

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

March 4, 2010

**STEPHEN J. OATS
CHAIRMAN**

BATON ROUGE, LOUISIANA

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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
MARCH 4, 2010**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, March 4, 2010

Chairman Stephen J. Oats presiding.

Ronny Graham
Earl King, Jr.
Patrick Morrow
Stephen Sagrera
Ann Taylor
Mike Voisin

Secretary Robert Barham was also present.

Chairman Oats called for a motion for approval of the **February 4, 2010 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Morrow. The motion passed with no opposition.

There were no **Commission Special Announcements/Personal Privilege** for this month.

To receive and hear Enforcement & Aviation Reports/February began with Lt. Col. Keith LaCaze stating the month of February was a quiet month and a transition month. The hunting seasons were winding down and boating and fishing had not begun with the cold weather. A total of 955 citations and 247 written warnings were issued and agents helped with 32 public assists. Agents wrapped up cases from the hunting seasons and early commercial and recreational fisheries. There were 5 boating accidents reported during February with 3 injuries and 0 fatalities (a total of no fatalities for year to date). The Department's three planes flew a total 57.6 hours for the month. News Releases discussed were on shark violations in the EEZ; landings of oysters in Mississippi without the required out-of-state landing permit; live tilapia for sale in Jefferson Parish business; 7 cited for deer hunting violations on Kisatchie National Forest; and photos posted on internet which resulted in an over the limit of deer case and tagging violations. Then Lt. Col. LaCaze announced 7 new agents graduated from the Academy and they will work in Terrebonne, Lafourche, Jackson, West Carroll, Calcasieu, Jefferson and Union Parishes. Commissioner Voisin asked if PFD's and kill switches were required for all boating. Lt. Col. LaCaze explained that PFD's are required when the boat is underway and the kill switches are required on tiller operated vessels. Chairman Oats added that this regulation was new as of last year.

To receive and hear update on the 3-year Marketing Program Lapsed Angler was presented by Ms. Marianne Burke. This was the second year for the Lapsed Angler Program. The Department partnered in 2008 with the Recreational Boating and Fishing Foundation (RBFF) to implement a 3 year marketing plan to recruit lapsed anglers in Louisiana. In 2009, the Wildlife and Fisheries Foundation and the Coastal Conservation Association joined in as sponsors. Ms. Burke explained that a lapsed angler was anyone that purchased a fishing license in 2007 but did not buy one for 2008. Staff looked at license sales from 2004 through early 2009. This year, a control group was introduced into the program. As a reminder, Ms. Burke mentioned that in 2008, over 26 percent of the 66,000 responded. This program will let the Department know what segment of the population responded, and the top segment in last year's survey were the "sophisticate squires". For 2009, the evaluation period was May 31 - August 23 and there were 150,489 lapsed anglers in Louisiana. The Department focused on 70,000, but due to invalid addresses and people buying licenses, that total went down to a little more than 63,000. The four performance measures included: a net increase in licensed anglers, an overall response rate, the lift from the 2 groups (which is where the program fell short) and revenue based on the lift. Ms. Burke then explained the difference in the tiers and segments. Results for 2009 for the target audience was 15,000, which was almost 24 percent overall response rate. RBFF helped with the program by purchasing all of the advertising and matched the Department funds up to \$25,000. The percentage of the control group compared to the percentage of overall did not equal 1 percent. But the control group did tell where the positive lift was coming from which would be used in the third year. The tier charts represented when an angler bought a license which was where the information was pulled from. The tapestry segments showed which were the highest. Ms. Burke then showed 2 examples of segments, the City Commons and Industrious Urban Fringe. Chairman Oats asked if City Commons was an example of a segment and Ms. Burke stated City Commons had the highest positive lift followed by Industrious Urban Fringe. Implementation occurred with the first mailing of a post card on May 28, second on July 9, followed by RBFF purchased radio advertising and on-line. A decal was used as an incentive for those who responded by a given date. The performance measures showed a net increase of 485. This will be increased by narrowing the targeted market based on tiers and segments that are now known. Recruitment was key to bringing the people back to the Department, waters and outdoor activities. The program will focus only on the top tiers and top tapestry segments. Cost will also be cut by reducing the size of the card, one color instead of full color and eliminating the incentive. RBFF will continue to match funds and continue to buy on-line and radio advertising. Ms. Burke ended noting the U.S. Fish and Wildlife Service reported a 7 percent increase in fishing licenses in 2008. She then thanked the Foundation, CCA and the Office of Fisheries for their help with this program. Commissioner Voisin asked if the program was looking at fishermen from previous years such as 2004. Ms. Burke stated this program began in 2008 and there was no control group to compare prior to this year. She added they were trying to get a baseline and find out how successful or not this program has been. Chairman Oats thanked RBFF for their assistance.

