

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, March 2, 2006

Chairman Terry Denmon presiding.

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

Secretary Dwight Landreneau was also present.

Commissioner Frederic Miller was absent from the meeting.

Chairman Denmon called for a motion for approval of the **February 2, 2006 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Mouton. The motion passed with no opposition.

Under **Commission Special Announcements** for this month, Chairman Denmon asked that all cell phones be turned off or placed in silent mode to prevent interference with the audio equipment.

The **Enforcement & Aviation Reports/February** began with Lt. Col. Keith LaCaze stating a total of 723 citations and 120 written warnings were issued. Also, agents helped with 53 public assists. February's activities included hunting season winding down and not much recreational fishing and boating. The Aviation Report showed two planes flew a total of 51.7 hours for the month. There were 6 boating accident reports, which makes 9 total for the year so far. There were 6 injuries associated with those accidents but no fatalities. Then Lt. Col. LaCaze discussed several News Releases which included four individuals cited for shrimping during closed season; the Quality Deer Management Association in Monroe making a donation to the Region 2 Enforcement Agents of 11 GPS units which will be used in search and rescue operations; a man from Grant Parish was cited for taking illegal sized black bass from Caney Lake; a night hunting case in Concordia Parish; and sentencing on a fish shocking case in West Carroll Parish.

Notice of Intent - Shrimping Closed Season, Vessel Monitoring System was handled by Major Jeff Mayne. He stated that during the last Regular Session of the Legislature, Act

102 was passed. This legislation was shrimp industry sponsored that would help combat activities such as shrimping in closed season or shrimping in a closed area. This Notice of Intent mirrors the oyster vessel monitoring system guidelines. These regulations state that if a person is subject to a court order requiring vessel monitoring or if a person receives 2 or 3 convictions within a five year period, then the time period for the vessel to be monitored was described. Chairman Denmon asked if this was the introduction of a Notice of Intent and Major Mayne stated that was correct. Hearing no comments, Commissioner Samanie made a motion to accept the Notice of Intent. Commissioner Sagrera seconded the motion and it passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to establish rules and regulations for a vessel monitoring system on boats that harvest or possess shrimp and has onboard a person who requires monitoring.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§369. Shrimping Closed Season, Vessel Monitoring System

A. Purpose. To maximize voluntary compliance with shrimping regulations and to reduce purposeful shrimping violations by providing adequate deterrence thereby reducing recidivism.

B. Persons who are required to be monitored:

1. Any person subject to a court order requiring monitoring.
2. Any person having two or more convictions during the preceding five (5) year period for harvesting shrimp during closed season.

C. Persons required to be monitored shall not be present on board any vessel harvesting or possessing shrimp, or which has any trawl, skimmer, or butterfly net on board, unless that vessel is equipped with and is using and employing an approved, fully functional and operating, vessel monitoring system, VMS, as required by LA R.S. 56:495.1 and R.S. 56:497.1 and these regulations.

D. Required monitoring periods:

1. Persons who are subject to a court order requiring that they be monitored shall be monitored and who do not have two (2) or more convictions during the preceding five (5) year period for harvesting shrimp during closed season for the period specified by the order of the court.

2. Persons who have had two (2) convictions during the preceding five (5) year period for harvesting shrimp during closed season shall be monitored for a period of three years from the date of the most recent conviction.

3. Persons who have had three (3) or more convictions during the preceding five (5) year period for harvesting shrimp during closed season shall be monitored for a period of ten years from the date of the most recent conviction.

E. The VMS unit must be approved and certified, must be installed onboard the vessel, and must be fully operational. The Department must first be notified of the installation, before a person who is required to be monitored may be present onboard the vessel. If a person who is required to be monitored is found to be on any vessel-harvesting shrimp or possessing shrimp, or possessing any trawl, skimmer, or butterfly net without an approved VMS device being on board and operating, the person who is required to be monitored shall be in violation of VMS shrimping requirements and shall be guilty of a class four violation pursuant to LA R.S. 56:497.1.C & R.S. 56:34. Each license issued to a person who is required to be on a VMS monitored vessel shall indicate that the licensee may only be present on a VMS monitored vessel.

F. Persons who are required to be monitored shall be responsible for the following VMS Requirements:

1. The vessel must have installed within it a fully operational and approved VMS Devices. Approved devices are those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and which meet the minimum performance criteria specified in paragraph 2 of this subsection. In the event that a VMS is deleted from the list, vessel owners who purchased a VMS unit on the VMS list prior to approval of the revised list will be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.

