

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

MAY 4, 2006

**TERRY D. DENMON
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
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Baton Rouge, Louisiana 70808
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
MAY 4, 2006

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 4, 2006

Chairman Terry Denmon presiding.

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

Assistant Secretaries Parke Moore and John Roussel were also present.

Chairman Denmon called for a motion for approval of the **April 6, 2006 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Samanie. The motion passed with no opposition.

There were no **Commission Special Announcements** for this month.

Resolution and Declaration of Emergency - Setting the 2006 Spring Shrimp Season was handled by Mr. Marty Bourgeois. Dates would be set for Zones 1 and 3. This presentation would be shortened from previous years due to a Special Meeting held the week before. But updated hydrology conditions would be shown. Slides shown included the 2005 Louisiana brown shrimp landings by Basin; south Barataria Bay water temperatures and their deviations from 68°F for 2006 compared with the long-term mean; south Barataria Bay April daily water temperatures and the deviations from 68°F; north Barataria Bay monthly salinity and their deviations from 10 ppt comparing long-term mean with 2006; April 2006 tidal range for Barataria Pass; April acreage greater than 10 ppt compared to brown shrimp landings from 1967 through 2006 (2006 figure was 2.3 million acres); brown shrimp catch per effort in 6 foot trawl samples taken in Zone 1 for work weeks 14-18; brown shrimp mean size from 6 foot trawl samples for Zone 1 for work weeks 14-18; brown shrimp catch per effort in 16 foot trawl samples for Zone 3 for work weeks 14-18; brown shrimp mean size in 16 foot trawl samples for Zone 3 for work weeks 14-18; brown shrimp catch per unit effort by major basin for Zones 1 and 3 for work week 18; brown shrimp mean size from 6 foot trawl samples for Zones 1 and 3 for week 18; brown shrimp percent size frequency distribution in

Zone 1 comparing years 1993 with 2000 and then 2006; brown shrimp percent size frequency distribution in Zone 3 comparing years 1993 with 2000 and then 2006; and a map of the three Louisiana Shrimp Management Zones. The next series of slides were on shrimp management projections of 100 count per pound for Zones 1, 3 and statewide. For Zone 1, 56 percent of the shrimp would be available on May 15, 76 percent on May 22 and 92 percent on May 29. For Zone 3, shrimp management projections were 56 percent on May 22, 85 percent on May 29 and 98 percent on June 2. Combining Zones 1 and 3 the projections of 100 count per pound showed 52 percent available on May 15, 73 percent on May 22 and 91 percent on May 29. The last slide was the predicted May 2006 tidal ranges for Barataria Pass.

Following the presentation, Commissioner Samanie asked for the Department's recommendations. Mr. Bourgeois suggested the Commission open Zone 1 on May 15, Zone 3 on May 22, and there were harvestable size shrimp in the open waters of Breton and Chandeleur Sounds which he recommended to open on May 8. Commissioner King thanked Mr. Bourgeois for his presentation and for paying attention to the resource. Mr. Bourgeois felt this was truly a staff effort, he was just the messenger. The Chairman then asked for public comments.

Mr. Peter Gerica, Lake Pontchartrain Fisherman's Association, stated anytime the season can be delayed to get a bigger shrimp and to give people more time for repairs would be helpful. There was still no fuel or ice available in his area. The only way to work Zone 1 was to take a trailer and go to Lafitte for ice. Again, Mr. Gerica asked that the season not open until later which would allow shrimpers the chance to make money. Chairman Denmon asked Mr. Gerica if he could indicate the amount of effort being put into rehabilitating the infrastructures. Mr. Gerica stated he has been working since December; there may be one dock that may have fuel in a week or two. Chairman Denmon again asked what the difference in waiting one week or two would make with infrastructures. Mr. Gerica thought several refrigerated trucks could be brought to a dock, the shrimp could be worked and then brought to a processor. Ice would be the biggest problem because the numbers of shrimp are great. Chairman Denmon asked how much better off would the fishermen be if the season opened on May 22 instead of May 15. Mr. Gerica stated there would be more boats able to work and the docks were trying to get everything running. Commissioner Miller asked how many boats were ready to go? Mr. Gerica felt maybe 15 or 20 boats were ready to shrimp. Others were trying to patch their boats as quickly as possible by fiber glassing and putting new engines in. Mr. Gerica assured the Commission that the shrimpers were not "looking for a hand out, they were looking for a hand up".