To receive and hear recent news regarding the Natural and Scenic Rivers System began with Mr. Keith Cascio stating he was the Scenic Rivers Coordinator for the Department. The Scenic Rivers System was established in 1970 as a result of a master's thesis and continues today with amendments and new streams being added. The intent of the Act was then read by Mr. Cascio. Today, there are over 80 streams in the system which equals to about 3,000 stream miles and 110,000 acres (which includes a 100 foot buffer on each side of the streams). The State system protects 25 percent of what the Federal system protects throughout the entire country. On average, one stream has been added to the system each year for the last 10 years and none have been removed. A map of the streams located in Louisiana was shown. Mr. Cascio noted ecological integrity was what the system was based on. The Department's job was to preserve and protect ecological integrity. Things that are protected included perching sites, cavities, vegetable on the riparian areas along the stream, the stream itself, forage, large woody debris, wildlife, riparian buffers which provides cover for nesting sites, and fish and other aquatic life. Next Mr. Cascio then talked about the permitting for the program back to 1974. In 1998, permits started to increase as well as denying permits. A permit will be denied if staff feels it would have negative impacts to a systems stream. An example of a violation was shown which affected stream shading and water volume. Then another example was shown of a good job by the Department of Transportation and Development realigning a bridge which would also create a boat ramp and safe parking area. Mr. Cascio talked about the work to restore Bayou Dorcheat. In the future, changes would be made on the appeals process, clarification of violations, point source discharges and houseboat and ATV regulations. Commissioner Morrow asked what were some of the benefits of a designation. Mr. Cascio stated it depended on the property in that they do not stop development but control how development takes place along the streams.

To receive and consider Amendments to Notices of Intent on 2011-2012 Hunting Seasons began first with Mr. Randy Myers stating a list of proposed amendments was included in the packets. At the last meeting, 2 separate Notices of Intent on hunting seasons and general and WMA regulations were adopted by the Commission. Public comments would be accepted on the original Notices of Intent and any approved amendments through the May meeting. The statewide public hearings would begin this next week, added Mr. Myers. He then turned over the presentation to Mr. Scott Durham who would speak on alternatives for Deer Area 6. Mr. Durham noted the deer program has been involved in a comprehensive review of the statewide deer season, with several changes being considered. The challenge was to balance the needs of the traditional hunter, trophy hunter and small game hunters. After the last Commission Meeting, Mr. Durham met with technical staff from Area 6 and proposed that a DMAP alternative should be considered that would extend gun hunting into February. Having a late gun hunt in parishes with late breeding would improve their season. The DMAP option would be the least intrusive for rabbit hunters, your buck harvest would be limited and buck and doe tags could be issued to those wishing to participate. Mr. Durham added there were 4 parishes with adequate sample sizes that showed really significant February breeding. Those parishes were Iberville, Pointe Coupee, West Baton Rouge and West Feliciana Parishes

and they could be experimentally allowed to hunt the first 2 weeks of February through DMAP. This option could educate more hunters and obtain more data. Alternative 2 would be the creation of a new area, Area 9 consisting of Pointe Coupee, Iberville, West Baton Rouge and only a portion of West Feliciana Parishes. This alternative would give staff the opportunity to gain more data needed from some of the other parishes in question. Not only was Area 6 being looked at, but also Area 1 comprehensively so that the hunters can have the best seasons. Commissioner Morrow asked if the DMAP proposal was only on private lands and Mr. Durham answered yes. Then Commissioner Morrow asked if those hunters that hunt on state lands would be cut from the extended season. Again, Mr. Durham answered yes, and added that the WMA seasons were set in a different way with more restrictions. DMAP was not expensive, since it began in the early 1980's, fees have been 5 cents per acre along with a \$25 registration fee. The best way to manage a deer herd according to Mr. Durham was to take a tract of land, understand the habitat and set a harvest objective for that tract. Commissioner Morrow felt it was expensive to get into a club or to own land, but he felt the majority of hunters in Louisiana do not have the luxury of joining a club. He thought the purpose of the Commission was to allow all hunters the same opportunity. Commissioner Morrow stated he had a problem with the DMAP option. Commissioner Graham asked if the DMAP option was for just the 2 areas or was it statewide. Mr. Durham stated they originally wanted it confined to just those 4 parishes, but added it could be available for other parishes within Areas 1 and 6. Commissioner King asked why was the data not available in the other parishes within Areas 1 and 6 like it is for the 4 named parishes. Mr. Durham stated there was a telemetry study done in West Baton Rouge Parish and the same effort occurred in some of the other parishes previously to explore the breeding seasons. He felt this should be done in every parish. Commissioner King then asked if the late rut could occur in other parishes of Area 6 and he was told yes. Hearing no further questions from the Commission, Chairman Oats asked Mr. Myers to present the other options. Mr. Myers stated that the proposed dates if adopted would be effective for the 2010-11 and 2011-12 seasons. Area 1 season dates for 2010-11 are: archery with bucks only season of October 1 through October 31 and either-sex season of November 1 through February; primitive firearm season of November 13 through November 19, February 1 - February 7 and February 11 through February 13; still hunt season of November 20 through December 3 and January 3 through January 31; closed season of December 4 - December 10; and with or without dogs season of December 11 - January 2. Seasons dates for 2011-12 would be calendar adjustments. Area 6 seasons would have the same basic season structure with archery season on October 1 through October 31 for bucks only and November 1 through February 15, either-sex; primitive firearm season of November 13 through November 19, February 1 through February 7 and February 11 through February 13; still hunt season of November 20 through December 3; and January 24 through January 31; with or without dog season of December 11 through January 23 with the same closure of December 4 through December 10. The 2011-12 seasons were calendar adjustments also. Commissioner Sagrera asked if additional days were added to the overall season and Mr. Myers answered yes in a few instances. Commissioner Morrow asked if the primitive firearm season in February was still hunting only and he was told yes. Then he asked if the archery season had 15 more days added at the back end during the primitive firearm season and Mr. Myers again answered yes.

