

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

March 6, 2008

**PATRICK C. MORROW
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808
For more information, call (225) 765-2806

**AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
MARCH 6, 2008**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, March 6, 2008

Chairman Patrick Morrow presiding.

Earl King, Jr.
Frederic Miller
Henry Mouton
Stephen Oats
Stephen Sagrera
Robert Samanie, III

Secretary Robert Barham was also present.

Chairman Morrow called for a motion for approval of the **February 7, 2008 Commission Minutes**. A motion for approval was made by Commissioner Miller and seconded by Commissioner Mouton. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Chairman Morrow asked Ms. Angela Capello to begin with her presentation. Ms. Capello stated it was nice to be able to thank the Toledo Bend Lake Association for their donation of a travel trailer. The Education Section would outfit the trailer with fishing equipment which would give more fishing opportunities for the citizens and youth. She also thanked the Toledo Bend Lake Association for being true partners with the Department's goals being their priority. Ms. Capello then introduced Mr. J. C. Ashford, a member of the Board of Directors for the Association. Mr. Ashford stated they gave the trailer as a thank you for what the Department's educators have done in Sabine Parish and throughout the state. He then thanked Ms. Capello for her work. Chairman Morrow thanked Mr. Ashford and the Association for being a partner in aiding and assisting the Department in getting the youth involved in outdoor activities.

Then Chairman Morrow congratulated Secretary Robert Barham on his receipt of the Dr. Jerry Stone Conservationist of the Year Award presented by CCA.

Moving on to the next item, **To receive and hear Enforcement & Aviation Reports/February**, Lt. Col. Keith LaCaze stated this month was slow and quiet with it being a transition period between hunting and fishing. The total number of cases was 1106 with an additional 211 written warnings and agents helped with 51 public assists. The Aviation

Report showed the Department's 3 planes flew a total of 66.7 hours for the month. In February, there were 3 reported boating accidents for a total of 12 to date, no injuries but 1 fatality. The fatality occurred in Iberia Parish and was Mr. Byron Dore an Enforcement Cadet that was scheduled to graduate in April. The other boating accidents occurred in Orleans and Ouachita Parishes. The News Releases discussed were on a sentencing in Federal Court for an over the limit of doves which resulted in a total of \$1,710 fines; killing of a bobcat while rabbit hunting on Salvador WMA; and a dump site led to a littering investigation and criminal charges in Jefferson Parish.

Before moving on, Chairman Morrow announced that public hearings were scheduled throughout the State on the proposed hunting seasons and the WMA seasons and regulations. He then encouraged the public to attend so their input could be received.

Public Hearing on Amended Notice of Intent for the Emergency Cut-Off Switch began with Chairman Morrow stating this would serve as the public hearing for the amended Notice of Intent. Lt. Col. Jeff Mayne mentioned that at the February Commission Meeting, the public comment period was extended to April 3 for the proposed rule. The proposed rule would require operators on tiller-operated motors to wear the switch on Class A and Class 1 motors. The amendments to the Notice of Intent would exempt sailboats and motors with 10 horsepower and lower. Then Chairman Morrow asked for public comments and none were received.

Mr. Scott Longman handled the next two agenda items together, **To receive and consider Amendments and Public Comments on the Notice of Intent relative to Hunting Seasons** and **To receive and consider Amendments and Public Comments on General Hunting and WMA Rules and Regulations**. He stated that the Department has received a few comments and would compile them with those from the public hearings and present at the next meeting. The first amendment was replacing the word muzzleloader with primitive firearms which would be contingent upon legislative action giving the Commission authority to create a primitive firearms season. Also a description of a primitive firearm would be added. Mr. Longman added that the language was similar to Mississippi's regulation. Commissioner Miller asked if this was the same language in Mississippi or substantially similar. Mr. Jimmy Anthony felt it was exactly the same language. The second amendment would clarify the age for youth to 17 and younger. Commissioner Oats asked if that change was throughout and Mr. Longman answered yes. Commissioner Mouton noted he asked last year that youth be allowed to use slugs during the primitive arms season and wondered if this would be allowed outside of the primitive arms season. Mr. Anthony stated youth would be allowed to use slugs during the general gun season. Mr. Longman continued the slide presentation showing the changes on youth throughout the document. The third amendment was language clarifying the boundary for Area 1. The fourth amendment was changing bow and arrow to approved archery equipment which would occur in the event crossbow was approved as a legal archery gear. Chairman Morrow asked if this change was subject to legislative approval. Mr. Longman explained that this change would enable a hunter to take a bobcat with whatever equipment