Mr. Bill Dekemel, East Bank Commercial Fisherman's Association, agreed with Mr. Gerica 100 percent. Generally east of the Mississippi River was always a later season which resulted in bigger shrimp. There were no facilities ready and operating east of the River. Mr. Dekemel advised that their product was direct market and they cannot sell 100 count or even 70-80 count shrimp. In answer to the question of what can a week mean, that should be answered by Mr. Bourgeois when

there is ideal growing conditions. He asked for as late of a season as possible. The later you wait to open the season would help tremendously, added Mr. Dekemel.

Chairman Denmon asked Mr. Bourgeois if he wanted to comment on Mr. Dekemel's suggestion to wait 7 days or 14 days. Mr. Bourgeois stated if you open on May 22, 20 percentage points would be added to the 56 percent on May 15. Commissioner Mouton asked if waiting the extra time would move shrimp out with the tides. Mr. Bourgeois stated there would be at least 4 days of high tide if the season opened on May 15, but if it opened on May 22, there would be a flat tide. Commissioner Mouton asked if waiting until May 24 would help shrimping. Mr. Bourgeois noted there would be a 1.4 foot tidal range on May 24. Commissioner Mouton commented he would not oppose opening on the 22nd of May since it might improve shrimping. Mr. Bourgeois stated it would not hurt biologically as long as the technical criteria was satisfied. A delay in opening could allow for the harvest of larger shrimp, but he cautioned that there would be movements. This past spring, Mr. Bourgeois added, the shrimp industry asked the Department to extend the season in Breton and Chandeleur Sounds and the request was given for an additional 7 days. Commissioner Miller asked if he understood that in the fall of 2005, the industry asked that the shrimp season be extended in a portion of Zone 1. Mr. Bourgeois stated that was correct. Zone 1 was extended and closed on January 30. Then the Breton and Chandeleur Sounds were scheduled to close on March 30, but it remained open for one week closing on April 7. Trip ticket data supported the request that there were marketable sized shrimp in large numbers. Commissioner Miller concluded that there were a sufficient number of people operating as late as March of this year in order to request an extension of the season. The Chairman then asked for a motion from the Commission. Commissioner Miller made a motion to open Shrimp Management Zone 1 at 12 noon on May 15, except for Breton and Chandeleur Sounds which would open at 12 noon on May 8 and Zone 3 open at 12 noon on May 22. Commissioner Samanie seconded the motion and it passed with no opposition.

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

RESOLUTION
2006 Spring Shrimp Season Opening
adopted by the
Louisiana Wildlife and Fisheries Commission
May 4, 2006

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

WHEREAS, current biological data project that 50% of the 2006 brown shrimp population in inside waters will meet the 100 count per pound management criteria in Shrimp Management Zone 1 by May 15, 2006, and in Shrimp Management Zone 3 by May 22, 2006, and

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby opens the spring shrimp season in inside waters in Shrimp Management Zone 1 at 12 noon, May 15, 2006 except the open waters of Breton and Chandeleur Sounds as described by the double-rig line (LA R.S. 56:495.1(A)2) which shall open at 12 noon, May 8, 2006, and in Zone 3 at 12 noon, May 22, 2006.

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

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 2006 Spring Shrimp Season in Louisiana state waters is attached to and made part of this resolution.