Commissioner Morrow then made a motion to amend the proposals for the 2010-11 season to the recommended Area 1 and Area 6 dates as presented by staff. Commissioner Graham seconded the motion. At this point, Chairman Oats opened the meeting for public comments and expressed appreciation to the public that sent written comments or e-mails to him. Then he reminded everyone that today was not the final decision.

Mr. Joe Guidroz stated he was a deer and rabbit hunter and hunts in Area 6 near Lottie. If the deer season was pushed back, this would adversely affect the rabbit hunters. Mr. Guidroz added that rabbit hunting takes a back seat to deer hunting, usually after everyone else was finished hunting deer. He knew that not shooting pregnant does and letting big bucks go was a good thing. In an article by Mr. Joe Macaluso, Mr. Dave Moreland talked about pushing the deer season back. When Mr. Moreland was "in power", Mr. Guidroz watched the deer herd decline and now Mr. Moreland's request was to push the season further back. Mr. Guidroz thought Mr. Moreland was trying to advise the Commission on what to do and he hoped the Commission was independent and fair minded and do what was fair for everyone. A hunter that was talking to Mr. Guidroz told him that this was a "done deal". He also felt the major landowners had a lot of input on what goes on in this state and with the Commission. Mr. Guidroz asked the Commission to prove him wrong and consider extending the rabbit season in proportion to the deer season extension. He concluded stating that if the Commission did not adjust the rabbit season after moving the deer season back, they would be responsible for the death of a long standing south Louisiana tradition. Commissioner Morrow stated he has been on the Commission for 5 years and that it was an honorable Commission. The reason for making proposals was to get comments from all user groups and then Commissioner Morrow assured Mr. Guidroz he was not controlled by big business. He noted he was appointed to represent the sportsmen and that was what he did.

Mr. Roland Dugas stated he was a large landowner in Area 6 and remembered when Mr. Moreland proposed the archery season move back to February 15 and felt it has worked great and was very effective. He was also in favor of the proposed season change again. But he asked the Commission to consider that the individual deer manager had a choice to allow rabbit hunting anytime during the season.

Mr. Andrew Grezaffi, a Pointe Coupee hunter, noticed the rut was very late and their club has tried lots of different ideas to improve the quality of their deer. Mr. Moreland took samples from the deer on their land last year and the rut occurred later. Mr. Grezaffi asked the Commission to look at the facts and if it showed the quality of deer hunting and the herd would improve by moving the season, then he hoped they would move the season.

Mr. Ron Donaldson, an Area 6 hunter, stated he has seen the deer harvest go from 1 in 1952 up to a high of 80 under DMAP. On his area, the rut takes place from the week of Christmas to the second week of January. Most of the bucks were killed during the major rut. With the remaining does left to breed during February, there would not be a significant number of bucks killed. The most important factor in the success of their season was fluctuation in the river levels and this impacts the number of deer seen and killed. If the

season was changed into February, Mr. Donaldson knew it would impact the rabbit hunters in his club. He did not see any advantage in changing the deer season. Commissioner King asked Mr. Donaldson what parish does he hunt and was told Iberville Parish.

Mr. Chip Vosburg felt it was important to adjust the deer season according to the breeding cycles. If data supports the change, "do it". He did not want to push the rabbit hunters out, but noted the deer hunters made investments on the land to hunt.

Mr. Joe Macaluso asked how did this expand to an Area 1 issue. The information from the last meeting was only for Area 6. He felt if this was opened for Area 1, it would infuse a whole different set of circumstances where lots of the data presented by Mr. Moreland did not apply. Commissioner Morrow stated there were questions from various people on including Area 1 in the extended season. The request was made to include Area 1 to generate public discussion and then the Commission would determine whether Area 1 would be included in the final amendment.

Commissioner Graham, having been on the Commission for one year, stated pressure from the outside had nothing to do with his decisions. He noted that when there is a change that affects multiple people, there would be some that like it and some that do not. Commissioner Graham felt staff could try DMAP on land that was controlled by the hunters and those that want to preserve their deer hunts. On his DMAP land, they can not fill their tags in the time allotted, but did not feel that problem occurred on WMAs. The Commission needed to rely on the biology and have the Department advise them on what was needed.

