredging and estimated disposal grades.
- Dimensions from mean high water line (in tidal waters) for proposed fill or float, or high tide line for pile supported platform. Describe any structures to be built on the platform.
- Cross section of excavation or fill, including approximate side slopes.
- Graphic or numerical scale.
- Principal dimensions of the activity.

**Notes on Drawings\***

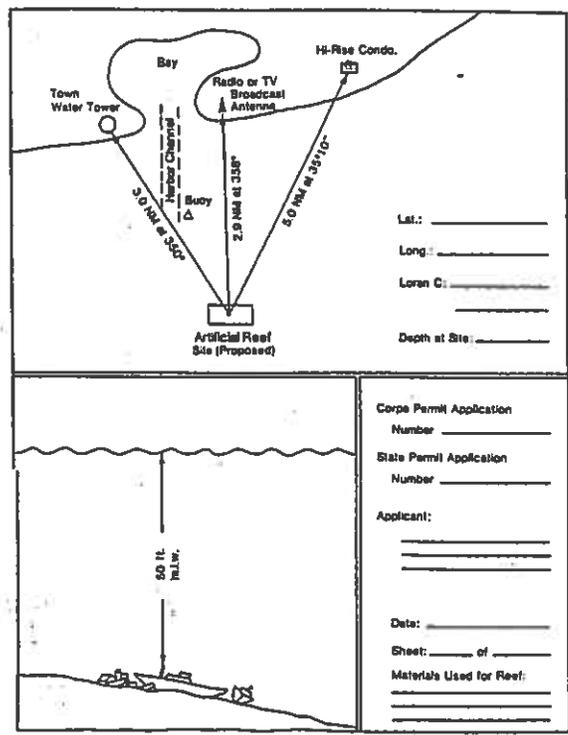
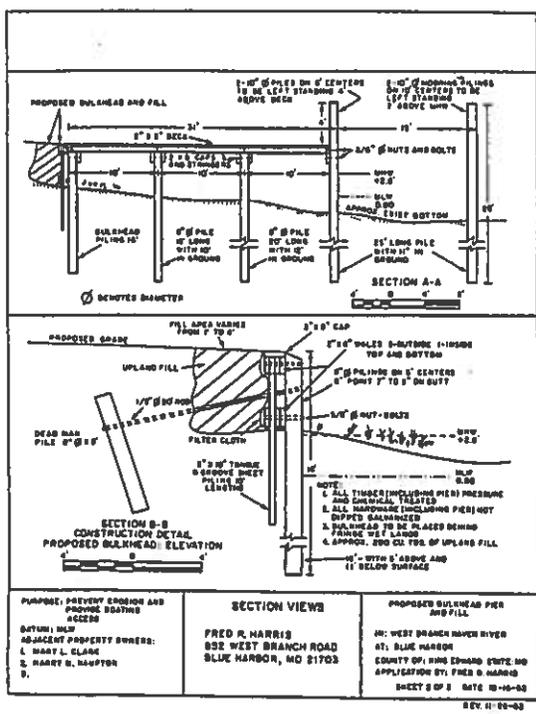
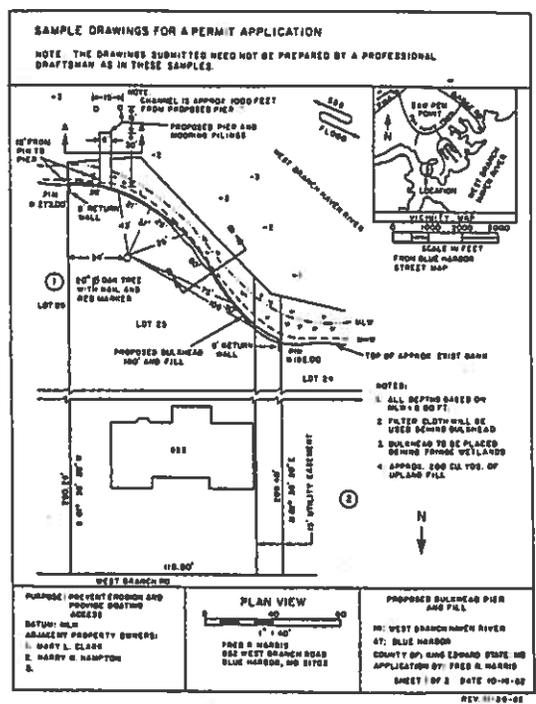
- Names of adjacent property owners who may be affected. Complete names and addresses should be shown in Block 5 on ENG Form 4345.
- Legal property description: Number, name of subdivision, block and lot number, Section, Township and Range (if applicable) from plot, deed or tax assessment.
- Photographs of the site of the proposed activity are not required, however, pictures are helpful and may be submitted as part of any application.

**Elevation and/or Cross Section View**

The elevation and/or cross section view is a scale drawing that shows the side, front, or rear of the proposed activity. If a section view is shown, it represents the proposed structure as it would appear if cut internally for display. Your elevation should clearly show the following:

- Water elevations as shown in the plan view.

\*Drawings should be as clear and simple as possible (i.e., not too "busy").



**DIVISIONS AND DISTRICTS FOR REGULATORY ACTIVITIES**



■ DIVISION AND DISTRICT HEADQUARTERS  
 ● DIVISION HEADQUARTERS  
 ▲ DISTRICT HEADQUARTERS  
 - - - STATE BOUNDARIES  
 - - - DISTRICT BOUNDARIES



Note: In Iowa the eastern bank of the Missouri River is regulated by the Omaha office.

**LOCATIONS OF REGULATORY OFFICES**

Address correspondence to:  
 The District Engineer  
 U.S. Army Engineer  
 District  
 Please include attention  
 line in address.

**ALASKA**  
 P.O. Box 898  
 Anchorage, AK  
 99506-0898  
 Attention: NPACO-RF  
 907/753-2712

**ALBUQUERQUE**  
 P.O. Box 1580  
 Albuquerque, NM  
 87103-1580  
 Attention: SWACO-OR  
 505/766-2776

**BALTIMORE**  
 P.O. Box 1715  
 Baltimore, MD 21203-1715  
 Attention: NABOP-R  
 301/962-3670  
 Joint application with  
 New York, Maryland

**BUFFALO**  
 1776 Niagara Street  
 Buffalo, NY 14207-3199  
 Attention: NCBCO-S  
 716/876-5454 x2313  
 Joint application with  
 New York

**CHARLESTON**  
 P.O. Box 919  
 Charleston, SC  
 29402-0919  
 Attention: SACCO-P  
 803/724-4330

**CHICAGO**  
 218 S. Dearborn Street  
 Chicago, IL 60604-1797  
 Attention: NCCCO-R  
 312/333-5426  
 Joint application with  
 Illinois

**DETROIT**  
 P.O. Box 1027  
 Detroit, MI 48231-1027  
 Attention: NCECO-L  
 313/226-2218  
 Joint application with  
 Michigan

**FT. WORTH**  
 P.O. Box 17300  
 Ft. Worth, TX 76102-0300  
 Attention: SWFOD-O  
 817/334-2681

**GALVESTON**  
 P.O. Box 1229  
 Galveston, TX 77553-1229  
 Attention: SWGCO-R  
 409/736-3925

**HUNTINGTON**  
 502 8th Street  
 Huntington, WV 25701-2070  
 Attention: ORHOP-F  
 304/529-5487  
 Joint application with  
 West Virginia

**HONOLULU**  
 Building 230, Fort Shafter  
 Honolulu, HI 96856-5440  
 Attention: POOCO-O  
 808/438-9258

**JACKSONVILLE**  
 P.O. Box 4970  
 Jacksonville, FL 32232-0919  
 Attention: SAJRD  
 904/791-1659  
 Joint application with  
 Florida, Virgin Islands

**KANSAS CITY**  
 700 Federal Building  
 601 E. 12th Street  
 Kansas City, MO 64106-2696  
 Attention: MRKOD-P  
 816/374-3645

**LITTLE ROCK**  
 P.O. Box 867  
 Little Rock, AR  
 72203-0867  
 Attention: SWLCO-P  
 501/378-5295

**LOS ANGELES**  
 P.O. Box 2711  
 Los Angeles, CA 90053-2325  
 Attention: SPLCO-R  
 213/688-5606

**LOUISVILLE**  
 P.O. Box 59  
 Louisville, KY 40201-0059  
 Attention: ORLOP-F  
 502/582-5452  
 Joint application with  
 Illinois

**MEMPHIS**  
 Clifford Davis Federal  
 Building  
 Room B-202  
 Memphis, TN 38103-1894  
 Attention: LMMCO-G  
 901/521-3471  
 Joint application with  
 Missouri, Tennessee,  
 Kentucky

**MOBILE**  
 P.O. Box 2286  
 Mobile, AL 36628-0001  
 Attention: SAMOP-S  
 205/690-2658  
 Joint application with  
 Mississippi

**NASHVILLE**  
 P.O. Box 1070  
 Nashville, TN 37202-1070  
 Attention: ORNOR-F  
 615/251-6181  
 Joint application with  
 Tennessee, Alabama

**NEW ORLEANS**  
 P.O. Box 60267  
 New Orleans, LA  
 70160-0267  
 Attention: LMNOD-S  
 504/838-2255

**NEW YORK**  
 28 Federal Plaza  
 New York, NY 10278-0090  
 Attention: NANOR-R  
 212/264-3996

**NORFOLK**  
 28 Federal Plaza  
 Norfolk, VA 23510-1098  
 Attention: NAOOP-P  
 804/446-3652  
 Joint application with  
 Virginia

**OMAHA**  
 P.O. Box 5  
 Omaha, NE 68101-0005  
 Attention: MROOP-N  
 402/221-4133

**PHILADELPHIA**  
 U.S. Custom House  
 2nd and Chestnut Street  
 Philadelphia, PA  
 19106-2991  
 Attention: NAPON-R  
 215/597-2812

**PITTSBURGH**  
 Federal Building  
 1000 Liberty Avenue  
 Pittsburgh, PA 15222-4188  
 Attention: ORPOP-F  
 412/644-4204  
 Joint application with  
 New York

**PORTLAND**  
 P.O. Box 2948  
 Portland, OR 97208-2948  
 Attention: NPPND-RF  
 503/221-6995  
 Joint application with  
 Oregon

**ROCK ISLAND**  
 Clock Tower Building  
 Rock Island, IL 61201-2004  
 Attention: NCR0D-S  
 308/788-6361 x6370  
 Joint application with  
 Illinois

**SACRAMENTO**  
 650 Capitol Mall  
 Sacramento, CA 95814-4784  
 Attention: SPKCO-O  
 916/440-2842

**ST. LOUIS**  
 210 Tucker Blvd., N  
 St. Louis, MO 63101-1886  
 Attention: LMSOD-F  
 314/263-6703  
 Joint application with  
 Illinois, Missouri

**ST. PAUL**  
 1135 USPO & Custom  
 House  
 St. Paul, MN 55101-1479  
 Attention: NCSCO-RF  
 612/725-5819

**SAN FRANCISCO**  
 211 Main Street  
 San Francisco, CA 94105-1905  
 Attention: SPNCO-R  
 415/674-0416

**SAVANNAH**  
 P.O. Box 686  
 Savannah, GA 31402-0889  
 Attention: SASOP-F  
 912/944-5347  
 Joint application with  
 Georgia

**SEATTLE**  
 P.O. Box C-3755  
 Seattle, WA 98124-2255  
 Attention: NPSPOR-RF  
 206/764-3485  
 Joint application with  
 Idaho

**TULSA**  
 P.O. Box 61  
 Tulsa, OK 74121-0061  
 Attention: SWTOD-RF  
 918/581-7201

**VICKSBURG**  
 P.O. Box 60  
 Vicksburg, MS 39180-0060  
 Attention: LMKOD-F  
 601/534-5276  
 Joint application with  
 Mississippi

**WALLA WALLA**  
 Building 602  
 City-County Airport  
 Walla Walla, WA  
 99362-9285  
 Attention: NPWOP-RF  
 509/522-6718  
 Joint application with  
 Idaho

**WILMINGTON**  
 P.O. Box 1890  
 Wilmington, NC  
 28403-1890  
 Attention: SAWCO-E  
 919/343-4511  
 Joint application with  
 North Carolina

The Division Engineer  
 U.S. Army Engineer  
 Division  
**NEW ENGLAND**  
 424 Trapelo Road  
 Waltham, MA 02254-9149  
 Attention: NEODD-R  
 617/647-8335  
 Joint application with  
 Massachusetts, Maine

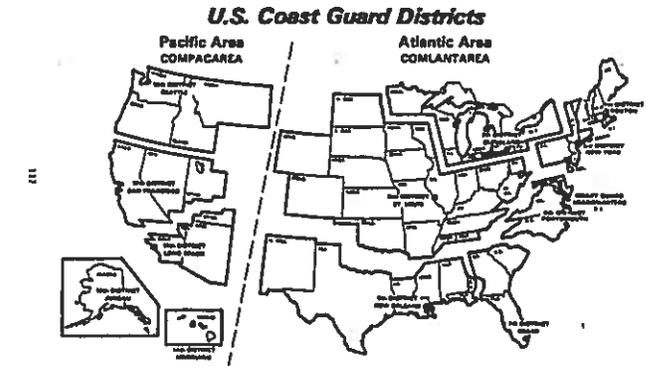
**U. S. COAST GUARD**  
**PRIVATE AIDS TO NAVIGATION**  
**INFORMATION**

116

**ADDRESSES OF COAST GUARD DISTRICT COMMANDERS**

Mailing Address and Telephone Number	Approximate Area
Commander, First Coast Guard District (oan) 150 Causeway Street Boston, MA 02114 (617) 223-3644	Maine, Rhode Island New Hampshire, Massachusetts
Commander, Second Coast Guard District (oan) 1430 Olive Street St. Louis, MO 63103 (314) 425-4601	Mississippi, Missouri, Ohio
Commander, Third Coast Guard District (oan) Governors Island New York, NY 10004 (212) 668-7192	Connecticut, New York New Jersey, Delaware Pennsylvania
Commander, Fifth Coast Guard District (oan) Federal Building 431 Crawford Street Portsmouth, VA 23705 (804) 398-6000	Maryland, Virginia, District of Columbia, North Carolina
Commander, Seventh Coast Guard District (oan) Federal Building 51 SW 1st Avenue Miami, FL 33130 (305) 350-5654	South Carolina, Georgia, Florida
Commander, Eighth Coast Guard District (oan) Hale Boggs Federal Building 500 Camp Street New Orleans, LA 70130 (504) 589-6298	Western Florida, Alabama, Mississippi Texas, Louisiana
Commander, Ninth Coast Guard District (oan) 1240 East 9th Street Cleveland, OH 44199 (216) 522-3910	Great Lakes States
Commander, Eleventh Coast Guard District (oan) Union Bank Building 400 OceanGate Blvd. Long Beach, CA 90802 (213) 590-2311	Southern California
Commander, Twelfth Coast Guard District (oan) Government Island Alameda, CA 94501 (415) 273-7181	Northern California
Commander, Thirteenth Coast Guard District (oan) Federal Building 915 Second Avenue Seattle, WA 98174 (206) 442-5864	Oregon, Washington, Idaho, Montana
Commander, Fourteenth Coast Guard District (oan) 300 Ala Heana Blvd., 9th Floor Honolulu, Hawaii 96850 (808) 546-7109	Hawaii
Commander, Seventeenth Coast Guard District (oan) Federal Building Juneau, Alaska 99802 (907) 586-2680	Alaska

118



**FEDERAL REGULATIONS GOVERNING PRIVATE AIDS TO NAVIGATION, 22 CFR 101**

101.1 - **Scope and purpose.** The purpose of this part is to regulate the use of private aids to navigation in the United States and its territories, possessions, and other areas under its jurisdiction. This part applies to all private aids to navigation, whether or not they are used in connection with the operation of a vessel.