2. Minimum VMS performance criteria: Basic required features of the VMS are as follows:

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection must be automatic to provide an optimal fix and must not be capable of being manually overridden.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions.

c. The VMS shall be fully operable and must track the vessel in all of Louisiana coastal waters and throughout the Gulf of Mexico.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS unit shall make all required transmissions to a designated and approved VMS vendor who shall be responsible for monitoring the vessel and reporting information to the Department.

f. The VMS shall provide accurate position transmissions every half-hour, every day of the year, during required monitoring period. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and permit those monitoring the vessel to receive position reports in real time. For the purposes of this specification, real time shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

g. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the Department. Such transmission must be made at any time upon demand of the Department.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three (3) months, as transmitted by the VMS unit, and provide transmissions to the Department of specified portions of archived data in response to Department requests in a variety of media (tape, compact disc, etc.) as specified by the Department.

3. Operating requirements: All required VMS units must transmit a signal indicating the vessel's accurate position at least every half-hour, 24 hours a day, when a person who is required to be monitored is on board the monitored vessel.

4. Presumption: If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the

failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the shrimp fishery, as applicable, or was not at sea.

5. Replacement: Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries Law Enforcement Division Headquarters VMS coordinator, within 3 days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described in this section.

6. Access: All vessel owners shall allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

7. Tampering: Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accurately compute the vessel's position fix.

8. Violation: Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be a violation of LA. R.S. 56:497.1.C and requirements of probation where applicable. All shrimp taken or possessed by a person in violation of these rules, and who is identified on his commercial license as required to be VMS monitored, shall be deemed illegally taken and possessed. The provisions of this section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this section shall constitute a class 4 violation.

9. All costs and monthly fees associated with the installation, operation and monitoring of any VMS system in accordance with these rules shall be the responsibility of the person required to be monitored and shall be paid by him directly to the approved VMS supplier and monitoring facilitator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.495.1, and R.S. 56:497.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 32: .

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

Interested parties may submit comments relative to the proposed rule to: Major Jeff Mayne, Law Enforcement Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, May 4, 2006.

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

Terry D. Denmon
Chairman

Then Major Jeff Mayne handled the **Zero Tolerance for Littering in the Sportsman's Paradise Proclamation**. He stated this was the second year of a high media campaign to heighten the awareness of the crime of littering and to help recruit other law enforcement agencies, mayor's offices, police department's and sheriff's offices to help focus on this crime. The Department's Law Enforcement Division will team with State Police in an effort to combat the crime during the weekend of March 10-12. He then asked the Commission to approve the proclamation which would proclaim that weekend as Zero Tolerance for Littering in the Sportsman's Paradise. Commissioner Morrow made a motion to accept the Proclamation and it was seconded by Commissioner Mouton. The motion passed with no opposition.

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

P R O C L A M A T I O N

WHEREAS, the State of Louisiana enjoys a well deserved reputation for possessing a diversity of landscapes from the picturesque hills of the northern portion of the state to the sub-tropical marshes of the south, and

WHEREAS, for many years, the abundant and varied scenery of Louisiana has attracted thousands of visitors annually to enjoy both nature at its finest and the many living resources and natural wonders, and

WHEREAS, litter scattered around the beautiful landscape of our great state, has been not only an eyesore for local residents, but has greatly detracted from the state's flourishing tourist industry and negatively effects our states ecosystem, and

WHEREAS, the State of Louisiana, Keep Louisiana Beautiful, the Louisiana Wildlife and Fisheries Law Enforcement Division, the Louisiana State Police, and innumerable local civic agencies have initiated the "Zero Tolerance for Litter"

initiative in 2006 to better inform local residents of the importance of keeping our state litter free, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission applauds the efforts of Louisiana's Law Enforcement Officers and members of Keep Louisiana Beautiful in their attempt to bring about a cleaner, more attractive environment for all citizens and visitors, and

NOW, THEREFORE the Louisiana Wildlife and Fisheries Commission hereby proclaims March 10, 11 & 12, 2006 to be

ZERO TOLERANCE FOR LITTER IN THE SPORTSMAN'S PARADISE DAYS

And that all hunters, fishers, boaters and natural resource enthusiasts join the Louisiana Wildlife and Fisheries Law Enforcement Division, Louisiana State Police and Keep Louisiana Beautiful members in helping our state reach its potential as a litter free state.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