Mr. Shawn Burks, a landowner in Concordia Parish, stated he was representing about 12,000 acres under the DMAP program. He was under the impression the data had been collected and continues to be collected. On his area, he had over 30 youth kill their first animal this year. Also, the property was put into a perpetual easement, which meant there would be no development. Mr. Burks then stated, if the data was there, he would enjoy seeing the rabbit season extended until the middle of March. Anything to further personal enjoyment was one thing the Commission should look into.

Mr. Bill Shockey, a hunter from Avoyelles Parish, stated 10 years ago, the archery season opener for Area 6 was October 1 and ended January 31. From 1999 to 2001 breeding studies in Area 6 were conducted by staff, and as a result of the study, in 2002 or 2003, the Area 6 season was to open for archery on November 1 through February 28. After the debates and public comments, a compromise was reached to go to the current archery season of October 1 through October 15 for bucks only and then general archery season of October 15 through February 15. He questioned the comment from Mr. Durham that there was not enough data for Avoyelles Parish when in 2002 and 2003 there was. This data showed how late the rut was in Area 6. From 5 deer taken from his property, the fetus' conception date was January 19. He then asked why should Avoyelles Parish be excluded from any proposal. Mr. Shockey stated he was in favor of shifting Area 6 seasons later, but was not in favor of the October 1 through October 31 bucks only archery season. His property has the problem of not enough bucks and if they were taken during the archery season, then they would not be around for the breeding season. A more appropriate start

date for the archery season would be November 1 and run through February 28, added Mr. Shockey. On the issue of rabbit hunting, in the month of October, squirrel hunters and archery hunters peacefully co-exist. He wondered why rabbit and archery hunters could not co-exist in February. Concluding, Mr. Shockey was in favor of the DMAP option. Mr. Durham stated they still have the data referred to by Mr. Shockey. But as the Deer Program Manager, he had to draw a line on what was an appropriate sample by parish. Going on, Mr. Durham noted from his sample size of 11 pregnancies, only 1 had a February breeding date from Avoyelles Parish. He felt very comfortable adding Avoyelles Parish into the DMAP option.

Mr. Larry Robichaux, a hunter from Area 6 in Iberville and Iberia Parishes, stated he supports the changes adopted for Area 6. He did not have any comment on Area 1. The amendment did not close the rabbit season, it only turned the responsibility to make that decision to the clubs and their members.

An Unidentified Speaker stated that Area 6 was dense and very hard country to hunt. He felt if a hunter could not hunt the breeding season, he should stay home. From the information he has seen, the breeding season in the basin in Area 6 was late.

Mr. Farril Gautreau, Ascension Parish, stated his club belongs to DMAP and had pictures of a 10 point buck that survived the season. He noted on February 2, the buck had his antlers and by February 6, the buck had lost all of his antlers. Mr. Gautreau could not see extending the deer season in Ascension Parish.

Commissioner Voisin stated he has attended 3 Commission meetings and was not sure how long it would take for his honor to be challenged. Now, at the third meeting, his honor was challenged.

Hearing no further discussion on the amendment, the motion passed with no opposition.

Mr. Myers continued asking for consideration of changes on the WMA regulations and seasons. The first change would require non-toxic shot only south of the dove field gates on Point Farm Unit within Pointe-aux-Chenes WMA. This regulation would be for hunting mourning dove and small game. The reason for the change was due to lead ingestion by waterfowl. The next change was from Forest Capitol, landowner of Sabine WMA, and they requested a hog dog season be established from February 1 through February 28 only by permit. The third change was on the Yakey track of Red River WMA and that was to allow recreational crawfishing only from March 15 to July 31 with a limit of 100 pounds per vehicle or group per day. Next, Mr. Myers stated that on the special hog seasons on WMAs, hunters must kill the hog immediately and may not transport it live. The request for this change was to allow the transport of live hogs as long as a hunter meets the requirements of a permit. Then Mr. Myers asked the Commission to allow the use of blood tracking dogs to retrieve wounded and/or unrecovered deer on the WMAs. This regulation, allowing the use of these dogs except for recognized retrievers and bird dogs, was only a one year experiment. Chairman Oats then asked for a motion to amend the Notices of

Intent as requested by Mr. Myers. Commissioner Voisin made the motion and it was seconded by Commissioner Sagrera.

Mr. Larry Robichaux, a hunter from the Attakapas WMA, asked that the dog hog season be still hunting with bait.

Mr. Ronald Coco, Avoyelles Wildlife Federation, asked why was Pomme de Terre not included in the hog season. He felt there was a large population on the area. Mr. Myers stated staff was not recommending this season on that area. He added that they were controlling the population.

Hearing no further discussion, the motion was unanimously approved.