was approved. The fifth amendment was a clarification on the word "insects" so it would match the language in the Wildlife Action Plan. The next change was adding language at the request of the military for methods of take on WMAs. The Department's last amendment was to pull the Physically Challenged Hunter Permit lottery hunt on Camp Beauregard which also was at the request of the military.

Commissioner Miller requested an additional amendment for the WMAs. He wanted the requirement of non-toxic shot for snipe on WMAs deleted from the rules. Commissioner Miller felt a small segment of hunters were deprived from using the WMAs due to the non-toxic requirement. He added that no one can get non-toxic shot small enough to shoot snipe. Non-toxic shot was not required for hunters outside the WMAs. Using Bayou Pierre WMA as an example, Commissioner Miller felt those that hunt dove use the same area as those that hunt snipe and it would be incongruous to allow lead shot for dove hunting and then tell hunters they cannot use the same small shot for snipe hunting in the same area. Commissioner Miller then made a motion to amend the regulations on WMAs to include this change. Commissioner Samanie seconded the motion. Hearing no further discussion or public comment on the motion, the motion passed with no opposition. Mr. Anthony asked if the change was for snipe only. Commissioner Miller confirmed it was for snipe only. Mr. Anthony asked if the Commission wanted this to be included as Amendment #8 and Chairman Morrow answered yes. The meeting was then opened for public comments.

Mr. George McFatter wanted to talk about a safety issue they have been dealing with for 3 years. A copy of Mr. McFatter's complaint was given to the Commissioners at the start of the meeting. A road was moved right next to a line where Mr. McFatter's hunting club has hunted for the last 11 years. There are lots of riding up and down the road, drinking and shooting guns all throughout the day. Mr. McFatter noted this road was the only road relocated on the WMA. He then added that they are shooting high powered rifles down the line while other people are joy riding. There are no law enforcement agents so a lot of illegal activities are occurring. Mr. McFatter asked the Commission for help before someone was hurt. Chairman Morrow stated the Commission was given his letter at the beginning of the meeting and had not had the chance to review the complaint. He then asked the Enforcement and Wildlife staff to look into the situation. Mr. McFatter added that the road was 2 miles long and they were shooting down the line as the other people were coming up the road. Chairman Morrow noted that safety was the first issue that all parties needed to address. Mr. McFatter asked that someone contact them and he appreciated the help.

Mr. Jeff Hebert stated he was with Mr. McFatter and had the same request.

Hearing no further comments, Commissioner Oats made a motion to adopt the 8 amendments on the Notice of Intent on Hunting Seasons and on General Hunting and WMA rules and regulations. Commissioner Mouton seconded the motion and it passed with no opposition. Commissioner Miller asked if the crossbow and 45-70 regulations were contingency regulations. Mr. Anthony stated they were contingent upon the bills passing the Legislature and if they do not pass, those proposed changes would go away. Commissioner Miller asked the staff to make sure the public was aware of these proposals

and that it was based on the legislatures actions. Mr. Anthony stated this information would be provided to the public during the public meetings.