101.2 - **Definitions.** For the purposes of this part, the following definitions apply: (a) "Aid to navigation" means any device, structure, or mark used to assist in the safe navigation of a vessel. (b) "Private aid to navigation" means any aid to navigation that is not owned, operated, or maintained by the Coast Guard. (c) "Vessel" means any motor vessel, sailing vessel, or other vessel used in navigation. (d) "Territory" means any territory of the United States. (e) "Possession" means any possession of the United States. (f) "Other area under its jurisdiction" means any other area over which the United States exercises jurisdiction.

101.3 - **Registration.** Every private aid to navigation must be registered with the Coast Guard. The registration process includes the submission of a registration application, the payment of a registration fee, and the issuance of a registration certificate. The registration certificate must be displayed on the aid to navigation in a prominent location.

101.4 - **Construction.** Every private aid to navigation must be constructed in accordance with the standards set forth in this part. The standards include requirements for the design, construction, and maintenance of the aid to navigation. The standards also include requirements for the placement of the aid to navigation in relation to navigational hazards.

101.5 - **Placement.** Every private aid to navigation must be placed in a location that is clearly visible to vessels in the vicinity of the aid to navigation. The placement of the aid to navigation must also take into account the needs of the local community and the environment.

101.6 - **Operation.** Every private aid to navigation must be operated in accordance with the standards set forth in this part. The standards include requirements for the lighting, sound, and other characteristics of the aid to navigation. The standards also include requirements for the maintenance and repair of the aid to navigation.

101.7 - **Removal.** Every private aid to navigation must be removed from service if it is found to be inoperable, damaged, or otherwise unsafe. The removal of the aid to navigation must be reported to the Coast Guard as soon as possible.

101.8 - **Enforcement.** The Coast Guard may enforce the provisions of this part by issuing orders, citations, and penalties. The Coast Guard may also suspend or revoke the registration certificate of any private aid to navigation that is found to be in violation of this part.



DISTRCTIONS

- 1. The applicant will complete items 1 through 9.
- 2. Submit in duplicate to the Coast Guard District Commander, Attach a location plot, part of the diagram showing positions of the aids, a complete Aids to Navigation Equipment List, and when establishing or changing a fog signal, the conditions required by 33 CFR 67.10-1(f).
- 3. You may obtain from the Coast Guard District Commander copies of Title 33-Navigation and Navigable Waters, Chapter 1-Coast Guard, Department of Transportation, Subchapter C-Aids to Navigation, Part 67-Private Aids to Navigation, Outer Continental Shelf and Waters Under the Jurisdiction of the United States.

11. 000000

APPENDIX VII

DONATION AGREEMENT FOR LOUISIANA ARTIFICIAL REEF PLAN

ACT OF DONATION  
 TO THE STATE OF LOUISIANA  
 FROM

STATE OF LOUISIANA  
 PARISH OF EAST BATON ROUGE

ACT OF DONATION

BEFORE US, the undersigned notaries, duly commissioned and qualified in and for the parish(es)/county and state(s) hereinafter stated, and in the presence of the competent witnesses hereinafter named and undersigned, on the respective dates hereinafter stated, personally came and appeared \_\_\_\_\_ acting on behalf of (insert name) Corporation, who declared the following, to wit:

1. He is the (insert title) of (insert name) Corporation, hereinafter called "Donor", a (insert state of incorporation) corporation, whose address is (insert address)

2. He is duly authorized to make the donations specified herein and to execute this Act of Donation on behalf of Donor.

and

JAMES H. JENKINS, JR., acting on behalf of the Louisiana Department of Wildlife and Fisheries, who declared the following, to wit:

- 1. He is the Secretary of the Louisiana Department of Wildlife and Fisheries, the agency charged with administering and enforcing the Louisiana Artificial Reef Development Program, pursuant to La. R.S. 56:639.3(B).
- 2. He is duly authorized to accept the donations specified herein and to execute this Act of Donation on behalf of the Louisiana Department of Wildlife and Fisheries, acting on behalf of the State of Louisiana ("Donee").

ARTICLE I - DEFINITIONS

- 1.1 Agreement. "Agreement" shall mean this Act of Donation from (insert name of Donor) to the State of Louisiana through the Louisiana Department of Wildlife and Fisheries.
- 1.2 Artificial Reef Fund. "Artificial Reef Fund" shall mean the Louisiana Artificial Reef Development Fund, LSA R.S. 56:639.8.
- 1.3 Donated Structure. "Donated Structure" shall mean the (insert description of structure) to be used as an Artificial Reef.
- 1.4 Donee. "Donee" shall mean the State of Louisiana through the Louisiana Department of Wildlife and Fisheries.
- 1.5 Donor. "Donor" shall mean (insert name of entity) Corporation.
- 1.6 Conservation Fund. "Conservation Fund" shall mean the Louisiana Wildlife and Fisheries Conservation Fund, as established in La. Const. 1974, Art. VII, Section 10-A.
- 1.7 Louisiana Fishing Enhancement Act. "Louisiana Fishing Enhancement Act" shall mean the Louisiana Fishing Enhancement Act, LSA R.S. 56:639.1, et seq.
- 1.8 Louisiana Plan. "Louisiana Plan" shall mean the Louisiana Artificial Reef Plan.
- 1.9 Louisiana Artificial Reef Development Program. "Louisiana Artificial Reef Development Program" shall mean the Louisiana Artificial Reef Development Program, LSA R.S. 56:639.5.
- 1.10 National Fishing Enhancement Act. "National Fishing Enhancement Act" shall mean the National Fishing Enhancement Act of 1984, 33 USCA 2101, et seq.
- 1.11 National Artificial Reef Plan. "National Artificial Reef Plan" shall mean the National

Artificial Reef Plan, 33 USCA 2103.

- 1.12 Notification of Acceptance. "Notification of Acceptance" shall mean the document entitled "Notification of Acceptance of Structure Placement and Acceptance of Title", a copy of which is attached hereto and made a part hereof.
- 1.13 Person. "Person" or "Persons" shall mean both natural and juridical persons as defined by Louisiana Civil Code Article 24.
- 1.14 Structure Site. "Structure Site" shall mean the site described in Article 5.1 below.

#### ARTICLE II - DONATION OF STRUCTURE

- 2.1 Donation of Structure. In consideration of the mutual covenants and conditions set forth below, and for the purpose of enhancing fishing resources within and adjacent to the coast of the State of Louisiana, Donor, in accordance with the National Fishing Enhancement Act (and more particularly the National Artificial Reef Plan, and the Louisiana Fishing Enhancement Act (and more particularly the Louisiana Artificial Reef Development Program), does hereby irrevocably donate, transfer, carry, assign, and deliver unto the Donee the following described structure, which is hereinafter collectively referred to as "Donated Structure", to wit:

(INSERT DESCRIPTION OF STRUCTURE)

#### ARTICLE III - WARRANTIES

- 3.1 Disclaimer. This donation is made by Donor without any warranty, either express or implied, and in particular any warranty as to the condition, fitness, or usability of said

shall be placed such that a minimum clearance of fifty (50) feet below the mean low sea level of the surface of the water is maintained, in such a manner that the Donated Structure shall be acceptable by the U.S. Coast Guard for the use of unlit aids to navigation to mark the site. The general location for the placement of the Donated Structure ("Structure Site") is as follows:

AREA/BLOCK \_\_\_\_\_ POLAR COORDINATES

- 5.2 Position. Donor shall place the Donated Structure at the Structure Site described above on the floor of the Gulf of Mexico in a horizontal/vertical (choose one) position.
- 5.3 Accepted Range. Donor shall place the Donated Structure as accurately as possible on the Structure Site described above, but in no case shall the Donated Structure be placed more than five hundred (500) feet from the Structure Site on the floor of the Gulf of Mexico. Furthermore, in no case shall the Donated Structure be placed such that a minimum clearance of fifty (50) feet below the mean low sea level of the surface of the water is not maintained.
- 5.4 Representation. Donor shall provide, at its expense, for a representative of Donee to be present at the Structure Site described above at the time of placement of the Donated Structure. Donee's representative shall act as an observer only and shall not serve, nor be deemed to serve, in any operational or advisory capacity whatsoever. Notwithstanding the above, Donee's representative may advise the Donor on placement of the Donated Structure but only at the specific request of the Donor, its agents, employees, or representatives. In such instances, it is specifically understood that Donor shall assume all responsibility for and all liability which may be associated with, any action resulting

structure for any purpose, except as provided as follows, or as otherwise provided in this Agreement.

- 3.2 Materials. Donor warrants that the materials donated meet the applicable requirements of the National Artificial Reef Plan, the Louisiana Artificial Reef Plan, and any and all permits issued according to those plans, including but not limited to the permit issued by the U.S. Army Corps of Engineers.
- 3.3 Hazardous Material. Donor warrants that, except for possible trace amounts, the Donated Structure is free of any hydrocarbons or other hazardous materials listed in any current federal, Louisiana state, or local law, ordinance, rule, regulation, order, decree, or requirement.
- 3.4 Good Title. Donor warrants that their title to the Donated Structure is free and clear of all encumbrances of any kind or description.

#### ARTICLE IV - PERMITS

- 4.1 Permits. As set out in La. R.S. 56:639.9, Donee shall be responsible for obtaining the required permits for the construction and management of an artificial reef at the Structure Site described below pursuant to the National Fishing Enhancement Act and the Louisiana Fishing Enhancement Act.

#### ARTICLE V - LOCATION AND PLACEMENT

- 5.1 Location. Operations to place the Donated Structure on the floor of the Gulf of Mexico shall be conducted by Donor at the site selected by the Donee. The Donated Structure

from Donor's acting upon such advice, and for any and all consequences arising therefrom.

- 5.5 Disclaimer. Donor shall assume all responsibility for and all liability which may be associated with the transport and disposition of the Donated Structure, or any part thereof. Donee shall assume no liability for the transport and disposition of the Donated Structure, or any part thereof. The Donor shall be solely responsible for the Donated Structure until such time as it has been properly placed on the sea floor at the Structure Site specified above and all other terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled.
- 5.6 Structure Site Permits. Donor warrants that the Donated Structure shall be sited and placed in accordance with all terms, conditions, and special conditions of all U.S. Army Corps of Engineers permits, and all other permits issued to construct the artificial reef, in addition to all specifications contained herein.
- 5.7 Completion. Donor's proper placement of the Donated Structure at the Structure Site described above and completion of all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, shall relieve Donor of any and all obligations or requirements to further transport or move the structure.
- 5.8 Surveyor's Plat. Donor agrees to furnish Donee with a certified surveyors plat of the final location and clearance of the Donated Structure within thirty (30) days following final placement of the Donated Structure.

#### ARTICLE VI - TITLE

- 6.1 **Passing of Title.** After the completion of Donor's operations to place the Donated Structure at the Structure Site described above, and after all other terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein have been fulfilled, title to the Donated Structure shall pass from Donor to Donee free and clear of all encumbrances of any kind or description.

#### ARTICLE VII - LIABILITY

- 7.1 **Delivery of Structure - Donor's Actions.** Donor shall be solely responsible for the Donated Structure until all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled. Donor shall indemnify and hold Donee harmless from and against any and all claims, demands, or causes of action of any description in favor of any person for damage or loss in persons or property arising from Donor's actions or failure to act during the operations required to deliver the Donated Structure and to properly place it on the Structure Site described above and until such time as all other terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled.
- 7.2 **Delivery of Structure - Donee's Negligence.** Donor shall be solely responsible for the

hold Donor harmless from and against any and all claims, demands, or causes of action in favor of any person for damage or loss that may occur to persons or property arising after title to Donated Structure passes to the Donee and arising out of or in any way connected with use of the Donated Structure, or any appurtenances attached thereto by Donee or other persons, provided that the Donated Structure meets the requirements of the National Artificial Reef Plan and the Louisiana Artificial Reef Development Program, except that Donor hereby assumes responsibility and liability for any personal injury, property damages, loss or damage of any description, including but not limited to loss or damage to fish or wildlife, or fish or wildlife habitat, which may result from a spill, seepage, or release from the Donated Structure of hydrocarbons or hazardous materials that are listed in any current federal, state or local law, ordinance, rule, regulation, order, decree, or requirement.

- 7.4 **Notice of Claims.** In all aforesaid instances wherein the Donee agrees to indemnify the Donor, if such a claim, demand, or cause of action is filed against Donor, Donor shall promptly notify Donee in writing and by certified mail. This notice shall be addressed to the Secretary, Department of Wildlife and Fisheries, and shall specify the nature of and the specific basis for such claim, demand, or cause of action and the amount claimed, or the estimated amount claimed to the extent then known. In all aforesaid instances wherein the Donor agrees to indemnify the Donee, if such a claim, demand, or cause of action is filed against Donee, Donee shall promptly notify Donor in writing and by certified mail. This notice shall be addressed to \_\_\_\_\_ and shall specify the nature of and the specific basis for such claim, demand, or cause of action and the amount claimed,

Donated Structure and its delivery until such time as all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled. However, Donor assumes no liability and extends no indemnity to Donee for injury or loss sustained by Donee, its employees, agents or third parties, arising solely out of the negligence of Donee, its agents, or employees, during the operations required to deliver the Donated Structure to the Structure Site described above. It is understood and agreed that Donee's representative will serve as an observer only and shall not act, nor be deemed to act, in an operational or advisory capacity during the operations required to deliver and properly place the Donated Structure at the Structure Site. Notwithstanding the above, Donee's representative may advise the Donor on placement of the Donated Structure but only at the specific request of the Donor, its agents, employees, or representatives. In such instances, it is specifically understood and agreed that Donor shall assume all responsibility for, and all liability which may be associated with, any actions which may result from Donor's acting upon such advice, and for any and all consequences arising therefrom.