The last amendment from Mr. Myers was the Kisatchie National Forest small game and other hunting seasons. The seasons were calendar adjustments from last year. The one regulation change was that archers must wear a minimum of a hunter orange cap while on the ground. Other seasons on the entire Kisatchie National Forest, was to include migratory game birds in the section with rabbits, squirrels and quail and have the same dates and bag limits as outside except that for waterfowl, all hunting ends at 2 PM. Changing the language on wild hogs to be consistent with the Department's change made last year. The Forest added Fridays only to the nighttime chase only for raccoons and possums between May 1 and September 30. Changes to the youth deer hunt was that only youth between the ages of 8 and 17 be allowed to participate; eliminating the language that each youth must be accompanied by an adult; eliminating the language that an adult may only supervise one youth; and adding a regulation that youth that have successfully completed a hunter safety course may hunt without an adult. The rabbit and squirrel seasons would be calendar adjustments of January 8 through February 28 and raccoon hunts with dogs allowed January 8 through February 28. Chairman Oats asked Mr. Myers if the Department was recommending the Kisatchie changes and he responded yes. Hearing no comments, Commissioner Voisin made a motion to adopt the Kisatchie changes. Commissioner Sagrera seconded the motion and it passed with no opposition.

Mr. Mike Balboni, Kisatchie National Forest Supervisor, wanted to update the Commission on the process to analyze the proposal to prohibit the use of dogs to hunt deer on Kisatchie. The process began in the fall with public input and they received 1200 comments. Then came the analysis phase of looking at the comments and developing alternatives. The 3 alternatives were first, no action, keep the season as it has been for the last few years; second option was to prohibit the use of dogs on Kisatchie; and the third alternative would be to shrink the size allowed for dog deer hunting on Kisatchie. The idea of the third alternative was to help with landowner conflicts. Going with the third alternative would include a permit system that the Department would operate. The analysis and environmental assessment has been completed and forwarded to the Regional Forester for her final decision. This decision should be made during March. Commissioner Morrow asked how many acres were open to deer dog hunting last year on Kisatchie. Mr. Jim Caldwell felt it was over 400,000 acres. Mr. Balboni added that two preserves and the

Vernon Unit were not open for deer dog hunting. Commissioner Morrow asked what would be the number of acres involved in the third alternative. Mr. Balboni stated it would be about half of the area now. Chairman Oats asked why the permit system was not being considered for option 1. The Commission felt the permits would help separate the responsible hunters from those that were not. Mr. Balboni clarified that if alternative 1 or 3 was chosen, they would ask for the permit system. He noted that the Forest Service did seriously consider what the Commission suggested especially with the assistance of the Department. Chairman Oats asked Mr. Balboni for his professional recommendation. Mr. Balboni stated it was not his decision, that he could not give his recommendation. Chairman Oats then asked how long had Mr. Balboni worked on this topic and he stated it was since July. Mr. Balboni added that he has not decided which of the 3 alternatives would be best. Chairman Oats felt time was wasting, and would appreciate a recommendation. Commissioner King thanked Mr. Balboni. Then public comments were accepted.

Mr. LeRoy Husser, President of LSA, stated they have met with Mr. Balboni and have never been able to get a recommendation. The public comments received were overwhelmingly in favor of dog hunting. Now there was this study which began about the time deer season opened. Mr. Husser felt it has been one thing after another for the Forest Service to eliminate the dogs. LSA supports the dog hunters and hoped the Commission would consider them also.

Mr. Larry Robichaux asked if this would affect the 100 day "drying time" if the recommendation was made in April. Mr. Don Puckett stated it would not lengthen the rulemaking process.

Going on to the next agenda item, **To receive and hear Update on the Louisiana Landowners for Wildlife Private Lands Program**, Mr. John Robinette stated he was the Biologist Program Manager for the Wildlife Division's Private Lands Section. About 85 percent of Louisiana was owned by private landowners and for years staff worked on both private lands and WMAs. Last year, the Wildlife Division did a reorganization which separated the staff into private land biologists which are supervised by Mr. Robinette and WMA biologists which Mr. Myers supervised. The program was called Landowners for Wildlife which gives technical assistance to the landowners. Goals for the program was to be the point contact for the private landowner in wildlife management assistance, provide a one-on-one professional wildlife technical assistance to landowners and provide assistance to governmental and non-governmental groups that delivers assistance to private landowners. A map of Louisiana was shown giving the parishes each of the private land biologists were assigned. These biologists job would continue to give hunting season and harvest recommendations on deer, squirrel or other species to the study leaders. They would work with private landowners in managing their deer herds, DMAP, improve their habitat or plant food plots. Also, the biologists will work on the turkey management program. A 3-year gobbler mortality study would be conducted on Kisatchie National Forest and this would report what percentage of gobblers were being harvested each year. Other responsibilities by the biologists included waterfowl management, upland game and