Terry D. Denmon, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters, the Wildlife and Fisheries Commission does hereby set the 2006 Spring Shrimp Season in Louisiana state waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana's inside waters from the Mississippi State line to the eastern shore of South Pass of the Mississippi River, to open at 12 noon May 15, 2006, except the open waters of Breton and Chandeleur Sounds as described by the double-rig line (LA R.S. 56:495.1(A)2) which shall open at 12 noon May 8, 2006, and

Shrimp Management Zone 3, that portion of Louisiana's inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island westward to the Texas State Line, to open at 12 noon May 22, 2006.

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

Terry D. Denmon
Chairman

The **Enforcement & Aviation Reports/April** began with Col. Winton Vidrine stating there were a total of 1,274 cases, 321 written warnings made statewide, as well as 45 public assists. The citations were boating cases, closed season shrimp cases, oyster cases, over the limit cast net shrimping cases and turkey baiting cases. For the month of April, there were 12 boating accidents, 6 with injuries and 3 fatalities. Year to date figure was 7 fatalities. The Aviation Report showed the three planes flew a total of 59.7 hours. Col. Vidrine then stated they were in the process of starting a new academy with at least 24 cadets. If all went well with the budget, it was hoped the academy would begin on July 10. As a point of information, Major Sandy Dares, a Department employee for 25 years retired effective that day. Copies of News Releases were also provided. Commissioner Miller asked if there was a wanton waste law for fishermen shoveling shrimp overboard. Mr. Don Puckett stated there was no such law as it related to shrimping, it mainly applied to waterfowl. In response to the Colonel's comment on budget constraints for a new academy, Commissioner Morrow urged the "powers to be" to fund the Department so it can maintain the current number of enforcement agents. He then noted he supports the efforts of the Department to maintain its budget which would allow the hiring of agents to enforce the laws. Col. Vidrine stated the division was cut three positions and 20 positions were unfunded. It generally takes 60 to 90 days to put an academy together with interviews, background checks, psychological evaluations as well as other procedures.

Before beginning the next item, **2006/07 Hunting Seasons and General and WMA Rules & Regulations: Consideration of Amendments to Notices of Intent and Consideration of Notices of Intent**, Chairman Denmon reminded the Commission this would complete the cycle on the first use of the protocol. This protocol helped eliminate amending the regulations throughout the comment period and even on the last day. He noted there were 5 amendments to consider. Once action was taken on the amendment, the Notices of Intent would stand as amended. Mr. Dave Moreland mentioned a sheet included in the packets was on comments received over the internet. These comments included support for the deer limits, tagging and either-sex proposals. On the game harvest survey, there was a question about hunting deer with dogs and staff was about a third of the way through reviewing those comments. A final copy of the results would be provided. Commissioner Miller asked that each amendment be addressed individually. Chairman Denmon stated that would be done.

Mr. Jimmy Anthony reminded the Commission there were two Notices of Intent, one dealt with season dates, bag limits and WMA regulations which was not subject to Legislative Oversight. The other Notice of Intent, usually called the “permanent rule”, had Legislative Oversight on the proposed one change. The amendments were to accept the season dates on the Federal Refuges and Jean Lafitte, add 3 days to the Dewey Wills WMA bucks only firearm season, allow limited hunting in Thistlethwaite WMA restricted area and add 5 parishes (Iberia, Assumption, St. Martin, St. Mary and Iberville) to a list that would have specified either-sex days. The change for the permanent rule was to change the bobcat bag limit from 2 per calendar year to 1.

Mr. Cal Baker, Kisatchie National Forest, stated there was a proposal to restrict deer/dog hunting south of Highway 8 which generated a lot of controversy as well as letters of support. A petition containing approximately 400 names opposing the change was presented to the Commission. The position of the Forest Service was to continue with and support the proposal. He then provided a copy of a News Release which explained reasons for the closure. Commissioner Morrow asked how many acres were involved and he was told approximately 23,000 acres. Commissioner Mouton stated he discussed this issue with Mr. Baker earlier in the year and felt the change was the right thing to do. Mr. Baker then stated that another proposal was to restrict free-ranging dogs on the National Forest lands. Lots of comments were received and at the present time, no action would be taken for the current year. He hoped to meet with the Department and user groups to see if a better defined proposal could be reached.