- 7.3 **Title Passage of Structure.** Donee shall be responsible for Donated Structure only after all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled. Donee shall have neither any interest in, responsibility for, nor liability for the Donated Structure or any part thereof until all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled. Donee agrees to indemnify and

or the estimated amount claimed to the extent then known.

- 7.5 **Legal Representation.** In all instances wherein the Donee agrees to indemnify the Donor, at the election of the Donee, the Donee shall either provide legal representation for Donor against such claim, demand or cause of action, or reimburse Donor for all reasonable costs incurred by Donor in defending against such claim, demand or cause of action, provided that the Donor provides written notice to the Donee as provided above.
- 7.6 **Disclaimer - Liability for Maintenance and Repair.** After all terms and conditions of this Agreement, including but not limited to Donee's mailing of the completed "Notification of Acceptance" as specified in Article VIII herein, have been fulfilled, Donor shall have no obligation or duty whatsoever to provide for the maintenance or repair of the Donated Structure or any appurtenance attached thereto.

#### ARTICLE VIII - ACCEPTANCE

- 8.1 **Appearance by Donee.** Donee hereby appears for the purpose of accepting both the Donated Structure and the funds upon the fulfillment of the conditions specified below.
- 8.2 **Obligation to Accept by Donee.** Donor hereby obligates itself to accept the donation of both the Donated Structure and the funds specified herein upon the fulfillment of the following conditions:
- Donor has in fact delivered the Donated Structure to the proper Structure Site as specified herein;
  - Donor has completed any and all operations to place the Donated Structure at the Structure Site as specified herein;
  - Donor has conducted a survey and procured a certified surveyor's plat of the Donated

Structure at the Structure Site after operations have been completed in full;

- d. Donor has delivered the certified surveyor's plat, as specified in section "c", above to the Donee;
- e. Donee has received, examined, and accepted Donor's certified surveyor's plat and has sent to Donor by certified mail a completed and signed "Notification of Acceptance of Structure Placement and Acceptance of Title", ("Notification of Acceptance") a blank copy of which is attached hereto and made a part hereof, by certified mail. Unless otherwise agreed, Donee will mail such notification within three (3) working days following receipt of the certified surveyor's plat from Donor, provided that Donee accepts such certified surveyor's plat as indicating proper placement of the Donated Structure at the Structure Site.

8.3 Acceptance by Donee. Donee's acceptance of the Donated Structure and funds shall be deemed to occur and title shall pass only upon the fulfillment of the conditions specified in Section 8.2 (a-e) above. Acceptance shall particularly be deemed to occur and title shall pass at 12:00 midnight on the date that Donee mails to Donor the completed "Notification of Acceptance". Acceptance shall not be deemed to occur at any time prior to the fulfillment of said conditions. It is specifically understood and agreed that Donee shall have no ownership interest in the Donated Structure unless and until Donee mails the completed "Notification of Acceptance" and any and all liability for actions, occurrences, or omissions which might occur prior to Donee's mailing of the completed "Notification of Acceptance", other than those arising solely out of the direct negligence of the Donee, as provided in Section 7.2 above, shall be the sole responsibility of the Donor.

**NOTIFICATION OF ACCEPTANCE OF STRUCTURE PLACEMENT  
AND ACCEPTANCE OF TITLE**

Mr.

Dear Mr. :

Reference is made to an Act of Donation to the State of Louisiana from the " dated ". The Department of Wildlife and Fisheries has received and reviewed the certified surveyor's plat depicting the final locations of your structure " at our " reef site.

Pursuant to the aforementioned Act of Donation, in particular Article VIII, the Department of Wildlife and Fisheries hereby accepts the placement of the donated structure and the title to said structure.

Thank you for your cooperation in this matter.

Sincerely,

Rick A. Kasperzak  
Artificial Reef Coordinator  
Marine Fisheries Division

RAK/lar

c:

**ARTICLE IX - DONATION TO ARTIFICIAL REEF FUND**

9.1 Donation to the Artificial Reef Fund. Donor agrees to and shall donate to the Conservation Fund the sum of \$ \_\_\_\_\_ as provided by the Louisiana Fishing Enhancement Act and the Louisiana Artificial Reef Development Program, with such sums then to be placed in the Artificial Reef Fund for the benefit of the Louisiana Artificial Reef Development Program pursuant to the Louisiana Fishing Enhancement Act and the Louisiana Artificial Reef Development Program, as presently written. The Donor shall deliver the aforesaid sum to the Donee simultaneously with delivering the certified surveyor's plat to the Donee. Acceptance of the aforesaid sum shall be deemed to occur upon Donee's acceptance of the Donated Structure and title passage of the Donated Structure as evidenced by the Donee's mailing of the completed Notification of Acceptance as provided in Article VIII herein.

THIS DONE AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 1994, at \_\_\_\_\_

\_\_\_\_\_ in the presence of the undersigned competent witnesses who herewith sign their names with said appearers and me, notary.

WITNESSES:

DONOR:

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

THIS DONE AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 1994, at Baton

Rouge, Louisiana in the presence of the undersigned competent witnesses who herewith sign their names with said appearers and me, notary.

WITNESSES:

DONEE:

\_\_\_\_\_  
\_\_\_\_\_

LOUISIANA DEPARTMENT OF  
WILDLIFE AND FISHERIES

BY: \_\_\_\_\_  
JAMES H. JENKINS, JR.  
SECRETARY

\_\_\_\_\_  
NOTARY PUBLIC

Amendment II  
to  
Louisiana's Artificial Reef Plan  
Special Artificial Reef Sites

Introduction

Since the development of Louisiana's Artificial Reef Program, several unforeseen and seemingly beneficial opportunities have arisen that involve the creation of artificial reefs outside of designated planning areas. For example, a large drilling rig, owned and operated by ODECO located in South Timbalier 86, collapsed in 1986 during Hurricane Juan. This very large structure has become a very popular diving and fishing spot but not located within one of the eight original Louisiana Artificial Reef Planning Areas. While program coordinators and council members believe inclusion of the structure in the reef program is desirable, they also feel expansion of an existing planning area to encompass the ODECO structure would set a bad precedent.

The creation of a "Special Artificial Reef Site" (SARS) program category would provide the council and program the flexibility of establishing selected artificial reefs under such "unusual" circumstances. Each SARS in inshore or offshore waters of Louisiana would have to meet the following qualifications and criteria.

Definition

A Special Artificial Reef Site (SARS) is an artificial reef site created and maintained by the Louisiana Department of Wildlife and Fisheries under the Louisiana Artificial Reef Program as described in Amendment II of the Louisiana Reef Plan (this amendment).

The purpose of a SARS is to allow the Louisiana Artificial Reef Program to take advantage of materials of opportunity located outside designated planning areas that would benefit Louisiana's Artificial Reef Program with minimum negative user group impacts. A site, and materials contained in that site, would qualify as a SARS when one or more of the following criteria are met:

- A) There is a historical or biological significance associated with that site. For example, if a particular area is a successful fishing spot frequented by fishermen and/or divers, or if the site provides good fishery habitat.
- B) the site is part of a cooperative effort between the Louisiana Artificial Reef Program and other state, federal or private groups.
- C) the site contains shipwrecks or other derelicts which cannot be practicably removed or relocated, and provide benefits to the Louisiana Artificial Reef Program, or
- D) the site forms an integral part of experimental or demonstration projects undertaken by the Louisiana Artificial Reef Program.

Criteria

For a site to be considered as a SARS it must meet the following criteria:

1. designation as a SARS would provide benefit to recreational and/or commercial fishing, or fish habitat,
2. removal of existing material from that site would have a negative impact on fish

population(s).

3. designation as a SARS would not pose a threat to navigation,
4. the area does not occupy currently trawlable bottom,
5. inclusion of the special artificial reef site in the Louisiana Artificial Reef Program would have an overall positive impact on user groups,
6. for every "SARS" constructed, an area of equal size would be eliminated from an existing planning area, and
7. except for possible trace amounts, the structure would be free and clear of any hydrocarbons or other hazardous materials as listed in current regulations promulgated by the U. S. Environmental Protection Agency

Procedure

The following steps will be taken to establish a Special Artificial Reef Site:

1. The Louisiana Artificial Reef coordinators will draft a proposal to establish a SARS for submission to the Artificial Reef Council. The proposal shall include: a) location, b) clearance, c) bottom profile, d) condition of structure and list of potential hazardous material, and e) justification that the criteria outlined above are met.
2. Following acceptance of the proposal by the Louisiana Artificial Reef Council, the intent to create a SARS will be announced through a Louisiana Department of Wildlife and Fisheries News Release
3. Thirty days following news releases, if no major objections are received, the Louisiana Artificial Reef Coordinator will apply for necessary permits. In the event objections are received, a public hearing will be held to provide further

information before a final determination by the Council

4. If appropriate, a Deed of Donation will be agreed upon by the donor and recipients of the reef material.
5. The Secretary of the Department of Wildlife and Fisheries shall sign all necessary permits and the Deed of Donation.

Amendment III

to

Louisiana's Artificial Reef Plan

Deepwater Reef Sites

Allows the Louisiana Artificial Reef Program to accept proposals for artificial reefs created from platforms in water depths of 400 ft. or greater, provided that they meet the following criteria:

- A. Water depth exceeds 400 ft
- B. Must have a minimum clearance of 85 feet to avoid lighting requirements
- C. Over 2 miles from a fairway to avoid lighting requirements
- D. Meets MMS recommendations with regards to pipelines
- E. Clearance does not exceed 200 ft to maintain optimum biological productivity
- F. Other platforms in water depths 400 ft or greater within the 2 mile fairway buffer zone may be considered on a case by case basis, based on historical navigational patterns, (i.e. LOOP), clearance, biological importance and liability concerns.



**NOTICE OF INTENT**  
**Establishment of Commercial Fishing Season at Poverty Point Reservoir**  
 Ryan Daniel | LDWF Commission Meeting | October 8, 2016

**Poverty Point Reservoir Facts**

- 2,700 surface acres, located north of Delhi, LA
- Opened to public in 2003
- Operated by the Office of State Parks
- Special Regulations: no trotlines, yo-yo's, traps, or nets

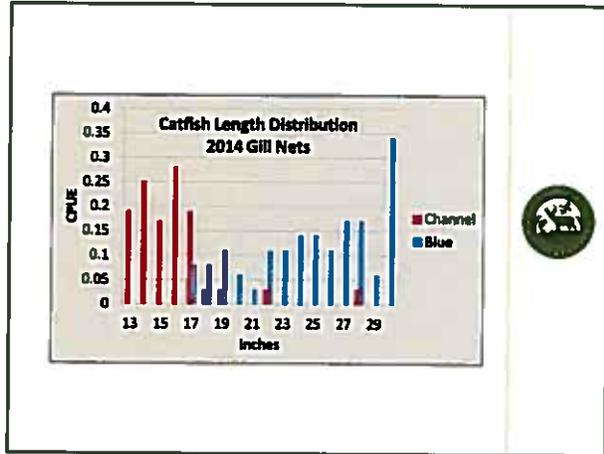
**Notice of Intent:** The Louisiana Wildlife and Fisheries Commission does hereby give its intent to modify the current net ban and to establish and permit a special recurring commercial fishing season, allowing the use of certain nets in Poverty Point Reservoir, Richland Parish, Louisiana.




**Rough Fish CPUE**

Species	Year		
	2008	2011	2014
Channel Cat	0.67	0.40	1.19
Blue Cat	-	0.12	1.69
Flathead Cat	-	0.01	0.09
Buffalo sp.	1.71	0.3	2.86
Drum	0.17	.05	0.31
Gar	.03	-	2.31
Com. Carp	4.53	1.93	10.4
Bowfin	.03	.08	.03





**Intent and Purpose**

- Rescinds a ban on trammel and gill nets on Poverty Point Reservoir
- Establishes and allows a recurring commercial fishing season on Poverty Point Reservoir
  - Adopts the existing framework for special commercial seasons on Lake Providence, Lake Bruin and False River
- Creates opportunity for commercial fishers to take advantage of an expanding and under-utilized resource.
- Utilizes commercial fishing as a fisheries management tool for removal of rough fish species, promoting a healthier fish community, and potentially stimulating sport fish populations



**NOTICE OF INTENT**  
 Establishment of Commercial Fishing Season at Poverty Point Reservoir  
 Ryan Daniel | LDWF Commission Meeting | October 6, 2016

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission does hereby give its intent to modify the current net ban and to establish and permit a special recurring commercial fishing season, allowing the use of certain nets in Poverty Point Reservoir, Richland Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 1. Freshwater Sport and Commercial Fishing

§106. Poverty Point Reservoir Netting Prohibition

A. The Wildlife and Fisheries Commission hereby prohibits the use of freshwater ~~commercial fish netting (gill nets, trammel nets, hoop nets, wire nets and fish seines) in Poverty Point Reservoir, Richland Parish, Louisiana. No person shall use or possess any gill net, trammel net, hoop net or fish seines in or on Poverty Point Reservoir. Violation of this provision shall be a Class 2 violation as specified in R.S. 56:32.~~ trammel and gill nets in Poverty Point Reservoir, Richland Parish, Louisiana, except their use will be allowed for the legal harvest of commercial fish during a special recurring trammel and gill netting season to commence each year at sunrise on October 1 and close at sunset on the last day of February the following year.

1. Commercial fishing with certain nets will be allowed on Poverty Point Reservoir only during the above described special season and only by licensed commercial fishermen. The use of nets in Poverty Point Reservoir will be limited to gill and trammel nets greater than or having at least a minimum mesh size of 3 1/2-inch bar and 7-inch stretch.

2. Commercial fishing will be allowed during daylight hours in designated areas only except that gear can remain set overnight but fish captured shall be removed during daylight hours only.

B. The Wildlife and Fisheries Commission hereby prohibits the use of hoop nets, wire nets and fish seines in Poverty Point Reservoir. No person shall use or possess any hoop nets, wire nets or fish seines in or on Poverty Point Reservoir. Violation of this provision shall be a Class 2 violation as specified in R.S. 56:32.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:2569 (October 2005), amended LR 42:1610 (October 2016).

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.

### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, 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).

### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

### **Public Comments**

Interested persons may submit written comments relative to the proposed rule to Ryan Daniel, District 2 Biologist Manager, Louisiana Department of Wildlife and Fisheries, 368 Century Tel Dr., Monroe, LA, 71203-8732, prior to December 5, 2016.

\_\_\_\_\_  
Bart R. Yakupzack  
Chairman

Date: \_\_\_\_\_



**Summary of LDWF Stock Assessments**  
*Blue Crab, Striped Mullet, Black Drum, Sheephead, Southern Flounder, Spotted Seatrout, and Red Drum*

Wildlife and Fisheries Commission  
 Baton Rouge, La – October 6, 2016

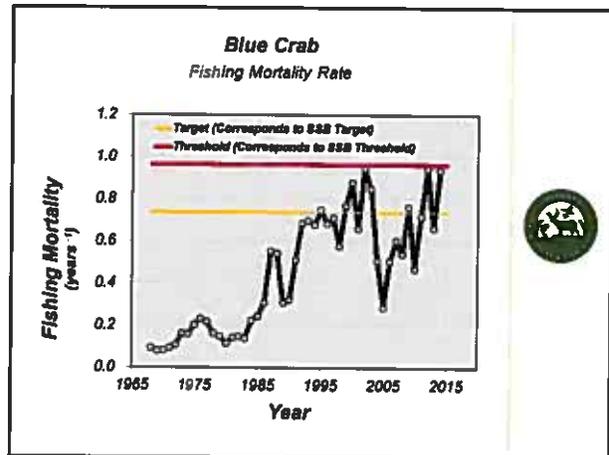
### Overview

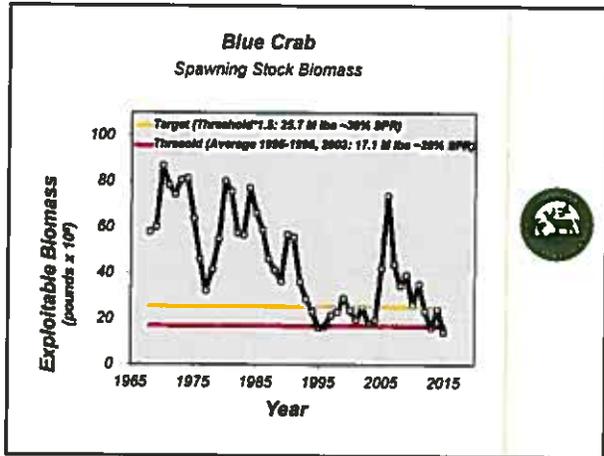
*Update on key reference points, stock status, and any management action taken for the following assessments:*

Blue Crab	(2016 report with data through 2015)
Striped Mullet	(2016 report with data through 2014)
Black Drum	(2015 report with data through 2013)
Southern Flounder	(2015 report with data through 2013)
Sheephead	(2015 report with data through 2013)
Spotted Seatrout	(2014 report with data through 2013)
Red Drum	(2005 report with data through 2002)



Blue Crab



### Blue Crab Current Stock Status

Stock has crossed the overfished threshold  
Very near the overfishing threshold

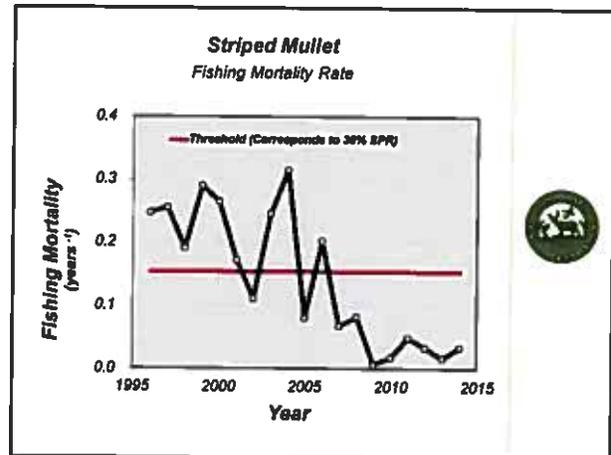
Blue Crab are considered an annual crop and are very resilient to heavy fishing pressure.

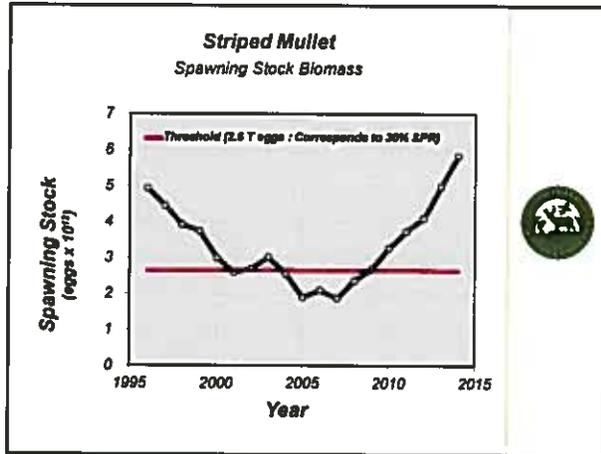
Likely no near term potential for more stock availability and restrictions are in motion.

Management Actions taken:

- \*Current NOI going through public process for final publication
- 1) Seasonal closure of the commercial and trap fishery for 30 days in February (2017 through 2019).
- 2) Restriction on immature female harvest (2017 through 2019)

Striped Mullet





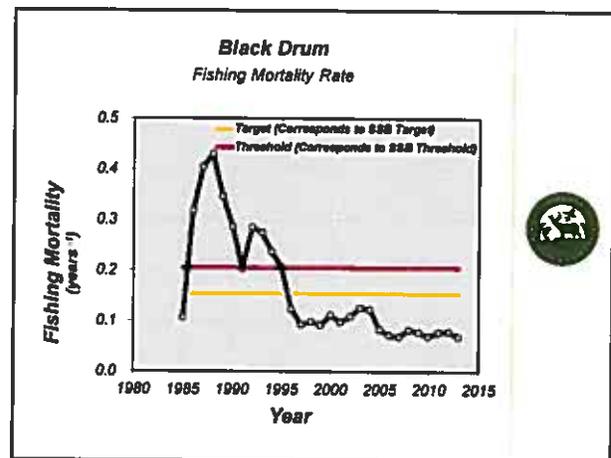
### Striped Mullet Current Stock Status

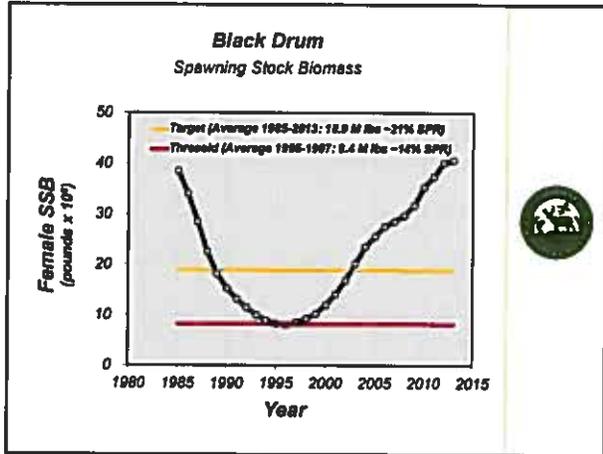
Currently, not overfished and not undergoing overfishing.

The stock was overfished and undergoing overfishing at times in the past.

No current change in management but there is potential to harvest more biomass.

Black Drum





### Black Drum Current Stock Status

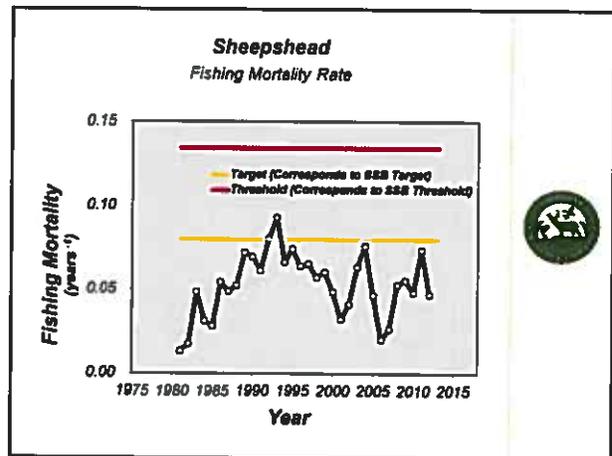
Currently, not overfished and not undergoing overfishing.

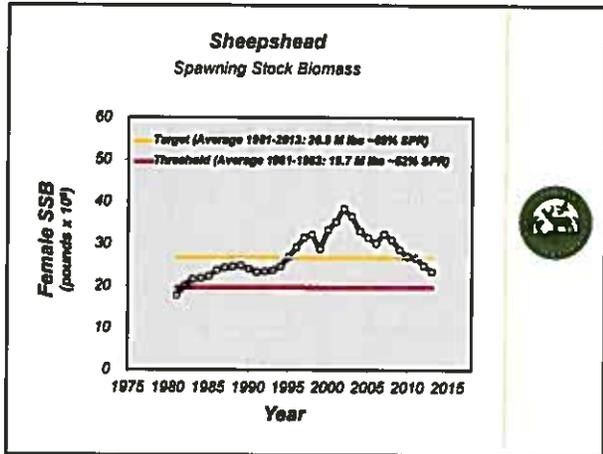
Overfishing did occur in earlier years.

No current change in management, however there is more stock available than is being harvested.



Sheepshead





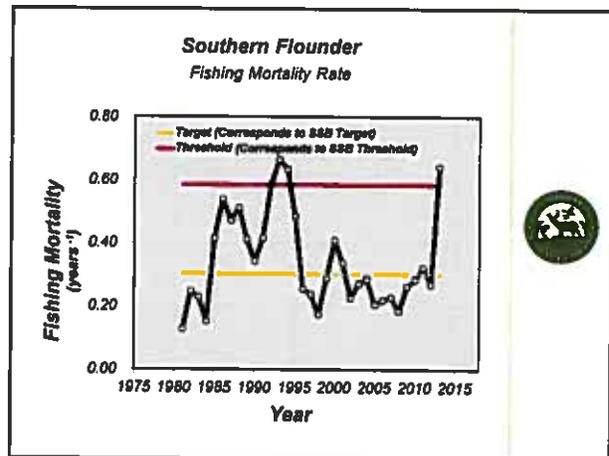
### Sheepshead Current Stock Status

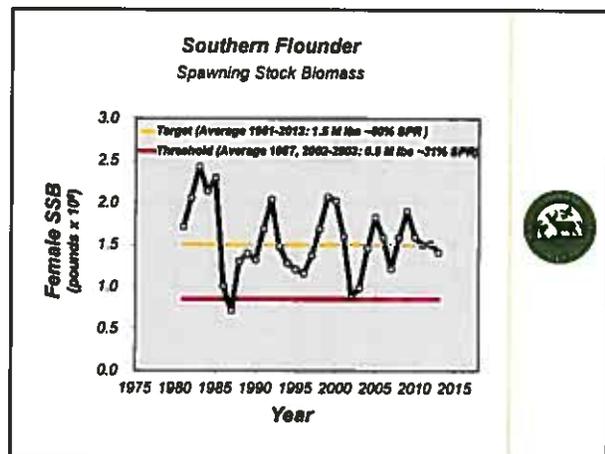
**Currently, not overfished and not undergoing overfishing**

**No change in management currently.**

**Biomass is near target and above threshold. Likely no potential for increased harvest limits.**

Southern Flounder





### Southern Flounder Current Stock Status

**Currently, not overfished and not undergoing overfishing.**

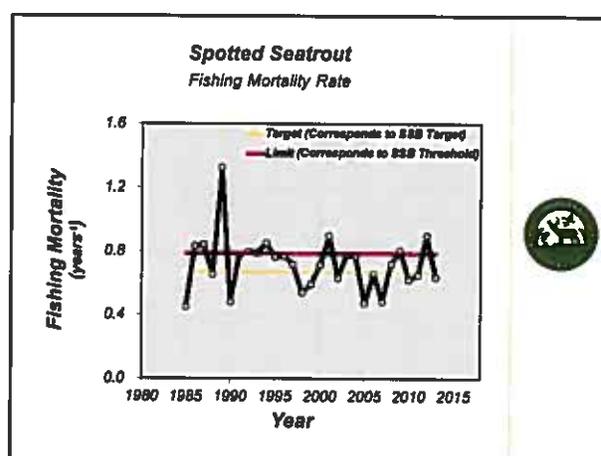
**Stock did experience overfishing during one year and was overfished at certain points in the past.**

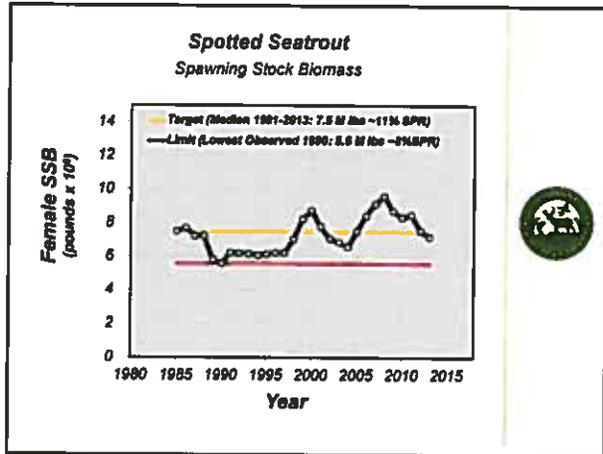
**No change in management currently. Stock has been bouncing around target and likely no potential for additional harvest increases.**

**2013 fishing mortality point is likely due to MRIP data issue, not a concern.**



*Spotted Seatrout*





### Spotted Seatrout Current Stock Status

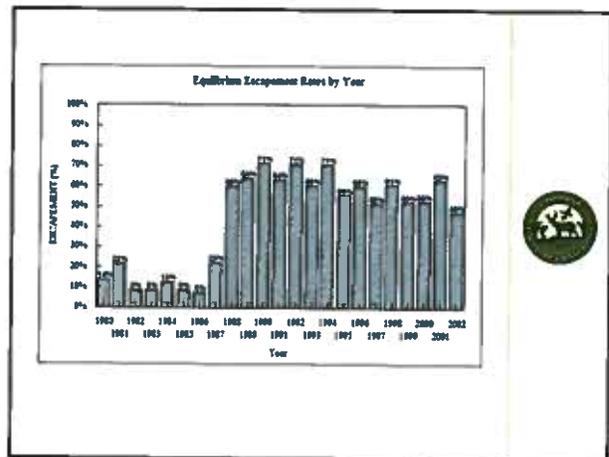
**Currently, not overfished and not undergoing overfishing.**

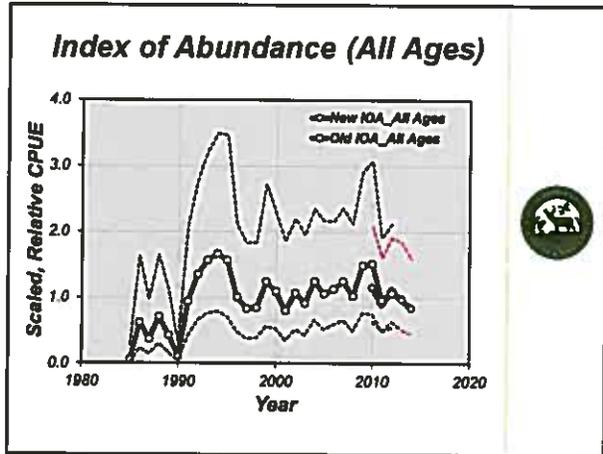
**Did experience some overfishing in past years.**

**Stock is at or near both F and SSB targets, likely no additional harvest available or restrictions needed.**



Red Drum





### Red Drum Current Stock Status

Currently, above the 30% escapement rate agreed to by the Gulf States.