On the next item, **Public Comments - 2006/2007 Hunting Seasons & General & WMA Hunting Rules and Regulations** the Chairman stated he would ask the Department if they have any amendments, then the other Commissioners could suggest their amendments, and finally have public comments. Mr. Jimmy Anthony stated staff met with U.S. Fish and Wildlife Service and got their recommendations on hunting seasons for the federal refuges and Jean Lafitte. Over the past several years, additional hunting opportunities have been added to all of the refuges and more opportunities will be added for the upcoming year. Sabine National Wildlife Refuge (NWR) has been closed due to a tremendous amount of litter and debris and was very dangerous to access. If and when Sabine reopens, the seasons would remain the same as last year. Tensas moved their lottery gun hunts in an effort to increase participation and take; will offer a new wheelchair dependant hunt and will open two new reforested areas to hunting (4,425 acres). Black Bayou and Red River will have no changes. Upper Ouachita Refuge added a youth turkey lottery hunt and opened a portion of the Mollicy Farm acquisition (4,000 acres) to waterfowl, upland and deer hunting. Bayou Cocodrie will have a new feral hog season. D'Arbonne and Lacassine will increase their limit on deer from 1 per day to 1 of either-sex. Catahoula will discontinue their mourning dove season. Lake Ophelia and Grand Cote have added snipe and rail seasons to their schedule. Also, Grand Cote will open a new area (1,800 acres) for archery hunting. No changes are recommended for Cat Island or Cameron Prairie. Bayou Teche has simplified their lottery hunts and have added several days to the archery, small game and waterfowl hunts. Mandalay, Delta, Big Branch and Bogue Chitto will have no changes. Chairman Denmon asked for an explanation on the Commission's action on the federal

refuges. Mr. Anthony stated the federal refuges have their own season setting process, and the Department accepted them as long as they are within the frameworks of the statewide seasons. He added, however, that the federal refuges are more restrictive. Chairman Denmon asked if the Commission was required to adopt the seasons proposed on the federal refuges. Mr. Anthony answered yes, and noted the state has to concur with their openings. He then commented that the seasons for the Jean Lafitte National Historic Park and Preserve and the Barataria Preserve would, for the most part, be the same as last year but would add an extra two weeks of hunting. Mr. Anthony then asked the Commission to approve the amendments and add them to the Notice of Intent. Chairman Denmon then asked the other members to consider the proposal as one amendment. Commissioner Morrow made a motion to add these amendments to the current Notice of Intent. Commissioner King seconded the motion.

Mr. Anthony added that the Department has received 17 public comments, by e-mail and phone calls. Most of the comments received were in favor of the proposals. Chairman Denmon asked for the proper procedure in handling the amendments. Mr. Don Puckett stated the Commission could take public comments on any of the amendments before voting. Also, he noted that any Commission member could propose an amendment to the Notice of Intent and then vote on it at the May meeting. Chairman Denmon asked if the vote on the Department's amendment could be held off until May. Mr. Puckett stated yes it could be held until May when all proposed amendments would be finalized. Chairman Denmon felt the Commission should vote on proposals so the public would know whether they were in favor of them or not. Commissioner Sagrera felt the amendment proposed by the Department would not change by public comments, and the Commission should just go with a vote now. Chairman Denmon explained to the public that this was a new procedure for this year. He agreed with Commissioner Sagrera on voting on the Department's proposal. Mr. Dave Moreland added that the U.S. Fish and Wildlife Service does receive public comments on their seasons. The motion on the Department's proposal passed with no opposition.

Mr. Anthony provided a copy of a comment form that will appear on the Department's website so the public can submit their comments. Each month, the results of the comments would be made available. Also, a list of the hunting season public hearings was announced. March 13 a meeting will be held in Alexandria, March 14 in Opelousas, March 16 in Winnsboro, March 20 in Bossier and Ruston, March 23 in Lake Charles, Baton Rouge and Houma and March 30 in Hammond.

Commissioner King stated the Deer/Dog Task Force has met three times. During the January and February meetings, 5 major issues were identified and solutions were discussed. At the March meeting, a recommendation was made from the Task Force to the Commission's Hunting Regulations Committee and they asked that it be implemented and provided to the public as soon as possible. The Commission's Committee met and accepted the recommendation from the Task Force and it was also supported by the Department. The recommendation was to "support deer hunting with dogs across the state, on a statewide basis, except on state-owned lands administered through the State

Land Office". With this proposal on notice, comments could be received during the statewide public hearings and at Commission Meetings up until the May meeting. Commissioner King then stated he wanted to make a motion on that proposal. Commissioner Mouton seconded the motion. Chairman Denmon asked if this was the final product from the Task Force to the Commission and Commissioner King stated there would be further recommendations on accountability, registration and deer clubs coming. Commissioner Morrow asked if the proposal would apply to the upcoming season and Commissioner King answered yes. Commissioner Morrow felt it important that the public should make their feelings known at the hearings being held in March. Chairman Denmon asked for the Department's comment on the proposal. Mr. Moreland explained that this recommendation would clarify that the purpose of the Task Force was not to do away with deer hunting with dogs. Commissioner Morrow stated that the Task Force would make additional recommendations and present them to the Commission. Chairman Denmon asked if there would be other recommendations for action this year and Commissioner King answered no. Then the Chairman opened the meeting for public comment.