bobwhite quail management, getting landowners to lease public dove fields; band wood ducks and monitor wood duck boxes; band doves; monitor wildlife diseases; work with Louisiana Forestry or private land consultants in managing property; prescribed burning; management of native grass/prairie and longleaf pine; help with nuisance animal control (coyotes, hogs, beaver and nutria); help with protected animals that may become a nuisance (cougar and bears); give information on viewing wildlife; continue to help with issuing alligator tags and handling nuisance alligator complaints; work with the USDA Natural Resource program on CRP, WRP, WHIP, EQUIP, SAFE and CREP (cost share programs); attend more meetings and conduct workshops; talk to school children on wildlife programs; and be trained in GIS mapping and Arc View to help the landowners. The biologists have developed and will continue to develop informational brochures for hogs, dove fields, wood duck nesting boxes, etc. Mr. Robinette added that each of the biologists goals were prioritized. He concluded stating that a biologist contact list was provided in the packets.

Mr. Scott Durham noted that the next agenda item, **To receive and consider Notice of Intent on Deer Management Assistance Program (DMAP) Rule Changes** would not be presented.

To receive and consider Notice of Intent to Modify Reef Fish Harvest Rules - Commercial Harvest of Groupers and Tilefishes was presented by Mr. Harry Blanchet. The proposed rule would address the commercial aspects of reef fish harvest and would replicate that which was currently in effect in federal waters off of Louisiana. There was no known opposition to the proposal, commented Mr. Blanchet. Hearing no questions, Commissioner Voisin made a motion to adopt the Notice of Intent and it was seconded by Commissioner Sagrera. The motion was unanimously approved.

(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 intent to amend a rule (LAC 76:VII.335) modifying commercial harvest rules for groupers and tilefishes and recreational bag limits for gag, red grouper and groupers in general, 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. - C.3. ...

D. ~~Red Snapper:~~ Commercial Harvest

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

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

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

4. Requirement for federal IFQ dealer endorsement: In addition to the requirement for a federal dealer permit for Gulf reef fish, for a dealer to receive Gulf red snapper or any species of grouper or any tilefish species from a commercial fishing vessel he must have a federal ~~Gulf red snapper~~ IFQ dealer endorsement. For a person aboard a vessel with a federal ~~Gulf red snapper~~ IFQ vessel endorsement account to sell red snapper

or any species of grouper or tilefish to anyone other than a permitted dealer, such person must also have a federal Gulf ~~red snapper~~ IFQ dealer endorsement.

5. Requirement for NMFS transaction approval code: The owner or operator of a vessel landing red snapper, groupers or tilefish species 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, groupers or tilefish species are to be received, and the estimated gutted weight of red snapper, grouper and tilefish for each federal IFQ share category (red snapper, gag, red grouper, deep-water grouper, other shallow-water grouper, and tilefish species). 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, groupers or tilefish species from the time of transfer from a vessel through possession by a dealer is prohibited unless the red snapper, groupers or tilefish species are accompanied by a transaction approval code verifying a legal transaction of the amount of red snapper, groupers or tilefish species in possession.

6. Offloading and transfer: No person shall offload from a vessel or receive from a vessel commercially harvested red snapper, groupers or tilefish species during the hours from 6:00 p.m. until 6:00 a.m., local time. No person shall offload red snapper, grouper or tilefish at a location which is not an offloading site approved by NOAA Fisheries and accessible to the public. For the purpose of these regulations, the term “offloading” means removing red snapper, groupers or tilefish species from a vessel. At-sea or dockside transfer of commercial red snapper, groupers or tilefish species from one vessel to another vessel is prohibited.

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

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) 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	10 inches total length
6. Red and yellowfin grouper	20 inches total length (<u>Recreational</u>) 18 inches total length (<u>Commercial</u>)
7. <u>Yellowfin grouper</u>	<u>20 inches total length</u>
7 <u>8</u> . Gag and black grouper	22 inches total length (Recreational) 24 inches total length (Commercial)
8 <u>9</u> . Scamp	16 inches total length
9 <u>10</u> . Greater amberjack	30 inches fork length (Recreational) 36 inches fork length (Commercial)
10 <u>11</u> . Black seabass	8 inches total length
11 <u>12</u> . Hogfish	12 inches fork length
12 <u>13</u> . Banded rudderfish and lesser amberjack	14 inches fork length (minimum size); 22 inches fork length (maximum size)
13 <u>14</u> . Gray triggerfish	14 inches fork 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

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
b. Red Snapper	October 1 of each year through May 31 of the following year

3. Persons aboard a vessel for which the permits indicate both charter vessel/headboat for Gulf reef fish and commercial Gulf reef fish may continue to retain reef fish under the recreational take and possession limits specified in §335.A and §335.C, recreational seasons specified in §335.G.2 and size limits specified in §335.E, provided the vessel is operating as a validly licensed charter vessel or headboat with prepaid recreational charter fishermen aboard the vessel.