SEDAR 49 is assessing the offshore stock, results due this year.

Fishery-independent index relatively stable.

Limits appear to be sufficient.



### Summary

Blue crab has crossed the overfishing threshold and is very near the overfished threshold and action has been taken by the LWFC to reduce harvest over the next three years.

All other stocks are not currently overfished or undergoing overfishing, although some stocks have been in an overfished or overfishing condition in the past.

Some stocks (striped mullet and black drum) have the potential for additional harvest beyond current limits.

Southern flounder, sheepshead, and spotted seatrout are near or at targets, and current limits are sufficient at this time.

Red Drum stock is above the established 30% escapement rate and LDWF fishery-independent index has had a stable trend. Limits appear to be sufficient at this time.



### Questions





**Gulf Council Issues – Past and Upcoming**  
Myron Fischer | 10/6/2016

**Gulf of Mexico Fishery  
Management Council**

**Meeting Summary**

**August 2016**

**New Orleans, Louisiana**



**Data Collection**

- Charter For Hire Vessels
- Hail Out / Hail In  
Submit Data prior to arriving at dock  
NMFS Approved Device (No  
Smartphones)
- Data Collection Technical Committee met  
last week to Advise Council  
(LDWF is represented on this Committee)



**Red Snapper Management for  
Federally Permitted Charter  
Vessels Amendment 41**

The Council heard a preliminary analysis on  
the potential for split seasons



**Grey Triggerfish  
Amendment 46**

- A recent stock assessment indicated that the gray triggerfish population remains overfished. The new rebuilding plan for the stock requires changes to
- Recreational bag limit  
Recreational size limit  
Recreational closed season
- Commercial trip limit



**Modifications to Individual Fishing  
Quota Programs  
Draft Amendment 36A**

Red Snapper, Grouper, and Tilefish

The Council reviewed Draft Amendment 36A

- hail-in requirements
- inactivated shareholder accounts
- mid-year quota changes



**Gulf of Mexico Fishery  
Management Council**

**Proposed Agenda**

**October 2016**

**Biloxi, Mississippi**



**Data**

- The Council is completing the For-hire Reporting Requirements

**Mackerel**

- Public Hearing Draft: CMP Amendment 29: Allocation Sharing and Accountability Measures for Gulf King Mackerel



### Shrimp

- The Council will receive an update on NMFS Turtle Excluder Device (TED) Rule
- Risk Assessment for Threshold Permit Numbers Relative to Sea Turtle Incidental Take Constraints
- Revised Options Paper for Shrimp Amendment 17B
  - Louisiana has 372 Valid Permits



### Reef Fish

- Draft Amendment 46 – Gray Triggerfish Rebuilding Plan
- Draft Amendment 41 – Red Snapper Management for Federally Permitted Charter Vessels
- Draft Amendment 42 Review – Reef Fish Management for Headboat Survey Vessels
- Appointments will be made for the Ad Hoc Private Recreational AP
- NMFS-SERO – Landing Summaries



# ALLIGATOR MANAGEMENT PROGRAM



October 6, 2016

## Louisiana Alligator Ranching Program

### Goals

Goal 1. Maintain a stable or rising alligator population statewide while allowing utilization of the egg resource and adult population.

Goal 2. Ensure enough alligators are released for supplementation to replace that segment of the population collected as eggs.

Goal 3. Ensure that released alligators have reasonable growth and survival by releasing in adequate juvenile habitat with good prey base, cover, and permanent water.

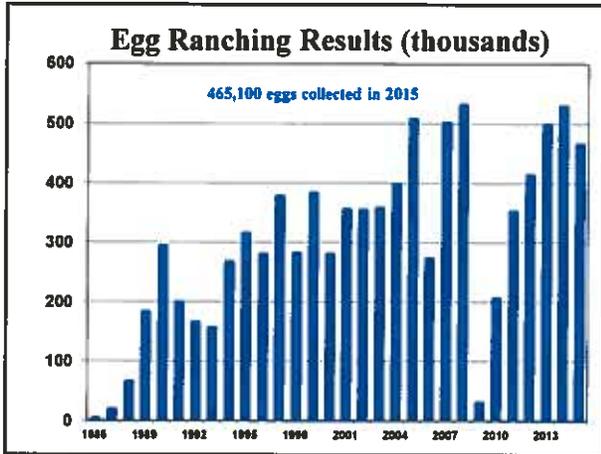
Goal 4. Ensure that alligators released for supplementation after being raised in captivity are later capable of breeding and contribute to future population recruitment.



Collecting Alligator Eggs in the Wild

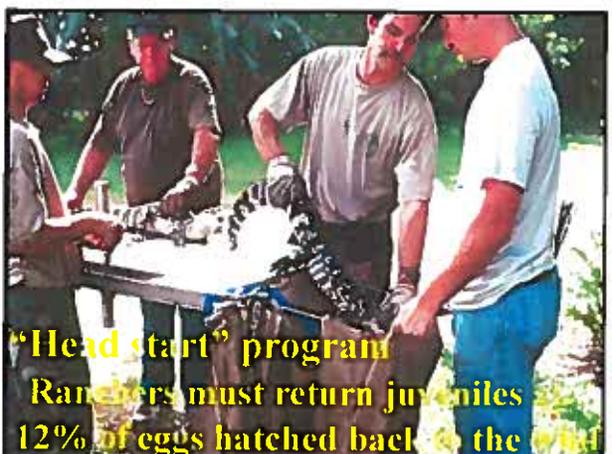


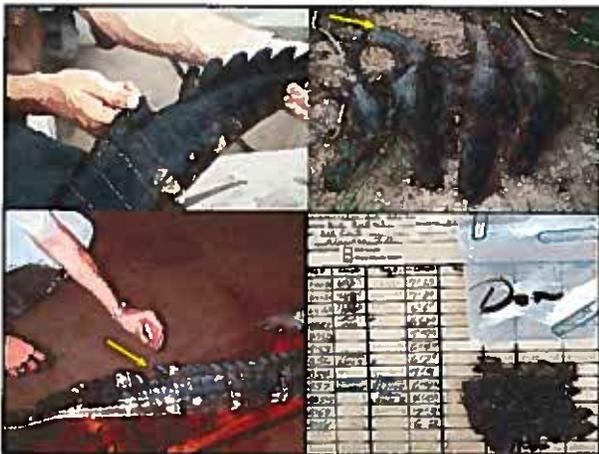
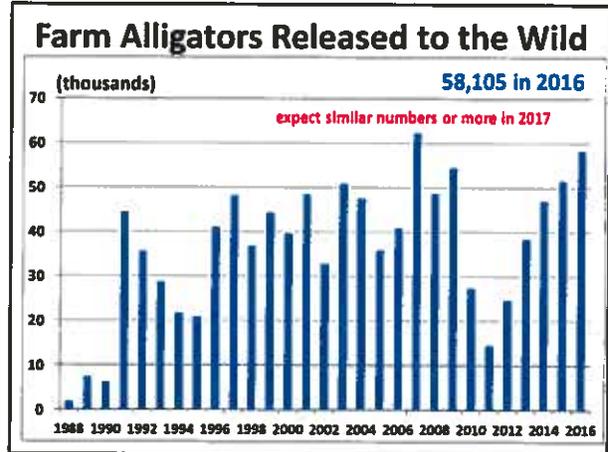
Incubating Collected Alligator Eggs

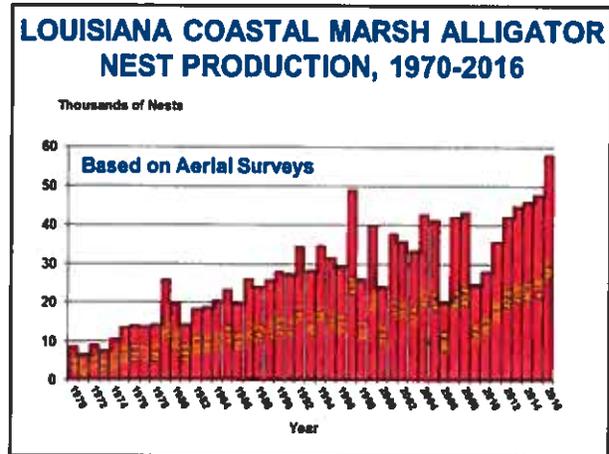
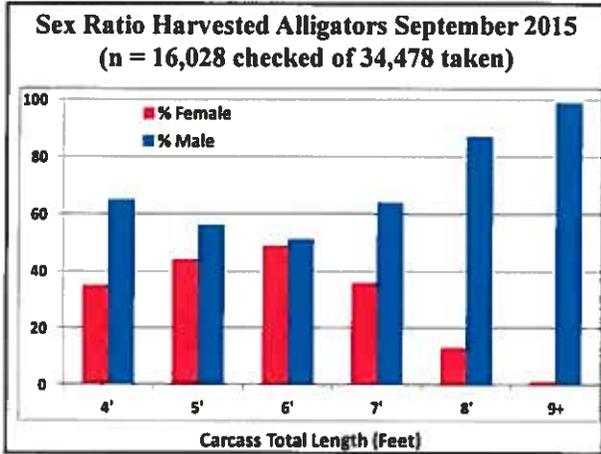


### “Sliding Scale” Return Rates - History

Year	Permit Due	36 inches	48 inches	60 inches
1986	1988	29.6 %	17.0 %	9.8 %
2000	2002	24.4 %	14.0 %	8.1 %
2007	2009	20.9 %	12.0 %	8.1 %
2009	2011	60" max	6.9 %	-







Height (in.)	release rate (2015 percent)	proposed
36	20.9	17.4
37	20.1	16.7
38	19.4	16.2
39	18.6	15.5
40	17.9	14.9
41	17.2	14.3
42	16.5	13.7
43	15.7	13.1
44	15.0	12.5
45	14.2	11.8
46	13.5	11.2
47	12.7	10.6
48	12.0%	10.0%
49	11.6	9.7
50	11.1	9.2
51	10.7	8.9
52	10.3	8.6
53	9.9	8.3
54	9.4	7.8
55	9.0	7.5
56	8.6	7.2
57	8.2	6.8
58	7.8	6.5
59	7.4	6.2
60	6.9	5.7

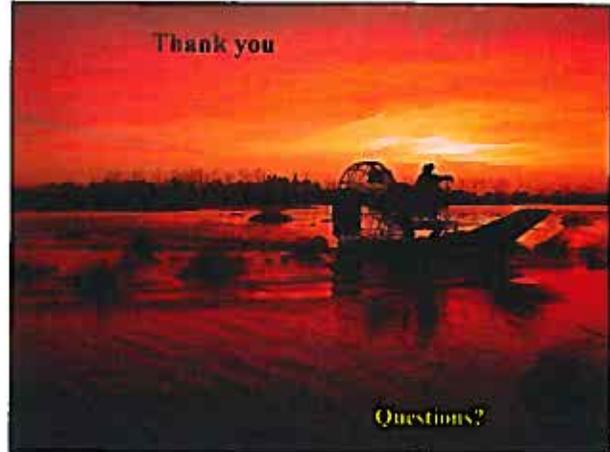
**Chapter 7. Alligators**

**§701. Alligator Regulations**

**14. Alligator Egg Collections**

a. -i. \_\_\_\_\_

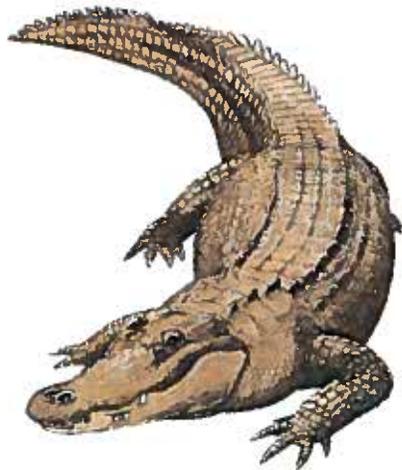
j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than ~~43~~ **10** percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 60 inches (no alligator over 60 inches total length will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females \_\_\_\_\_



# LOUISIANA

## Alligator Regulations

### June 2016



John Bel Edwards  
Governor

Charlie Melancon  
Secretary

Wildlife and Fisheries Commission  
Bart R. Yakupczak, Chairman

Chad J. Courville, Vice-Chairman  
Billy Broussard  
Nathan D. Wall

Edwin Manuel  
Julie Hebert  
William D. Hogan

## TABLE OF CONTENTS

PURPOSE OF REGULATIONS	2
DEFINITIONS	2
GENERAL RULES	10
LICENSES, PERMITS AND FEES	13
WILD HARVEST METHODS	16
TAG PROCUREMENT AND TAGGING REQUIREMENTS	17
OPEN SEASON, OPEN AREAS, AND QUOTAS	20
POSSESSION	21
IMPORTATION, EXPORTATION, PURCHASE, AND SALE	22
NUISANCE ALLIGATOR CONTROL	25
REPORT REQUIREMENTS	25
ALLIGATOR MEAT	31
DISPOSAL OF ALLIGATORS BY THE DEPARTMENT	32
ALLIGATOR EGG COLLECTION	33
ALLIGATOR FARM FACILITY REQUIREMENTS	35
FARM-RAISED ALLIGATOR SLAUGHTER METHODS	37
EXCEPTIONS	38
PENALTY FOR VIOLATION	38

### Disclaimer

This publication is not an official copy of the laws in effect and should not be utilized or relied upon as such. It does represent an attempt by the publisher to present as a public service, a partial summary of some of the laws and a set of regulations adopted by the Louisiana Wildlife and Fisheries Commission and being current at the time of this publication.