To receive and consider National Wildlife Refuge Seasons began with Mr. Scott Longman explaining the proposed changes. There would be no changes to regulations for Bayou Cocodrie except a \$10 ATV permit would be required. Bayou Teche would have no changes. On Big Branch Marsh, 300 acres would be closed to all hunting in the Boy Scout Road area. Black Bayou Lake and Bogue Chitto would have no changes. The bow season would be extended to the Friday before the first split of waterfowl season on Cameron Prairie. Cat Island would allow the incidental take of hogs during all hunts. A \$15 annual Special Recreational Activity Permit starting March 1, 2008 would be required on Catahoula. No changes were proposed for D'Arbonne and Delta Refuges. Grand Cote would also require a \$15 annual Special Recreational Activity Permit starting March 1, 2008. Changes on Lacassine would be to extend the bow season to the Friday before the first split of the waterfowl season and reduce waterfowl hunting by one day to 4 days per week. Lake Ophelia would require a \$15 annual Special Recreational Activity Permit starting March 1, 2008. No changes would occur on Mandalay and Red River Refuges. Waterfowl hunts on Sabine Refuge would increase by one day to allow 4 days per week. Changes on Tensas River would be to move the muzzleloader dates to the end of the gun hunts to allow one extra day, splitting the youth lottery hunts into two groups and not allowing for a spring squirrel season. There would be no changes on Upper Ouachita Refuge. Commissioner Miller asked what days of the week would the waterfowl hunting occur. Mr. Longman did not have that information. Hearing no further discussions, Commissioner Samanie made a motion to adopt the seasons on the National Wildlife Refuges. Commissioner Sagrera seconded the motion and it passed unanimously.

The last agenda item for Mr. Scott Longman was **To receive and consider Amendments and Public Comments on Physically Challenged Hunter Permit**. At the last meeting, Commissioner Oats requested a clarification in language which lead to the following change "WMA violations or littering within the last five years". This change would be made in the 3 classes of the physically challenged permit, wheelchair bound, mobility impaired and amputee of the upper extremity. Chairman Morrow asked about the change. Mr. Longman stated the initial wording was "including WMA violations and littering within the last five years but excluding boating and fishing violations". Hearing no comments, Commissioner Oats made a motion to adopt, seconded by Commissioner Mouton and passed with no opposition.

To receive an update on the Waterfowl Season began with Mr. Robert Helm stating he would provide a summary on the recently completed waterfowl hunting season. This was the 11th year in a row for a 60 day - 6 bird bag limit season. There was also a full canvasback season with a bag limit of 2 and a full season on pintails. Mr. Helm felt these were good times for waterfowl regulations. Weather issues are always a major factor with this being a dry year for Louisiana. Rainfall amounted to 6 inches below normal for a total of 54 inches versus the average of 60 inches. The spring and summer were dry and

Louisiana entered the fall in almost drought conditions. In September, Hurricane Humberto came through and provided an abundance of rain along the southwest and into the central parishes. By November, the rainfall was adequate to provide ideal conditions in the coastal marshes for feeding ducks. In the rice prairies of southwest Louisiana and central and north Louisiana, conditions were very dry. Positive impacts from the 2005 hurricanes were realized in coastal Louisiana. The saltwater killed most of the existing vegetation which opened the marshes and allowed an abundance of wild millet, sedges and other good seed producing grasses to grow profusely. Outside of the coastal zones, there was very little backwater flooding until late winter. Changing to migration and harvests, Mr. Helm stated that the first surveys are done in September just prior to the teal season. About 250,000 blue-winged teal were in Louisiana. Following the survey, Hurricane Humberto came through as well as the first cool front of the season and this provided a new group of blue-winged teal. Mr. Helm felt the September teal season was very successful. Each of the coastal zone surveys from November through January were well below estimates from last year and those from the long term average. Common trends occurred during each survey, such as blue-winged teal estimates were high and the bias of duck numbers in southwest Louisiana versus southeast. In previous years, the proportion of duck numbers were even, but beginning in January 2006, the biased number of ducks in southwest Louisiana was as high as 90 percent in November but fell to 70 percent by January. Hunting clubs in southwest Louisiana reported record harvests with teal carrying the bulk of the harvest and the number of mallards across the state down. Hunters from the southwest rice fields reported few numbers of ducks and geese. Terrebonne and St. Mary Parishes also did not have a lot of ducks. Hot spots in the eastern portion of the state were below New Orleans and at Pass-a-Loutre WMA. Central and northeast Louisiana suffered from a lack of rain and hunting was average to below average. Summarizing, Mr. Helm noted the migration patterns were delayed due to the mild weather conditions in the north. However, severe weather prevailed late in the winter with icing occurring from Missouri on north which pushed the ducks further south. Mr. Helm anticipated the harvest would be a bit higher than last year. He added that biologists have noted the continued decrease in mallards in the bag and the increase in blue-winged and green-winged teal.