4. The provisions of §335.G apply to fish taken within or without Louisiana's territorial waters.

~~H. Commercial Grouper Trip Limits~~

~~1. Those persons possessing a federal commercial vessel permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a commercial trip limit of 6,000~~

~~pounds gutted weight of deep water and shallow water grouper per vessel combined, during the open seasons for each of those species groups.~~

~~2. When the commercial season for each species or species groups is closed, the commercial trip limit for that species or species group is zero. Effective with any commercial trip or possession limit under this rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade or sell the affected species or species group, whether taken from within or without Louisiana territorial waters in excess of such established commercial trip or possession limit.~~

† H. Wholesale dealers are required to comply with the provisions of R.S. 56:306.5 and R.S. 56:306.6 when acquiring, purchasing, possessing and selling reef fish. Wholesale dealers shall maintain approval codes issued by NOAA Fisheries associated with all transactions of red snapper, groupers and tilefish species on purchases and sales on their records.

‡ I. 1. Devices

a. Circle hook means a fishing hook designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular or oval, shape.

b. Dehooking device means a device intended to remove a hook embedded in a fish to release the fish with minimum damage.

c. Venting device means a device intended to deflate the swim bladder of a fish to release the fish with minimum damage.

2. For a person on board a vessel to fish for or possess Gulf reef fish in the Gulf EEZ, the vessel must possess on board and such person must use the gear as specified below.

a. Non-stainless steel circle hooks. Non-stainless steel circle hooks are required when fishing with natural baits for reef fish.

b. Dehooking device. At least one dehooking device is required and must be used to remove hooks embedded in Gulf reef fish with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the Gulf reef fish fishery.

c. Venting tool. At least one venting tool is required and must be used to deflate the swim bladders of Gulf reef fish to release the fish with minimum

damage. This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16-gauge needle fixed to a hollow wooden dowel. A tool such as a knife or an ice-pick may not be used. The venting tool must be inserted into the fish at a 45-degree angle approximately 1 to 2 inches (2.54 to 5.08 cm) from the base of the pectoral fin. The tool must be inserted just deep enough to release the gases, so that the fish may be released with minimum damage.

¶ J. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange reef fishes within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 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 34:2209 (October 2008), LR 34:2682 (December 2008), LR 36: .

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

Interested persons may submit written comments on the 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 "Proposed Reef Fish Rule" in the subject line, no later than 4:30 p.m., June 3, 2010.

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).

Stephen J. Oats
Chairman

Mr. Joey Shepard began the next agenda item **To receive and consider Declaration of Emergency and Amendment to Notice of Intent for Elmer's Island Wildlife Refuge** by noting that in November, the Commission passed a Notice of Intent and Declaration of Emergency for Elmer's Island. Since then the Department has received public comments on the requirement of a Wild Louisiana Stamp. Mr. Shepard felt it would be a very difficult process to collect that fee. He then asked the Commission to waive the Wild Louisiana Stamp requirement for Elmer's Island Refuge. Commissioner King made a motion to adopt the Declaration of Emergency and amended Notice of Intent, seconded by Commissioner Voisin and approved with no opposition. Mr. Shepard announced a public comment item would be on the next agenda for this action.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Elmer's Island Wildlife Refuge was opened for public access on July 3, 2009. More than 800 people participated in fishing, crabbing, swimming and sun bathing during that holiday weekend. Since the refuge's opening it has been heavily used by the public, as it is commonly regarded as one of the premiere bank fishing locations in south central Louisiana. A recent attempt to clean up the refuge yielded in excess of 6,000 pounds of trash being removed.

Because of this heavy use, and in some instances misuse of the area, there is an urgent need to establish rules in order to protect the public health, safety and welfare. There is an immediate need to regulate the possession of glass containers, excessive vehicle speed and careless vehicle operations on the refuge and to enact and enforce other rules necessary for the health, safety and welfare of the visiting public. The absence of an existing rule impairs the Department's legal authority to enforce and protect the public health, safety and welfare. For these reasons, it is imperative that regulations be put in place immediately.

It is necessary for the Wildlife and Fisheries Commission to invoke the emergency provisions of the Administrative Procedure Act, R. S. 49:953(B) to adopt these rules. This Declaration of Emergency will become effective on March 4, 2010 and will supersede that Declaration of Emergency published in the November 20, 2009 *Louisiana Register*. It shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves, Wildlife Management Areas, Refuges and Conservation Areas

§337. Elmer's Island Wildlife Refuge

A. Visitor Regulations for Elmer's Island Wildlife Refuge

1. Use of the refuge will be permitted from thirty minutes before official sunrise to thirty minutes after official sunset. This includes any land access routes to the refuge. No person or vehicle shall remain on the Elmer's Island Wildlife Refuge or any land access routes during the period from thirty minutes after official sunset to thirty minutes before sunrise.

2. No person shall possess any glass bottles, glass drink containers or other glass products on Elmer's Island Wildlife Refuge.

3. The Secretary of the Department may restrict access to the refuge whenever circumstances exist such that restrictions are necessary to protect the Refuge or the public from harm. No person shall enter onto or be on the grounds of Elmer's Island Wildlife Refuge during a restricted access period; or alternatively shall do so only in accordance with restrictions set forth by the secretary.