Substantive changes to the state laws may very well occur following the printing of this publication. For these reasons, the accuracy of the information contained within this publication cannot be guaranteed and the reader is cautioned that it is his responsibility to apprise himself of the laws in effect at any given time. These regulations include those contained within the Louisiana Revised Statutes, particularly Title 56 and the official regulations of the Louisiana Wildlife and Fisheries Commission.

This public document was published at a total cost of \$350.00. Approximately 2,500 copies of this document were printed. This document was published by the Department of Wildlife and Fisheries, 2000 Quail Drive, Baton Rouge, Louisiana 70898, to provide information on alligator regulations in Louisiana. This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was provided in accordance with the provisions of the Louisiana Revised Statutes.

## TITLE 76

### WILDLIFE AND FISHERIES

#### PART V. WILD QUADRUPEDS AND WILD BIRDS

##### Chapter 7. Alligators

##### §701. Alligator Regulations

A. The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the department secretary; the assistant secretary, Office of Wildlife; and the Coastal and Nongame Resources Division.

1. **Purpose.** These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Alligators in Louisiana are not endangered but their similarity of appearance to endangered crocodilian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

2. **Definitions.** The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

*Alligator*—American alligator (*Alligator mississippiensis*).

*Alligator Egg Collection Permit*—a permit issued by the department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the permittee and the landowner/land manager.

*Alligator Farm* (nongame quadruped)—an enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions. *Alligator Farm* also includes alligator ranching wherein eggs are collected from the wild, and raised, pursuant to departmental license or permit.

*Alligator Farmer*—a properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, or who collects and sells wild alligator eggs, and who may harvest alligators under the supervision of the department. An alligator farmer must possess a valid nongame quadruped breeder's license.

*Alligator Hide Tag*—an official CITES serially numbered tag issued by the department.

*Alligator Hunter*—a properly licensed resident or nonresident person who takes wild alligators. Alligator hunters are divided into five classes:

i *Commercial*—anyone who is a bona fide resident licensed by the department to take wild alligators after having filed application(s) approved by the department which authorizes the issuance of alligator hide tags to him.

ii *Helper*—anyone who is a bona fide resident licensed by the department to act as an authorized agent of a commercial or nonresident landowner alligator hunter(s) in conducting alligator harvest activities. The helper may hunt independently of the commercial or nonresident landowner alligator hunter(s) he is assigned to assist. The helper's license must bear the name and license number of the commercial or nonresident landowner alligator hunter(s) authorizing the licensing of the helper.

iii *Sport*—anyone who is licensed by the Department and guided by a commercial, nonresident landowner or helper alligator hunter(s) during alligator harvest activities; alligator hide tags cannot be issued to a sport license holder. Sport license holders may be a bona fide resident or a nonresident.

iv. *Nuisance*—a bona fide resident licensed alligator hunter who is contracted or otherwise selected by the department to remove designated nuisance alligators and who can be assigned alligator hide tags by the department.

v. *Nonresident Landowner*—anyone who is a nonresident licensed by the department to take wild alligators on his own property located within Louisiana, after having filed an application(s) approved by the department which authorizes the issuance of alligator hide tags to him.

*Alligator Part*—any part of the carcass of an alligator, except the hide and includes the bony dorsum plates, if detached from the tagged alligator hide.

*Alligator Parts Dealer*—any properly licensed person who deals in alligator parts other than hides and who:

i. buys unprocessed alligator parts from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

ii. manufactures within the state nonedible alligator parts into a finished product; or

iii. purchases unprocessed alligator meat or processes alligator meat for wholesale or retail sale.

*Alligator Parts Retailer*—any properly licensed person who purchases for retail sale finished alligator parts made from parts other than hides.

*Alligator Shipping Label*—a serially numbered green label issued by the Department required on each shipment of alligators being transported out of the state.

*Alligator Skin or Hide*—whole or partial alligator skins, flanks, chalcos and bellies (including those bellies attached to or separated from the tail portion of the alligator skin). Once the tail portion of the skin is separated from the flanks, chalcos and belly, the tail is considered an alligator part.

*Alligator Tail*—includes the tail portion of the alligator skin once it is separated from the flanks, chalcos and belly. For the purposes of this Subsection, the alligator tail is considered an alligator part.

4

*Designated Collection Agent*—anyone who is permitted by the Department to assist an alligator egg collection permittee during alligator egg collection.

*Dressing, Dressed Skins or Dressed Furs*—see *Tanning*.

*Finished Alligator Part*—any nonedible alligator part that has been completely processed from parts other than hides for retail sale.

*Fur Buyer*—anyone who buys whole nongame quadrupeds for the purpose of pelting, carcasses of fur bearing animals, raw furs or skins from fur trappers, alligator hunters, alligator farmers, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the state of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

*Fur Dealer*—anyone who deals in whole nongame quadrupeds for the purpose of pelting, carcasses of fur bearing animals, raw furs and skins and who:

i. buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

ii. buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

iii. buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

iv. manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

v. transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers;

6

#### *Bona Fide Resident*—

i. any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

(a) if registered to vote, he is registered to vote in Louisiana,

(b) if licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license;

(c) if owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle;

(d) if earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

ii. As to a corporation or other legal entity, a *resident* shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than 50 percent of the officers, partners, or employees are domiciled in Louisiana.

*Closed Season*—that period of time of a calendar year not specifically included in the open season.

*Commission*—The Louisiana Wildlife and Fisheries Commission.

*Common Carrier*—any agency or person transporting passengers or property of any description for hire.

*Confiscation*—the exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

*Consumer*—restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption, or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

*Department*—the Louisiana Department of Wildlife and Fisheries.

5

vi. converts raw alligator skins through the tanning process into finished or partially finished leather and/or converts raw (green or dried) fur pelts into dressed furs ready for manufacturing.

*Hatchling*—a young of the year alligator which is less than 23 inches in length.

*Hide*—see *Pelt*.

*Hook*—any curved or bent device attached to a line or pole for the purpose of taking alligators.

*Hunt*—in different tenses, attempting to take.

*Incubator*—an apparatus designed and used for the primary purpose of incubating alligator eggs.

*Land Manager*—any authorized person who represents the landowner.

*Landowner*—any person who owns land which the Department has designated as alligator habitat.

*Licensee*—any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

*Nongame Quadruped*—alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

*Nongame Quadruped Breeder*—a person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

*Nongame Quadruped Exhibitor*—a person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

*Nonresident*—any person who is not a bona fide resident as that term is defined by R.S. 56 8.

*Nuisance Alligator*—a specific (particular) alligator that poses a threat to human life or property.

7

*Open Season*—that period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

*Out-of-State Shipping Seal*—a special locking device or seal supplied by the department and placed on or across a shipping container by department personnel prior to shipping out of state.

*Out-Of-State Shipping Tag*—an official, serially numbered tag, yellow in color, issued by the department required on each shipment of alligator hides shipped out of state.

*Part*—for purposes of this section, a part is a division of a subsection.

*Pelt*—the skin or hide of a quadruped.

*Pelting*—removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

*Person*—includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

*Pithing*—insertion of a rod into the foramen magnum of the alligator followed by four (4) to six (6) circular motions of such rod to destroy the brain.

*Pole Hunting*—the act of taking an alligator from a den with a hook pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

*Possess*—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

*Processed Alligator Part*—any part (and its resulting products) that has been removed from a legally taken alligator and for commercial purposes converted into a finished alligator part, or meat prepared and packaged for retail sale.

*Propagation*—the holding of live alligators for production of offspring.

*Raising*—the production of alligators under controlled environmental conditions or in outside facilities.

*Rearing*—see *Raising*.

*Resident*—see *Bona Fide Resident*.

*Secretary*—the secretary of the Louisiana Department of Wildlife and Fisheries.

*Skin*—see *Pelt*.

*Slaughter*—killing farm-raised alligators for the purpose of harvesting commodities such as meat, hides, or parts.

*Take*—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

*Tanning*—the conversion of alligator skins or fur pelts into an intermediate or finished form and includes the following: crust tanning alligator leather, dyeing alligator leather, glazing alligator leather, tanning fur pelts, shearing fur pelts, and dyeing fur pelts, and includes the dressing of skins and furs.

*Transport*—in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

*Wildlife*—all species of wild vertebrates.

*Wildlife Management Area*—any area set aside, maintained, and supervised by the department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

*Wildlife Refuge*—any area set aside and designated by the department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the department.

8

### 3. General Rules

a. No person shall take, possess, purchase or sell alligators, alligator eggs, alligator hides, alligator parts, or goods manufactured from alligators, except as provided in these regulations and Title 56.

b. Each alligator, alligator hide, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

c. Alligators or hides of alligators harvested in Louisiana shall be tagged in accordance with provisions as prescribed in Subparagraph A.6 e of this Section and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. Pole hunting is prohibited. It is legal for a hunter to retrieve a shot alligator with a hook pole or to retrieve with a hook pole an alligator taken on a hook and line. Violation of this Subparagraph is a Class Two violation as described in Title 56.

e. An alligator hunter must possess on his person one or more current alligator hide tags issued for the property on which he is hunting; and if participating in a joint hunting operation at least one licensed hunter needs to possess current hide tags issued for the property on which they are hunting among a group of licensed hunters who are physically present in the same location. Violation of this Subparagraph is a Class Two violation as described in Title 56.

f. No person shall release any alligator from any taking device for any purpose without first dispatching the alligator, except as provided in Subparagraph A.5 e. After the alligator is removed from the taking device the hide tag shall be properly attached immediately upon possession. Violation of this Subparagraph is a Class Four violation as described in Title 56.

g. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this Subparagraph is a Class Four violation for each alligator taken as described in Title 56. All alligators taken in violation of this Subparagraph shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three calendar years. If violation(s) of this Subparagraph involves a farm operation, no alligators shall be raised or propagated on the offender's facilities for a period of three calendar years. Any live alligator(s) confiscated pertinent to any violation of this Subparagraph

10

9

must be returned to the wild when appropriate. Selection of the release site and time of year of the release shall be accomplished only after consultation with and in agreement with biological staff of Coastal and Nongame Resources Division.

h. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in advance from the department which specify all such shipments. Violation of this Subparagraph is a Class Four violation as described in Title 56.

i. No person, firm, or corporation shall transport into this state or possess whole alligator(s) with skin on, alligator parts or alligator skins/hides unless that person, firm or corporation is a Louisiana licensed alligator parts dealer or fur dealer and is in immediate possession of an alligator parts dealer's license or fur dealer's license, except that a copy of such license shall be sufficient during transportation only. Persons, firms or corporations violating this Subparagraph shall be subject to the penalties as provided in Title 56:34, a Class Four violation; except that when such a violation involves alligator parts only, such offenses shall be subject to the penalties as provided in Title 56:32, a Class Two violation.

j. It is unlawful to ship alligator eggs into the state of Louisiana unless they are to be used for department sponsored scientific studies and these shipments shall have prior written department approval. Violation of this Subparagraph is a Class Four violation as described in Title 56.

k. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for department sponsored scientific studies with an accompanying authorization signed by the secretary. The transfer of ownership of live alligators out of their natural range for commercial purposes is strictly prohibited. However, this Subparagraph does not prohibit a licensed Louisiana alligator farm from raising alligators of Louisiana origin in a nonrange state provided the nonrange farm is in complete compliance with all applicable state(s) and federal regulations. Violation of this Subparagraph is a Class Three violation as described in Title 56.

l. There is levied a severance tax of \$0.25 on each alligator hide taken from within the state, payable to the state through the department by the alligator hunter or alligator farmer shipping or taking his own catch out of state, or shipping to an instate taxidermist, or by the dealer shipping skins or hides out of state or tanning alligator skins in Louisiana. Violation of this Subparagraph is a Class Two violation as described in Title 56.

11

m. An alligator hunter or alligator farmer may give alligator parts to anyone for personal use. Any part of an alligator shall have affixed thereto the name, address, date, hide tag number, and the license number of the person donating the alligator part(s). This information shall be legibly written in pen or pencil on any piece of paper or cardboard or any material which is attached to the part(s) or to the container enclosing the part or parts. This information must remain affixed until the part(s) has been stored at the domicile of the possessor. Violation of this Subparagraph is a Class Two violation as described in Title 56.

n.i. R.S. 56:280, passed in the regular session of the 1992 Louisiana Legislature established a state policy which protects white or albino alligators and except under department permit prohibits the taking of white or albino alligators from the wild.

ii. Conditions under which any alligator that is white or albino may be taken from the wild and under official department permit include:

(a). landowners or licensed alligator farmers or ranching operators may capture live and unharmed a white or albino alligator for its own protection. All such instances of possession shall be reported immediately to the department;

(b). any white or albino alligator hatchling produced from wild collected eggs authorized by a department alligator egg collection permit will remain in the possession of such licensed operators. Any white or albino hatchling must be reported immediately upon hatching to the department on a standard activity report form;

(c). any person who unintentionally takes from the wild any alligator that is white or albino by hook and line shall immediately report its presence and location to the department. Department personnel of the Coastal and Nongame Resources Division will on a case by case basis determine the disposition of any such white or albino alligator which is unintentionally hooked.

iii. Any white or albino hatchling produced from a licensed breeding pen will remain in the possession of such licensed operators but must be reported immediately upon hatching to the department on a standard activity report.

iv. It shall be a violation if any person intentionally takes from the wild any alligator that is white or albino by any means.

12

- (d). \$100 for a nonresident fur buyer's license;
- (e). \$150 for a resident fur dealer's license (\$500 deposit required);
- (f). \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
- (g). \$10 for a nongame quadruped exhibitor's license;
- (h). \$25 for a nongame quadruped breeder's license;
- (i). \$50 for an alligator parts dealer license;
- (j). \$5 for an alligator parts retailer license;
- (k). \$4 for each alligator hide tag;
- (l). \$4 for each whole alligator leaving the state as alligator shipping label fee;
- (m). \$0.25 severance tax for each alligator hide taken from within the state;
- (n). \$25 for a designated agent collection permit.

ii. All license types prescribed above except nongame quadruped exhibitor and breeder and resident and nonresident alligator hunter expire annually on June 30. Nongame quadruped exhibitor and breeder and resident and nonresident alligator hunter licenses expire annually on December 31.

b. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. No person may engage in the business of buying alligators for the purpose of skinning or buying and selling alligator skins unless he has acquired a resident or nonresident fur buyers license. No resident or nonresident fur buyer shall ship furs, alligators, or alligator skins out of state.