Mr. Dave Townsend thanked the Commission for supporting the use of the Draw Lock. Chairman Denmon asked Mr. Townsend if he sees any other opportunities for handicapped hunters to please direct them to the Commission. Mr. Townsend stated if there were issues on physically challenged hunting that comes up, he would be available to provide input.

Mr. Ronnie Hymel stated they did not know anything about the tagging system or the 3 buck limit until he read it in "The Advocate". He added there was no information in the "Times Picayune" on the proposals. Mr. Hymel stated he did not have a problem with the tagging system but was opposed to the 3 buck limit. He did not understand why there was a need for the 3 buck limit when only a small portion of hunters kill 3 deer anyway. Commissioner Morrow stated the Department has a website with lots of detailed information on what is going on. He added it was up to the media to publish News Releases published by the Department. Chairman Denmon agreed with what Commissioner Morrow stated.

Mr. Joey Stein stated there was a need for a more even playing field on the Task Force. Chairman Denmon stated the Task Force has representatives from all groups and organizations in the State. Commissioner King added that information has been available since January on the Task Force and that everyone was given the opportunity to participate that wanted to. He noted he attends the Task Force meetings to listen and provide recommendations to the Commission. Mr. Stein stated that his hunting club hunts with dogs and they have State owned land within that lease. He then asked how would that work. Commissioner King stated that situation would be discussed at the next Task Force meeting.

Mr. Sam Smith, a member of the Fur and Alligator Advisory Council representing the state trappers, stated they discussed the bobcat issue at their last meeting. At the meeting, the members were not enthused with the increase in bobcat harvest. A question posed at the

meeting, were there any studies on the effect this increase would have on the bobcat and the answer was no. Mr. Smith agreed with the fact that there has been an increase in bobcat sightings. Deer hunting clubs attract all types of predator animals and seeing bobcats would increase. He noted that 1978 was when the bobcat was taken off the hunting list since they were hunted quite heavily. Talking about trappers, Mr. Smith stated there were about 1,500 to 2,000 trapping licenses sold each year. The cost of the bobcat pelt was the second most costly that could be sold, behind the alligator. By allowing hunters to take more bobcats would be digging into a trappers income. Mr. Smith stated he was not for an increase, but to keep the bobcat take status quo. Commissioner King asked Mr. Smith what were the average prices for bobcat pelts. Mr. Smith stated he sold two for \$15 and two for \$30. Then Commissioner King asked if the pelts were sold green or dried and Mr. Smith stated there were green when sold.

Mr. Vance Gordon stated he wanted to talk about the proposed bobcat season and felt it was a rare occasion for a hunter to ask for a decrease in a limit. He felt bobcats were the last of the big cat predators in Louisiana. Mr. Gordon commented that data was needed on the present limit of one. He thought that hunters that want to shoot a bobcat for a trophy or pelt, a season of one would give them that opportunity. Mr. Gordon asked the Commission to withdraw the proposed limit of two for bobcats and leave the limit at one. He added he had no objection to trapping activities. Chairman Denmon asked Mr. Gordon if he was against the increase in the limit or being able to take a bobcat year round? Mr. Gordon stated there was not enough information available to increase the limit to two.

Mr. Sam Smith asked if the amendment was for all year long. Chairman Denmon stated yes, and noted that the amendment was to allow the take of bobcats by legal means all year long and it increased the limit from one to two. Mr. Smith stated he was not opposed to the one bobcat as allowed now, but if you allow the take of 2 year round, you risk taking a female with kittens.

Chairman Denmon then reminded the Commission that Commissioner King's motion was on the table and that it had a second. Hearing no further comments, the motion passed unanimously.

Commissioner Sagrera then made a motion to change the wording on the bobcat proposal to allow the take of one per year. Commissioner Samanie seconded the motion. Commissioner Morrow asked if this suggested change would allow for public comments and then be voted upon in May. Chairman Denmon asked if the last time to change the Notice of Intent was at the April Meeting and Mr. Mike Landrum answered that was correct. With no further discussion, the motion passed with no opposition.

The Commissioners agreed to hold the **July 2006 Meeting** on Thursday, July 6, 2006, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Chairman Denmon asked for **Public Comments** and none were heard.

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

Dwight Landreneau
Secretary

DL:scf

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
MARCH 2, 2006

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