Commissioner Mouton asked Mr. Helm if he knew how many acres of rice farming was not in production any longer. Immediately after the hurricanes, about 200,000 acres were unable to be planted due to the salinity in the soils. With the last two years of freshwater flushing, the soils were back to normal, commented Mr. Helm. But commodity prices were beginning to affect rice production in Louisiana. In the past there have been over 500,000 acres of rice, but the previous year, Mr. Helm thought there were 360,000 acres. With the current price of rice being high, he felt there could be another jump in rice acreage this year. Commissioner Mouton explained in the area where he hunts, one hunter described his hunts as being great one day and possibly horrible the next.

Mr. Scott Durham began the next item, **To receive an update on Deer Tagging and Validation** stating he wanted to talk about the results from the harvest cards. In 2006, the harvest cards were used with about 30 percent of hunters participating in the survey. Over 46,000 hunters utilized the cards with 77 percent killing one or more deer and 23 percent

not killing a deer. The sex ratio was 1:1 giving about 1.7 deer per hunter. Only 12 percent of the hunters reported killing 3 bucks. Next was a map showing where the majority of deer harvests occurred. North, central and west Louisiana has the big forested pine dominate mixed parishes where the majority of the deer were killed. The next table shown for the 2006 results showed the top 20 parishes with Union Parish having nearly 5,000 deer killed. The table of parishes by forested acres showed the river parishes in the high end as well as Union, Madison, Webster and Morehouse Parishes. Shown next was a table of all parishes with their harvest results.

Mr. Durham then talked about the voluntary reporting and tagging system for this past deer season. In the table, the top parishes for this deer season were the same as shown with the harvest cards. But only 2400 deer were reported from this survey which amounted to about 1 percent of the state deer harvest. Mr. Durham felt this was an insignificant sample and noted voluntary does not really work. The number of hunters that reported was 1,279 and the average harvest was 1.9 which was very similar to the 1.7 from the harvest card surveys. Then a table was shown on the number of deer hunters that bought deer tags sorted by age. More than 165,000 people received deer tags with the age group 40-49 receiving the highest number of tags. Mr. Durham felt this reflected the aging deer hunting population. Chairman Morrow commented that there were less hunters in the 20-29 age group that received tags versus those in the 30-39 age and asked if that was an indication of the youth that become majors not getting tags. Mr. Durham felt it was, and added that it was part of the trend of aging hunters. He stated that the Senior License sales continued to climb which was occurring nationwide, not just in Louisiana. Chairman Morrow felt that was not a good sign. Mr. Durham commented that in about 5 years, the senior number may be 100,000 as the baby boomer keeps aging. Chairman Morrow also noted these numbers could affect the Department's budget. Mr. Durham showed the license issued last year which he stated no one liked. Then he showed the license for this year which he felt was a lot better. As far as the reporting system, there was trouble with voice recognition, but the internet reporting went fairly well. The License Section was working with the vendor in testing the new printers. The vendor has a mandatory deadline of May 1 to have the system fully functional. Chairman Morrow noted that a report from Mrs. Janice Lansing's office would be presented soon on the status of the new machines.

Commissioner Miller brought correspondence that he received on the crossbow issue and deer season that he wanted made a part of the public comment record.

Mr. Harry Blanchet asked that the next two items be considered together, **To receive and consider Declaration of Emergency on Reef Fish Regulations - Red Snapper Recreational Season and Bag Limits, Commercial Size Limits** and **To receive and consider Notice of Intent on Reef Fish Regulations - Red Snapper Recreational Season and Bag Limits, Commercial Size and Landing Regulations; Vermilion Snapper Size Limits and Commercial Season**. At the last meeting, regulations updating vermilion snapper and landing regulations on the red snapper commercial fishery were presented. Prior to that meeting, the National Marine Fisheries Service implemented their