4. No person shall discharge or fire any firearms including muzzleloaders, or bows and arrows or crossbows on Elmer's Island.

5. No person shall commercially fish, conduct any guiding service, hunt, pursue, kill, molest or intentionally disturb any type of wildlife on the refuge, except for the legal recreational harvest of living aquatic resources.

6. No person shall be in areas marked as restricted by signs posted by the department.

7. No person shall operate any vehicles in a restricted area. No person shall operate a vehicle in an unsafe or careless manner as to endanger life or property or at any speed in excess of five (5) miles per hour.

8. The requirement of a Wild Louisiana Stamp on Elmer's Island Wildlife Refuge is hereby waived, and the Secretary is directed to take all necessary steps to accomplish this waiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

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

Stephen J. Oats
Chairman

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 promulgate rules and regulations governing visitor regulations on Elmer's Island Wildlife Refuge.

Title 76

WILDLIFE AND FISHERIES

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

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

Interested persons may submit comments relative to the proposed rule to Mr. Joey Shepard, Research & Assessment Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Tuesday, April 6, 2010.

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).

Stephen J. Oats
Chairman

The Commissioners agreed to hold the **July 2010 Meeting** on Thursday, July 8, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments**. Mr. Kristian Gustavson, representing Below the Surface, a California non-profit organization, stated he just finished a successful expedition with Readers Digest on the Atchafalaya River. A program he wanted to explain was developed with the Illinois Department of Natural Resources and other groups called the 90 ways in 90 days to clean and conserve water. This program serves as a supplement to the watershed educational programs, it gives 1 tip per day to clean and conserve water. The program would run beginning June 21 and go through September 18 on their website. Mr. Gustavson commented that he would like to partner with Louisiana any way possible.

Ms. Tania Ellis thought there would be discussion on a 2 PM closure for duck hunting on Pass-a-Loutre WMA. Mr. Myers stated the only change accepted was the limited access areas. There was discussion on the 2 PM closure, but no formal recommendation was made. Mr. Puckett added that if a change to the shooting hours was not included in the current Notice of Intent, an amendment would need to be brought up at the April Meeting. Chairman Oats directed Ms. Ellis to obtain the public hearing schedule from the staff and participate in that meetings.

Mr. Ed Sexton stated he had a petition representing sportsmen that duck hunts Pass-a-Loutre WMA. They recognized there was more pressure on the birds now with less habitat due to hurricanes and this has influenced the behavior of the ducks. Something needed to be done to take the hunting pressure off the ducks, so the overall quality of hunting would improve on Pass-a-Loutre. The petition asked for a 2 PM closure on Pass-a-Loutre WMA for the 2010-2011 waterfowl season. Mr. Sexton recognized that the proposal was controversial but only wanted it for the Pass-a-Loutre WMA and added a possible compromise would be to close half of the WMA at 2 PM and leave the other half open. The compromise could be a research study for 3 to 5 years and see what the results may be.

Mr. Donald Schexnayder stated he began hunting Pass-a-Loutre in 1984 and afternoon duck hunting on the area has not been great. The biggest problem on the area was surface drive boats which was worse than the hunting pressure. Mr. Schexnayder did not support the 2 PM closure.

An Unidentified Speaker stated he has been hunting Pass-a-Loutre since 1966 and saw no reason to close duck hunting at 2 PM.

Mr. Bilwood Smith, a friend of Mr. Sexton, stated they would both hunt Pass-a-Loutre on the weekends and he would not even see Mr. Sexton. He was opposed to the 2 PM closure, since it may take him until 2 to get to the area; it is a foggy and fierce area.

Mr. Mark Diltz, a newcomer to Louisiana, stated he bought a camp in the Venice area on the north side of Pass-a-Loutre WMA. He felt the 2 PM closure was not something he

avored due to the tidal changes and it was extremely hard to make morning hunts. Mr. Diltz asked that research be done before making a decision.

Mr. Joe Jackson stated he has hunted Pass-a-Loutre WMA since 1984 or 1985. This area was limited by the fog access. Mr. Jackson reminded the Commission this discussion occurred about 5 years ago and he knew that hunters would have to hunt on the tide. He noted he was against the 2 PM closure. Commissioner King asked Mr. Jackson if he preferred to hunt in the afternoon with the tide. Mr. Jackson stated the tide sometimes did not have anything to do with hunting the area, since there may be no water.

Mr. Jimmy Bamber stated he has been hunting Pass-a-Loutre WMA for over 20 years and knew it to be a difficult area to get to. He felt the evidence was not there that a 2 PM closure would help. Mr. Bamber was in favor of doing what was right for duck hunting as a whole. He added that he was opposed to closing the surface drive areas since the evidence was not there also.

There being no further business, Chairman Oats **Adjourned** the meeting.

Robert J. Barham
Secretary

scf