Mr. Randy Lanctot, Louisiana Wildlife Federation, urged the Commission to reconsider the proposal to expand the bobcat season and to leave it as it was. All of the harvest data from the past three seasons had not been tabulated and he felt more information was needed to develop changes based on sound science. Mr. Lanctot reminded the Commission the Federation initiated the effort to have a bobcat season in 2001 and wanted it to be done right and base regulations on the best science available. Again, he asked that the season, which was quite a liberal season, be kept as it was.

Hearing no further comments, Chairman Denmon then asked for a motion on adding season dates to the Federal Refuges. Commissioner Miller made a motion to adopt those dates and it was seconded by Commissioner King. The motion passed with no opposition. Then Commissioner Mouton made a motion to add 3 days of bucks hunting to Dewey Wills WMA; it was seconded by Commissioner Miller and passed unanimously. Next, Commissioner Miller made a motion to accept the proposal to allow limited hunting on Thistlethwaite WMA. Commissioner Samanie seconded the motion and it passed with no opposition. For the fourth amendment, Commissioner King made a motion to add 5 parishes to the list of either-sex days. Commissioner Sagrera seconded the motion and it was unanimously approved. On the proposal to change the bobcat limit from 2 per calendar year to 1, Commissioner Miller made a motion to accept, seconded by Commissioner Morrow and passed with no opposition. Chairman Denmon then asked the Commission’s pleasure on the amended versions of the two Notices of Intent. Commissioner Miller made a motion to adopt the season date Notice

of Intent and it was seconded by Commissioner Morrow. The motion passed with no opposition. The next motion, made by Commissioner Sagrera, was to accept the permanent rule Notice of Intent as amended. Commissioner Samanie seconded the motion and was unanimously approved.

2006/07 Waterfowl Season Information began with Mr. Robert Helm stating this was an agenda item requested by the Commission at its last meeting. Fish and Wildlife Service has guidelines for zones and split seasons which can only be changed at 5 year intervals. This would be the year to make a change which would carry through the 2010-2011 season. July was when a decision would be needed to take to the Flyway Council Meetings. A map of the current east/west zones was shown which changed last in 2001. The Fish and Wildlife Service provides 3 options for the waterfowl season and they included: 2 zones with 2 splits, 3 zones with no splits and no zones (statewide season) with up to 3 splits. A hunter survey conducted last fall of about 6,000 waterfowl hunters showed an overall 56 percent response rate. The question on future duck seasons indicated that 53 percent chose the current system of 2 zones with split seasons, 6 percent chose the 3 zones with no splits and 41 percent chose the statewide season with 3 splits. Mr. Helm noted several general issues to consider included the season lengths would range from 60 to 30 days over the next 5 years; duck seasons must be open during the Thanksgiving, Christmas and New Year's holidays; which option would provide the greatest flexibility for setting the dates; and zones and splits were completely separate for duck and geese seasons. Considerations specific to the current system was that it has been in place for over 30 years and was familiar to hunters; allows hunters to move across zone boundary lines; and was the most flexible. Option 3 considerations were that it would provide 3 opening weekends versus the current 2; would allow for 2 rest periods over the season; with a 60 day season and 3 openings, there would need to be a weekday opening or closure; and the opportunity to move across zone lines was eliminated. Moving next to mottled ducks, Mr. Helm commented a meeting was held a month earlier in Lafayette, Louisiana. The mottled duck was a resident bird of the Gulf Coast area. Fish and Wildlife's concern on this duck was with the declining population trend since the early 1990's. The long term trend showed a slight increase. Despite that, the Fish and Wildlife Service was concerned that the harvest of mottled ducks has gone up and it was anticipated the bag limit may be restricted. Louisiana currently is the only state that has a 3 bird bag limit, Texas and Florida have had a 1 bird bag limit for many years. Staff has opposed the change from 3 to 1 and would continue to oppose it based on the fact that hunting does not have any effect on the population, it was more of a habitat issue. The next slide showed that 80 percent of the mottled duck harvest was comprised of hunters only taking 1 bird. To change the bag limit from 3 to 1, Mr. Helm felt would not be significant. The last slide shown was habitat conditions in Canada as of April 21, 2006. Mr. Helm was very optimistic that production would be relatively good for this upcoming season. Commissioner Miller asked if any hurricane impacts on the mottled ducks were quantified. Mr. Helm stated the entire nesting range for the mottled ducks was affected by the two hurricanes and then add to that a drought which has occurred. Staff would be looking at that over the next several months and a short term change may be justified. Commissioner Miller then asked if action was needed at the June or July Meeting for a decision on the zones and splits to be taken to the Mississippi Flyway Council Meeting. Mr. Helm commented the July Meeting would be fine.