Reef Fish Amendment 27 which was the Red Snapper Rebuilding Plan. This plan was intended to take red snapper from its current condition of overfishing and overfished and end overfishing by 2010. Mr. Blanchet gave the Commissioners his version of a "cheat sheet" to explain the proposed changes. In April 2007, a Declaration of Emergency was adopted establishing a season for red snapper. This was done to carry through until the permanent rules under Amendment 27 was ready. The intent was to reduce the total allowable catch from 9.12 million pounds to 6.5 million pound allowable catch for 2007. For the year 2008, the total allowable catch has been reduced through Amendment 27 to 5 million pounds Gulfwide and would be split between commercial and recreational harvesters. Chairman Morrow asked Mr. Blanchet what was the split and he was told 49 percent recreational and 51 percent commercial. Also, in April 2007, there was a reduction in the commercial minimum size limit and this size limit would continue for this year. Clarification on landing and offloading were incorporated into the proposed rule. The current regulations for the recreational red snapper season begins in April and runs through October. The proposed recreational season was to begin June 1 and run until September 30. The bag limits for the recreational fishermen was reduced last year from 4 fish per person per day to 2 fish per person per day with an exclusion for captain and crew while under charter and this reduction would continue for 2008. The proposed changes for vermilion snapper were discussed and adopted by the Commission at the February 2008 meeting. These changes were incorporated into the Notice of Intent and Declaration of Emergency being presented now. The American Fisheries Society common name for "jewfish" was changed to "goliath" and that change was made in the proposal. Chairman Morrow asked if the recreational limit for snapper was still 16 inches and Mr. Blanchet answered yes. Chairman Morrow then asked if the limit on vermilion snapper went to 10 inches and again he answered yes for both recreational and commercial fishermen. Commissioner Miller felt Mr. Blanchet's cheat sheet was great. He added that "all is not well" with the sister states of Florida and Texas not opting to go along with the same regulations as Louisiana. Then Commissioner Miller asked if the actions by those 2 states would have an effect on the season limits if the fishermen felt flush enough to go out with gas at \$4 a gallon to catch one snapper or two. Mr. Blanchet stated he was not sure since a determination would have to come from the Regional Office level of the National Marine Fisheries Service. He added that the Service could address that issue such as by reducing the season in Federal waters and possibly extending that regulation into state waters. Commissioner Miller commented that it had not gotten to that part yet and Mr. Blanchet agreed. Then Commissioner Miller asked if Florida and Texas were refusing to go along with the amendments. Mr. Blanchet stated Florida adopted the reduction in the creel limit but not the reduction in the season. Chairman Morrow asked about Texas' regulations. Mr. Blanchet stated Texas has "punted" until September. Commissioner Miller felt Texas has a snapper fishery and they were hanging tough. Hearing no further comments or questions, Commissioner Miller made a motion to adopt, seconded by Commissioner King and unanimously approved.

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

RESOLUTION
DECLARATION OF EMERGENCY AND NOTICE OF INTENT TO
MODIFY REEF FISH HARVEST RULES

Adopted by the
Louisiana Wildlife and Fisheries Commission
March 6, 2008

- WHEREAS, the reef fish resources in the Gulf of Mexico off the coast of Louisiana are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with the advice of the Gulf of Mexico Fisheries Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable for waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and for federally permitted reef fish harvesters, and
- WHEREAS, regulations promulgated by the Louisiana Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, have provided rules for the harvesting of reef fish in Louisiana's state waters, and
- WHEREAS, in April 2007, the NMFS promulgated an "interim rule" that established limits for recreational and commercial red snapper intended to limit harvest within 2007 and to allow time for NMFS to consider and promulgate the "permanent rule" contained in Reef Fish Amendment 27 / Shrimp Amendment 14, and
- WHEREAS, in April 2007, the Louisiana Wildlife and Fisheries Commission passed regulations for the 2007 recreational red snapper season that included a reduction in bag limit from 4 fish to 2 fish per person, a bag limit of zero for captain and crew of a vessel operating under charter, and a reduction in commercial minimum size to 13 inches total length, and
- WHEREAS, those 2007 regulations were intended to constrain the harvest of red snapper within a 6.5 million pound TAC for red snapper in the Gulf of Mexico, compared to the 9.12 million pounds that were available in earlier years, and
- WHEREAS, on January 29, NMFS published final rules for Amendment 27 / 14 in the Federal Register, which included a reduced total allowable catch of red snapper in the Gulf of Mexico to 5.0 million pounds, as well as reduced recreational seasons and bag limits and commercial size limits, and
- WHEREAS, at the February 2008 meeting, the Louisiana Wildlife and Fisheries Commission passed a Declaration of Emergency and Notice of Intent to modify permanent rules related to management measures for vermilion snapper, including the recreational take and possession limit, elimination of