14

v. Violation of R.S. 56:280 shall subject the violator to a fine of not less than \$10,000 and imprisonment for not less than 6 months or more than 12 months, or both.

o. Alligator meat and parts may be shipped in containers that are sealed and the parts identified to the CITES tag of origin. A fully executed alligator hunter, farmer, or parts dealer Alligator Parts Sale or Transaction Form and Shipping Manifest shall meet the U.S. Fish and Wildlife Service parts identification requirements, provided such form(s) is/are prominently attached to the outside of each shipping container. Alligator meat/parts shipped to another state must meet applicable state/federal requirements of the receiving state. Alligator meat/parts exported from the United States must meet the requirements of the U.S. Fish and Wildlife Service as well as those of the receiving country. Alligator skulls being exported shall carry a "tag" containing the CITES tag number and the hunter's name and license number. The skull must also be physically marked with the number of the original CITES tag used for the hide of the individual alligator. Violation of this Subparagraph is a Class Three violation as described in Title 56.

p. For the purpose of bona fide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the department while in possession of a valid nongame quadruped breeder's or exhibitor's license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

#### 4. Licenses, Permits and Fees

a.i. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

(a). \$25 for a resident alligator hunter's license, including commercial, helper, sport, and nuisance classes;

(b). \$150 for a nonresident alligator hunter's license, including landowner and sport classes.

(c). \$25 for a resident fur buyer's license;

13

Violation of this Subparagraph is a Class Three violation as described in Title 56.

d. No person may engage in the business of buying alligators for the purpose of skinning or buying and selling alligator skins or shipping alligator skins out of state or tanning alligator skins within the state unless he has acquired a resident or nonresident fur dealers license. Violation of this Subparagraph is a Class Three violation.

e. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. No person may engage in the business of raising, breeding, collecting and selling alligator eggs from the wild, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Paragraphs A.14 and 15 of this Section. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. No person shall engage in the business of buying and selling unprocessed alligator parts unless he has acquired and possesses a valid alligator parts dealer license. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. Each retailer purchasing for retail sale, finished alligator parts made from parts other than hides, shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this Subparagraph is a Class Two violation as described in Title 56.

i. No person shall remove and possess alligator eggs from wild nests unless he has acquired and possesses a valid nongame quadruped breeder license or a valid designated agent collection permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all department requirements as described in Paragraph A.14 of this Section. Violation of this subparagraph is a Class Four violation as described in Title 56.

15

j. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each shipment of alligators and is properly completed and validated by department personnel. Violation of this Subparagraph is a Class Three violation as described in Title 56.

k. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the alligator hide tag fee and the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the alligator hide tag fee and the severance tax prior to shipment. Violation of this Subparagraph is a Class Two violation as described in Title 56.

l. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with the receiving state/country requirements and with federal licensing, tagging and permit requirements to engage in interstate and international commerce involving alligators, alligator hides, alligator parts and fully manufactured alligator hide products. Violation of this Subparagraph is a Class Two violation as described in Title 56.

#### 5. Wild Harvest Methods

a. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this Subparagraph is a Class Four violation as described in Title 56.

b. There are no size restrictions on wild alligators taken during the general open season.

c. i. Legal methods for taking alligators in the wild are as follows:

(a) hook and line;

(b) long (including compound) bow and barbed arrow; and

(c) firearms (the possession of shotguns is prohibited while hunting or taking wild alligators; except as authorized by the department for taking of nuisance alligators by nuisance alligator hunters).

16

allotments will be taken annually beginning June 1. For alligator hunters submitting applications with new/additional properties, applications are due by August 20; for alligator hunters submitting an application for property previously hunted, applications are due by the day before the season opens. Tags will not be issued after close of business on the day prior to the season opening date.

i. Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the department at the time of application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

ii. Land managers and hunters must present a signed document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

iii. Alligator hide tags shall be issued to licensed alligator hunters without charge. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. All unused alligator tags shall be returned within 15 days following the close of the season.

c. Alligator farmers - Alligator hide tags shall be issued to properly licensed alligator farmers without charge upon request at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by department personnel. All unused alligator tags shall be returned to the department within 15 days following the last day of the year that issued tags are valid.

d. If an alligator hunter is cited for hunting alligators out of season, or at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. A hide tag shall be properly attached and locked using the tag's locking device in the alligator's tail immediately upon possession by an alligator hunter. Alligator farmers, fur buyers and fur dealers may wait until farm raised alligators are skinned prior to tagging, but under no circumstances can the tag be attached using the locking device more than 48 hours after dispatching the alligator during the open wild alligator harvest season, or more than seven days after dispatching the alligator outside of the open wild

18

ii. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this Subparagraph is a Class Two violation as described in Title 56.

e. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. All hooks and lines shall be removed when an alligator hunter's quota is reached. In the event an alligator is hooked and the hunter's quota has been reached the hunter must release the alligator in the most humane method possible. Violation of this Subparagraph is a Class Two violation as described in Title 56.

f. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this Subparagraph is a Class Two violation as described in Title 56.

g. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

#### 6. Alligator Hide Tag Procurement and Tagging Requirements

a. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders.

b. Landowners, Land Managers and Hunters. Upon application to the department on forms provided for tag issuance, applications for alligator tag

17

alligator harvest season. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. In the event that an alligator tag contains a factory defect rendering it unusable for the purpose intended or becomes detached from an alligator or hide, the tag must be reattached to the tail of the alligator/hide. The department will be responsible for the replacement of reattached tags prior to shipping out-of-state or prior to tanning within the state. It shall be unlawful to tag or attempt to tag an alligator with a tag that has been locked prior to the taking. Locked tags may be replaced upon request at the discretion of the department. The alteration of hide tags is strictly prohibited and will result in the confiscation of all tags and alligators/hides and the revocation of the violator's alligator hunting license. Violation of this Subparagraph is a Class Four violation as described in Title 56.

f. In the event that an alligator hide tag cannot be located when in the possession of a Buyer/Dealer, then the following procedure shall be followed:

i. Following discovery of an untagged alligator or alligator hide by the buyer/dealer, they shall notify the Department of Wildlife and Fisheries, Coastal and Nongame Resources Division within 24 hours and the Department of Wildlife and Fisheries will place a state tagging device on the alligator or alligator hide.

ii. Upon discovery of an untagged alligator or alligator hide by Department of Wildlife and Fisheries personnel, such personnel shall place a state tagging device on the alligator or alligator hide.

iii. The state tagged alligator or alligator hide will remain in the possession of the buyer/dealer following the placement of the state tagging device until such time as the hide tag is located or until December 31st of that year, whichever comes first. Upon presentation of the missing hide tag and the corresponding buyer/dealer record which documents a match between the tag number and the alligator/hide being held, and if the Department of Wildlife and Fisheries then confirms that such tag number has not been previously shipped, the Department of Wildlife and Fisheries shall attach a replacement alligator hide tag.

iv. If the buyer/dealer does not locate the missing hide tag following the placement of the State tagging device by the end of the allotted time period but is able to identify the tag number on a Department of Wildlife and Fisheries issued or approved buyer/dealer record which documents a match between the tag number and the skin being held, and if the Department of

19

Wildlife and Fisheries then confirms that subject tag number has not been previously shipped, the Department of Wildlife and Fisheries may, in its discretion, issue a replacement alligator hide tag.

v The failure of the buyer/dealer to produce the correct hide tag and/or correct documentation by the end of the allotted time period shall constitute a violation of this Subparagraph.

vi The previous or subsequent attachment to an alligator or alligator hide of the missing hide tag as described above shall constitute a violation of this Subparagraph.

vii Violation of this Subparagraph is a Class Four violation as described in Title 56.

#### 7. Open Season, Open Areas, and Quotas

##### a. Open seasons are as follows.

i The state shall be divided into the East and West Alligator Hunting Zones by the following boundary Beginning at the southwestern most part of Point Au Fer Island thence North along the western boundary of Terrebonne Parish to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the wild shall open on the last Wednesday of August in the East Zone and the first Wednesday of September in the West Zone and will remain open for 30 days thereafter in each zone. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

ii Nuisance control hunters may take nuisance alligators at any time as prescribed by the department.

iii Farm raised alligators may be taken at any time following the issuance of hide tags by the department.

iv The open season for collection of alligator eggs from the wild shall be from May 15 through September 1 of each calendar year Violation of this Clause is a Class Four violation as described in Title 56.

20

prior to disposal. All farm raised alligators 24 inches and greater in length that die may be skinned and tagged with an alligator hide tag within 48 hours of death during the open wild alligator harvest season, or within 7 days of death outside of the open wild alligator harvest season. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. However, properly tagged and documented alligators or hides may be stored at any location at the owner's discretion Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor shall possess live alligators at any time other than by a permit issued by the department upon request for use in displays and educational purposes, and by holders of valid department issued permits for scientific purposes. Live, farm raised alligators and their accompanying alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor shall possess alligator eggs at any time other than department permitted designated collection agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid department issued permit for scientific purposes. Violation of this Subparagraph is a Class Four violation as described in Title 56.

f. Any alligators hatched from scientific permits issued by the department shall be returned to the wild under departmental supervision following completion of the research project. Violation of this Subparagraph is a Class Two violation as described in Title 56.

#### 9. Importation, Exportation, Purchase, and Sale

a. Live alligators may be brought into the state only if the person, firm or corporation bringing the alligators into the state has obtained written permission from the department. Violation of this Subparagraph is a Class Four violation as described in Title 56.

22

##### b The open areas are as follows.

i For the general open season, those areas designated by the biological staff of the department as alligator habitat and which can sustain an alligator harvest.

ii The department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by department personnel Applicants for public lake hunting must be 16 years of age or older Applications must be received by the date specified on the annual application form. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the biological staff of the department. Alligator tags issued on public lakes and lands are nontransferable.

iii Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the department.

iv The open alligator egg collection season shall include those areas designated by the biological staff of the department as alligator habitat which can sustain an egg collection harvest and egg quotas will be determined by department biologists.

c. The daily and season quota is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. Harvest rates will be calculated annually by department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

#### 8. Possession

a. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached in the tail using the locking device as prescribed in Subsection A.6 e. Violation of this Subparagraph is a Class Four violation as described in Title 56.

b Alligator farmers may request hide tags or shipping labels from the department to be used on farm-raised alligators that have died and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days

21

b i All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a) a resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b) a tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

ii Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. Purchases of alligators, alligator hides, alligator eggs, and alligator parts are restricted as follows.

i A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

ii A licensed fur buyer may purchase whole alligators or alligator hides from a Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer.

iii A licensed fur dealer may purchase whole alligators or alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

iv A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer (with a department approved Alligator Transfer Authorization Permit) or the department.

v An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved department alligator egg collection permit), or the department.

23

vi. A licensed alligator parts dealer may purchase alligator parts from a licensed alligator hunter, alligator farmer, another alligator parts dealer, or the department.

vii. A licensed alligator parts retailer may purchase finished alligator parts for retail sales.

d. Sales of alligators, alligator eggs, and alligator parts are restricted as follows.

i. A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

ii. A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of a Transfer Authorization Permit. Application for the permit shall be made at least two weeks prior to the transfer.

iii. A licensed fur buyer may sell whole alligators or alligator hides to a fur dealer or another fur buyer within the confines of the state.

iv. A licensed fur dealer may sell whole alligators or alligator hides to anyone who may legally purchase.

v. A licensed alligator parts dealer may sell alligator parts, other than hides, to anyone.

vi. A licensed alligator parts retailer may sell finished alligator parts to anyone.

e. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Paragraph A.11 of this Section (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of their natural range without specific department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this Subparagraph is a Class Three violation as described in Title 56.

24

b.i. Alligator hunters receiving hide tags from the department are responsible for disposition of all issued tags and must:

(a) complete an official alligator parts transaction form furnished by or approved by the department for each alligator part transaction. These forms shall be submitted to the department at the end of the calendar year;

(b) complete an official lost tag form, furnished by the department for any hide tags lost or stolen. These forms shall be submitted to the department within 15 days following the close of the season. Lost or stolen tags will not be replaced;

ii. All unused tags must be returned to the department within 15 days following the close of the season;

iii. Each licensed alligator hunter disposing of one or more tagged alligators or alligator skins deemed to be of no value, must:

(a) remove the CITES alligator tag(s) from each alligator/alligator skin at the time of disposal;

(b) return to the department all CITES alligator tags removed from disposed of alligators/alligator skins within 15 days following the close of the season;

(c) provide the department total lengths by corresponding CITES tag number of each alligator/alligator skin so disposed of within 15 days following the close of the season.

iv. The department must be notified of any trophy skins not sold to commercial buyers or dealers within 30 days following the close of the season, on official forms provided by or approved by the department.

v. Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

vi. All records of commercial transactions involving alligator parts by alligator hunters shall be available for inspection by the department.

vii. The alligator hide tag fee and severance tax shall be collected by the department from the alligator hunter who is shipping his own alligators or

26

f. A special permit is required of anyone who sells alligator eggs, or live alligators. Violation of this Subparagraph is a Class Four violation as described in Title 56.

#### 10. Nuisance Alligator Control

a. Nuisance alligator hunters will be selected by the department with proper screening by enforcement personnel in the region of appointment. Selection may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

b. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime.

c. Nuisance alligator complaints will be verified by department personnel prior to being approved for removal.

d. Tags will be issued without charge to nuisance alligator hunters. Nuisance alligator hunters will attempt to catch nuisance alligators and relocate to natural habitat selected by the department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an alligator farm. Alligators and alligator parts taken under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. Nuisance alligator hunters may take alligators by any means prescribed by the department. Failure to comply with departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this Subparagraph is a Class Two violation as described in Title 56.

#### 11. Report Requirements

a. Report forms provided by or approved by the department must be completed and filed with the department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Paragraph. Reports shall include but not be limited to the information specified in this Paragraph.