the closed commercial season, and reducing the minimum size limit for recreational and commercial harvest in the EEZ off of Louisiana, and
WHEREAS, that same Declaration of Emergency and Notice of Intent clarified landing and offloading requirements for the red snapper individual fish quota (IFQ) rules, and

WHEREAS, modification of the February Notice of Intent would allow clarity in all of the proposed modifications to the Commission rules for harvest of reef fish to be promulgated at the same time, providing the public with a more comprehensive view of the proposed changes, and

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

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

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

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

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby modifies the Declaration of Emergency and Notice of Intent passed in February 2008 to include further management measures for recovery of red snapper stocks by adoption of rules consistent with those in effect in Federal waters offshore of Louisiana, and

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

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

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and

economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Patrick C. Morrow, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS on January 3, 2008 to reduce the commercial and recreational vermilion snapper minimum size limit; eliminate the bag limit restriction for vermilion snapper within the existing 20-fish aggregate reef fish bag limit; eliminate the 40-day commercial closure for vermilion snapper, and modify Individual Fishing Quota (IFQ) requirements for the commercial red snapper fishery.

Further rules were promulgated by NMFS on January 29, 2008 to enact provisions of the red snapper rebuilding plan (Reef Fish Amendment 27 / Shrimp Amendment 14). These rules included modifications to the recreational season and bag limit, charter vessel captain and crew limit, commercial size limit, among other provisions. Some of the provisions of Amendment 27 / 14 had previously been addressed as "interim rules" by NMFS in April 2007, and the Wildlife and Fisheries Commission had enacted compatible rules through a Declaration of Emergency at their April 2007 meeting. Some of the provisions enacted by NMFS as part of the final Amendment 27 / 14 are not within the authority of the Wildlife and Fisheries Commission rulemaking process, but others can be established by the Commission. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana water to coincide with the regulation set forth by NMFS, it is necessary that emergency rules be enacted. This emergency rule includes the provisions of the Emergency Rule passed by the Wildlife and Fisheries Commission at their February 2008 meeting, as well as provisions related to establishing rules compatible with Amendment 27 / 14, since both sets of rules pertain to the same fisheries and to the same section of Commission rules.

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

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

NMFS has clarified landing and offloading requirements for the red snapper Individual Fishing Quota (IFQ) program. Effective 6 a.m. February 8, 2008, IFQ fishermen can land their vessels anytime during the day and night, provided that a landing notification has been given 3 to 12 hours prior to landing; can only offload red snapper from 6 a.m. to 6 p.m.; and do not need to give law enforcement an offloading notification for red snapper. For the purposes of these regulations, the term "landing" means tying a vessel to a dock. "Offloading" means removing red snapper from a vessel.

Effective immediately, the commercial and recreational vermilion snapper minimum size limit is reduced from 11 inches to 10 inches total length; the 10 fish recreational bag limit restriction for vermilion snapper within the existing 20-fish aggregate reef fish bag limit is eliminated; and the 40-day commercial closure for vermilion snapper is eliminated, which extended from April 22 through May 31 each year.

Effective immediately, the commercial minimum size for red snapper is reduced from 15 inches to 13 inches total length.

The recreational red snapper season is established to open on June 1, 2008, and remain open through September 30, 2008. The recreational bag limit for red snapper shall be 2 fish per person per day during this open season. Captain and crew members shall not harvest or possess red snapper or grouper of any species while operating as charter vessels and headboats as defined in Federal Regulations 50 CFR Part 622.2. Their bag limit is zero for all of these species.

Patrick C. Morrow
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.335) modifying size limits, eliminating a closed commercial season and modifying recreational creel and possession limits for vermilion snapper, and modifying recreational creel limits and seasons and commercial size limits, landing and offloading requirements for red snapper, which are part of the existing rule for daily take, possession, and size limits for reef fishes set by the Commission. Authority of adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish - Harvest Regulations

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

<u>Species</u>	<u>Recreational Bag Limits</u>
1. Red Snapper	4 <u>2</u> fish per person per day
2. Queen, mutton, blackfin, cubera, gray, dog, mahogany, silk, yellowtail snappers, schoolmaster, and wenchman	10 fish per person per day (in aggregate)
3. Vermilion snapper, lane snapper, gray triggerfish, almaco jack, goldface tilefish, tilefish, blackline tilefish, anchor tilefish, blueline tilefish	20 per person per day (in aggregate) with not more than 10 vermilion snapper per person
4. Red hind, rock hind, speckled hind, black grouper, misty grouper, red grouper, snowy grouper, yellowedge grouper, yellowfin grouper, yellowmouth grouper, warsaw grouper, gag grouper, scamp	5 fish per person per day (in aggregate) with not more than 1 speckled hind and 1 warsaw grouper per vessel and with not more than 1 red grouper per person included in the bag limit
5. Greater amberjack	1 fish per person per day
6. Banded rudderfish and lesser amberjack	5 fish per person per day (in aggregate)
7. Hogfish	5 fish per person per day
8. No person shall possess jewfish <u>goliath</u> grouper or Nassau grouper whether taken from within or without Louisiana territorial waters per LAC 76:VII.337.	

B.1. - B.5. ...

C. Charter Vessels and Headboats:

C.1. - C.2. ...

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

D. Red Snapper:

D.1. - D.4. ...

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

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

D.7. ...

E. Recreational and commercial minimum and maximum size limits, unless otherwise noted.

<u>Species</u>	<u>Minimum Size Limits</u>
1. Red Snapper	16 inches total length (Recreational) 45 16 13 inches total length (Commercial)
2. Gray, yellowtail, cubera, dog, mahogany snapper, and schoolmaster	12 inches total length
3. Lane snapper	8 inches total length

4.	Mutton snapper	16 inches total length
5.	Vermilion snapper	44 <u>10</u> inches total length
6.	Red and yellowfin grouper	20 inches total length
7.	Gag and black grouper	22 inches total length (Recreational) 24 inches total length (Commercial)
8.	Scamp	16 inches total length
9.	Greater amberjack	28 inches fork length (Recreational) 36 inches fork length (Commercial)
10.	Black seabass	8 inches total length
11.	Hogfish	12 inches fork length
12.	Banded rudderfish and lesser amberjack	14 inches fork length (minimum size); 22 inches fork length (maximum size)
13.	Gray triggerfish	12 inches total length

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

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

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

G. Seasons

1. Seasons for the commercial harvest of reef fish species or groups shall be closed within and without Louisiana's territorial waters during the periods listed below. Possession of reef fish in excess of the daily bag limit while on the water is prohibited during the specified closed season. Any reef fish harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. This prohibition on sale/purchase does not apply to reef fish that were harvested, landed ashore, sold and purchased prior to the closed season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure

providing that all commercial dealers possessing reef fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

<u>Species or Group</u>	<u>Closed Season</u>
a. Greater Amberjack	March 1 through May 31
b. Gag, Black and Red Grouper	February 15 through March 14
c. Vermilion Snapper	April 22 through May 31

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

<u>Species or Group</u>	<u>Closed Season</u>
a. Gag, Black and Red Grouper	February 15 through March 14
<u>b. Red Snapper</u>	<u>October 1 of each year through May 31 of the following year</u>

G.3. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007), amended LR .

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

Interested persons may submit written comments on the proposed rule to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or by e-mail to hblanchet@wlf.louisiana.gov, with "March Reef Fish Notice of Intent" in the subject line, no later than 4:30 p.m., Thursday, May 1, 2008.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in

connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Patrick C. Morrow
Chairman

The Commissioners agreed to hold the **July 2008 Meeting** on Tuesday, July 8, 2008, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments** and none were heard.

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

Robert J. Barham
Secretary

scf