25

raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

viii. Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. A nuisance alligator hunter shall comply with the same report requirements as a commercial alligator hunter and complete any other reports required by the department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d.i. Alligator farmers receiving hide tags from the department are responsible for disposition of all issued tags and must:

(a) complete an official alligator parts transaction form, furnished by or approved by the department for each alligator parts transaction. These forms shall be submitted to the department along with the annual report. Violation of this Clause is a Class Two violation as described in Title 56;

(b) complete an official lost tag form, furnished by the department, for any hide tags lost or stolen. These forms shall be submitted to the department within 15 days following the last day of the year that issued tags are valid. Violation of this Clause is a Class Two violation as described in Title 56.

ii. All unused hide tags must be returned to the department within 15 days following the last day of the year that issued tags are valid. Violation of this Clause is a Class Two violation as described in Title 56.

iii. Each alligator farmer in possession of one or more tagged farm alligator skins deemed to be of no value, must notify the department of the tag number and belly width of each farm alligator skin and must arrange for delivery of the farm alligator skin(s) to the department. Department personnel will remove the CITES alligator tags and dispose of the farm alligator skins. Violation of this Clause is a Class Two violation as described in Title 56.

iv. Each alligator farmer in possession of one or more tagged farm alligators deemed to be of no value, must notify the department of the tag number and belly width of each farm alligator prior to disposal of the alligator. Alligator farmers must remove the CITES alligator tag(s) at the time of disposal and immediately return the tag(s) to the department. Violation of this Clause is a Class Two violation as described in Title 56.

27

v Each alligator farmer shall report annually, no later than December 1, on an official form provided by the department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators, hides, and parts for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in nonrenewal of the nongame quadruped breeder's license. Violation of this Clause is a Class Three violation as described in Title 56.

vi. Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this Clause is a Class Two violation as described in Title 56.

vii Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the department within 10 days following completion of the activity. Violation of this Clause is a Class Three violation as described in Title 56.

viii. The alligator shipping label fee or the alligator hide tag fee and the severance tax shall be collected by the department from the alligator farmer who is shipping alligators or raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

ci. Fur buyers, fur dealers, alligator farmers and alligator hunters engaged in the business of buying and/or selling whole alligators or alligator hides must keep within the state a complete record on forms provided by or approved by the department, all purchases and sales of whole alligators or alligator hides as described in Title 56; and

ii. every fur buyer, fur dealer, alligator farmer or alligator hunter having undressed alligator hides in his possession shall file with the department within 60 days of purchase or within 60 days of tagging or prior to shipping out of state or prior to tanning skins in Louisiana, whichever occurs first, a complete report, on forms provided by or approved by the department, a detailed description of alligator hides to be shipped or tanned. At the time of shipment or prior to tanning whole alligator skins, department personnel will inspect whole hides and replace any broken or reattached tags. Department personnel will issue the appropriate number of yellow shipping tags, one for each shipment. At that time, department personnel will affix a seal or locking device to each container. It shall be a violation of this Subparagraph for any person other than department personnel or Federal personnel to reopen any

28

number that was placed on the wild alligator or farm raised alligator when harvested. Department personnel will review the manifest for accuracy and determine the number of original CITES tags referenced for the first time in order to assess the amount of severance tax and alligator hide tag fees owed by the shipper. Shipper will be thus informed by the department within 10 working days of receiving the official shipping manifest.

v At the time of shipment or prior to tanning, department personnel will inspect alligator skin pieces and replace any broken or reattached tags. Department personnel will issue the appropriate number of yellow shipping tags, one for each shipment. At that time, department personnel will affix a seal or locking device to each container. It shall be a violation of this Subparagraph for any person other than department personnel or Federal personnel to reopen any sealed or locked container. In conjunction with the inspection and prior to department issuance of shipping tag(s) and seal(s) or locking device(s), department personnel must collect:

(a) all completed buyer/dealer records for skins in each shipment,

(b). stub portion of yellow shipping tag completely filled-out;

(c) severance tax and alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer for partial alligator skin pieces being shipped as referenced in Clause A.11.e.iv.

vi. If any of the above requirements are not satisfied, the shipment will not be authorized. Violation of this Clause is a Class Three violation as described in Title 56.

f. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Fur dealers in the business of tanning alligator hides must provide a monthly report, on forms provided by or approved by the department, of all alligator hides being held in inventory. Failure to maintain complete records and to pay the required severance tax and alligator hide tag fees subjects any dealer to the full penalties provided and the immediate revocation of his license by the department. No license shall be issued to a dealer who has not paid the tax and alligator hide tag fees for the preceding year. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. Each fur buyer or fur dealer in possession of one or more tagged alligator skins deemed to be of no value, must notify the department of the tag

30

sealed or locked container. In conjunction with the inspection and prior to department issuance of shipping tag(s) and seal(s) or locking device(s), department personnel must collect:

(a) all completed buyer/dealer records for skins in each shipment;

(b) official shipping manifest including total length in inches (or feet and inches) referenced to CITES tag number of each whole wild skin in shipment and including total belly width in centimeters (measured at the fifth scute) referenced to CITES tag number of each whole farm raised alligator skin in shipment. A fully executed (filled out) shipping manifest containing all information required in the buyer/dealer record may be substituted with department approval for the buyer/dealer record requirement on farm raised alligator skins;

(c). stub portion of yellow shipping tag completely filled-out;

(d) severance tax and alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer.

iii. Prior to cutting raw alligator skins into pieces, every fur buyer, fur dealer, alligator farmer or alligator hunter desiring to cut raw skins into pieces (flanks, bellies, or chalecos), must request department personnel to inspect the whole alligator hides and (with appropriate assistance) apply CITES tags to each flank, chaleco, and belly so separated. Prior to tagging the flanks, chaleco and belly, department personnel must receive an official manifest including measurement (as specified below) of each skin. For wild skins, the total length in inches (or feet and inches) referenced to the CITES tag number of each whole wild skin to be cut into pieces must be provided. For farm raised alligators skins, the total belly width in centimeters (measured at the fifth scute) referenced to the CITES tag number of each whole farm raised alligator skin to be cut into pieces must be provided. Prior to cutting the raw alligator skin, CITES tags will be attached to each flank and chaleco (tag applied to each hind leg area), and to each belly if either is to be separated from the tail. Once the tail portion of the skin is separated from the flanks, chaleco and belly, the original CITES tag must be removed and returned to the department within 15 days of the cutting of the tail.

iv. Every fur dealer, alligator farmer or alligator hunter prior to shipping out of state or prior to tanning in state, partial alligator skins (flanks, bellies or chalecos) must provide an official shipping manifest listing a description of the partial alligator skins in the shipment along with the CITES tag number for each partial skin piece, referenced to the original CITES tag

29

number and total length of each wild alligator skin or belly width of each farm alligator skin and must arrange for delivery of the alligator skin(s) to the department. Department personnel will remove the CITES alligator tags and dispose of the alligator skins. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. Each fur buyer or fur dealer in possession of one or more tagged alligators deemed to be of no value, must notify the department of the tag number and total length of each wild alligator or belly width of each farm alligator prior to disposal of the alligator. Fur buyers or fur dealers must remove the CITES alligator tag(s) at the time of disposal and immediately return the tag(s) to the department. Violation of this Subparagraph is a Class Two violation as described in Title 56.

i. Alligator parts dealers acquiring alligator parts, shall complete an official alligator parts purchase form at the time of each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form at the time of each sale. These forms shall be furnished by or approved by the department and shall be submitted to the department annually, no later than June 30; and

j. alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts;

ii. the records of transactions involving alligator parts shall be available for inspection by the department and shall be maintained complete for a period of one year following any transaction;

iii. violation of this Subparagraph is a Class Two violation as described in Title 56.

j. Any alligator parts retailer purchasing finished alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the department. Violation of this Subparagraph is a Class Two violation as described in Title 56.

## 12. Alligator Meat

a. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission

31

regulations. Violation of this Subparagraph is a Class Three violation as described in Title 56.

b. Alligator meat processed in the state of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. All processed alligator meat for sale must be packaged in suitable containers which identifies the contents as alligator meat, marked with a valid department license number and comply with all state and federal packaging and labeling requirements. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this Subparagraph is a Class Two violation as described in Title 56.

### 13. Disposal of Alligators by the Department

a. The department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

b. The department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the department deems have need for such alligators, however these institutions cannot sell or barter these animals which must be returned to the department at the conclusion of the program or need.

c. Confiscated alligator hides and parts may be destroyed by the department pending the outcome of the criminal trial.

d. Confiscated alligator eggs or live alligators may be sold or may be cared for by the department and released in suitable alligator habitat when and where they can survive when appropriate. All costs incurred by the department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the department. The department may consign confiscated alligators to a licensed farm for raising purposes and may compensate the farmer for his expenses by

32

copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this Subparagraph is a Class Three violation as described in Title 56.

e. Collection of wild alligator eggs can only be made after contacting the appropriate regional supervisor of the Enforcement Division no less than 24 hours prior to each collection trip. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season and shall not exceed the number on his alligator egg collection permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

g. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by department biologists. Violation of this Subparagraph is a Class Three violation as described in Title 56.

h. Failure to hatch at least 70 percent of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

i. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85 percent for two consecutive years.

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than 12 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 60 inches (no alligator over 60 inches total length will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for

34

transferring ownership to him of a percentage of the confiscated alligators, not to exceed 50 percent.

### 14. Alligator Egg Collection

a. Alligator egg collection permits are a three party permit between the department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the department. The department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the department on forms provided by the department. The annual deadline for submitting applications for alligator egg collection permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

b. Alligator egg collection permits may be issued by the department provided.

i. permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection A.15 of this Section (Alligator Farm Facility Requirements);

ii. all land documentation required on the alligator egg collection permit has been presented to the department;

iii. department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections;

iv. applicant has obtained all legal and necessary signatures from landowners/land managers.

c. It is unlawful for an alligator farmer or a permitted designated collection agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a

33

department-authorized return to the wild alligators while being processed, stored, or transported. The department shall be responsible for supervising the required return of these alligators. A department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the department are favorable for survival of the released alligators. Any farmer who owes 1000 or more alligators at 48 inches must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31, and the remainder by August 25. A farmer may do more than the required one-fourth of his releases earlier if available unscheduled days allow. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in Title 56.

k. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this Subparagraph is a Class Four violation as described in Title 56.

### 15. Alligator Farm Facility Requirements

a. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum facilities as applicable to their particular operation during a required facility examination by department personnel prior to license issuance:

i. secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators;

ii. source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by department personnel;

35

iii. provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by department personnel;

iv. provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the department;

v. all controlled-temperature alligator sheds (environmental chambers) shall be of a design acceptable to the department. Each shed shall maintain a minimum water and air temperature of 80° Fahrenheit.

vi. all alligator egg incubators shall be of a design acceptable to the department. Each incubator shall maintain a water and air temperature of 85° to 91° Fahrenheit during the egg incubation;

vii. applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses;

viii. all alligator facilities should be constructed in a suitable location so as to minimize contact with people.

b. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to department requirements to allow for the maximum hatching success. Violation of this Subparagraph is a Class Three violation as described in Title 56.

d. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers which maintain a minimum temperature of 80° Fahrenheit year-round and containing wet areas of sufficient surface area to permit all alligators to partially submerge in water

36

(b) non-penetrating captive bolt

(c) spinal cord severance followed immediately by pithing the brain and,

(d) other slaughter methods may be acceptable if they are approved in writing by the Department after review and consultation with a trained veterinarian; any slaughter method presented for review must quickly inflict severe damage to the brain, be humane and not pose a high risk to administering personnel

ii. Selected slaughter method must be administered properly so as to cause a rapid loss of consciousness and death.

iii. Violation of this Subparagraph is a Class Three violation as described in Title 56.

#### 17. Exceptions

a. The department or an authorized representative of the department may take by any means and possess alligators, alligator eggs, or parts of alligators while in the performance of official duties.

b. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the department within 24 hours.

#### 18. Penalty for Violation

a. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

b. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

c. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses/permits held by the violator

All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the department to move them to outside growth areas. Violation of this Subparagraph is a Class Three violation as described in Title 56.

e. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. All facilities, alligator stock, and records are subject to examination by department personnel prior to permitting and thereafter during farm operation. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without permitting/approval of the department. Violation of this Subparagraph is a Class Three violation as described in Title 56.

h. Any alligator egg or alligator raised on an alligator farm shall be cared for under conditions that do not threaten the survival of such egg and alligator as determined by the biological staff of the Coastal and Nongame Resources Division. In making such determination, Coastal and Nongame Resources Division biologists shall take into consideration sanitary conditions, temperature control, feeding, overcrowding and other conditions which affect the survival of alligator eggs and alligators. If the biological staff of the Coastal and Nongame Resources Division determines that the survival of any alligator egg or alligator is threatened due to the conditions on an alligator farm, the department shall notify the alligator farmer and shall provide the farmer with 60 days to take corrective action. If the farmer fails to take corrective action within 60 days, the department shall have the authority to confiscate any alligator egg or alligator which remains under conditions that threaten the survival of such alligator egg or alligator and to dispose of such alligator egg or alligator as the department deems necessary. Violation of this Subparagraph is a Class Four violation as described in Title 56.

#### 16. Farm-Raised Alligator Slaughter Methods

a. Legal methods for the slaughter of farm-raised alligators are as follows:

(a) penetrating captive bolt

37

and, as further penalty, for serious, repeat, or multiple violations, the department shall have the right to deny a violator any and all licenses/permits relating to alligators for a period not to exceed three years.

**AUTHORITY NOTE.** Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

**HISTORICAL NOTE.** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16 1070 (December 1990), amended LR 17 892 (September 1991), LR 19 215 (February 1993), LR 20 321 (March 1994), LR 26 1492 (July 2000), LR 28 1996 (September 2002), LR 30 2338 (October 2004), LR 30 2878 (December 2004), LR 31 2267 (September 2005), LR 33 677 (April 2007), LR 35 690 (April 2009), LR 37 2421 (August 2011), LR 39 2291 (August 2013).

## NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Alligator Regulations

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to amend the rules for alligator egg collections in the Alligator Regulations.

### TITLE 76

### WILDLIFE AND FISHERIES

### PART V. WILD QUADRUPEDS AND WILD BIRDS

#### Chapter 7. Alligators

#### §701. Alligator Regulations

##### 14. Alligator Egg Collections

a. – i. ...

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than ~~42~~ 10 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 60 inches (no alligator over 60 inches total length will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for department-authorized return to the wild alligators while being processed, stored, or transported. The department shall be responsible for supervising the required return of these alligators. A department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the department are favorable for survival of the released alligators. Any farmer who owes 1000 or more alligators at 48 inches must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31; and the remainder by August 25. A farmer may do more than the required one-fourth of his releases

earlier if available unscheduled days allow. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in Title 56.

k. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39: .

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.

#### **Family Impact Statement**

In accordance with Act 1183 of 1999 regular session of the Louisiana Legislature, 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).

**Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Pubic Comments**

Interested persons may submit written comments on the proposed rule to Buddy Baker, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 or [bbaker@wlf.la.gov](mailto:bbaker@wlf.la.gov) no later than 4:30 p.m., November 30, 2016.

\_\_\_\_\_

Bart R. Yakupzack

Chairman

Date: \_\_\_\_\_