Commissioner Miller then suggested putting this topic out for the public to provide their input. He agreed that the option of 3 zones with no splits was not viable. Commissioner Miller asked Mr. Helm how could the public be informed that the Commission was considering the other 2 options. Possibly a News Release and a question on the Department's website, commented Mr. Helm. Chairman Denmon suggested adding this issue to the agenda for the June Meeting as well as putting it out for public input. Commissioner Miller stated he would ask that it be listed as an action item on the June Meeting agenda.

On another point of interest, Commissioner Miller asked about a duck hunting committee. Mr. Helm stated the first meeting of the Waterfowl Study Commission would be held Thursday, May 11. The membership of the Commission was specified in a Legislature's Resolution. The topic of waterfowl seasons and zones would be discussed at that meeting. He then invited the Commissioners to attend the meeting.

Chairman Denmon stated he was approached by waterfowl hunters in northeast Louisiana that commented there use to be an early goose season before the regular season opened and then that opportunity went away. The complaint was that once the duck season began, no one hunted geese any longer. The hunters suggested opening a light goose season on October 28. Chairman Denmon asked Mr. Helm to look into this possibility. Mr. Helm stated that a former Commission Member asked that this occur in order to disturb the geese before the ducks came. The change, opening the goose season 2 weeks before the rest of the state, occurred for about 5 years and then it was no longer desired. He added there was nothing to prohibit from returning to that season structure. Mr. Helm suggested if this change did happen, let it be for light and white-fronted geese.

The Commissioners agreed to hold the **September 2006 Meeting** on Thursday, September 7, 2006, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next was **Public Comments**, and Chairman Denmon mentioned there were 14 comment cards on the Calcasieu Lake trout reduction proposals from individuals that did not wish to speak. Thirteen of the 14 were in favor of the proposal and 1 was against. The trout issue would be finalized at the June Meeting.

Mr. Steve Shaddock, speaking for himself, stated he felt the proposal to reduce the trout limit from 25 to 15 in the Calcasieu area was a very good idea. He felt the CCA was behind the proposal as well as a southwest Louisiana fishing club, most area sportsmen, the Police Jury, the Tourist Bureau, area legislators and local guides. He knew there was opposition from the east end of the State and the Louisiana Wildlife Federation. Mr. Shaddock felt the area was showing some signs of stress and hoped it would handled. He explained the uniqueness of the area and the fact that the local chapter of CCA was the strongest chapter in the state. They believed the resource should be managed for abundance. A reduction in the creel limit would not hurt the economy, commented Mr. Shaddock.

Mr. Nelson Roth, President of CCA Louisiana, reiterated the support of CCA on the proposed rule to reduce the trout creel in southwest Louisiana to 15 speckled trout. Last year the membership was surveyed and two results came from it. The first was that 76 percent of CCA members from all parts of Louisiana were in favor of reducing the creel limit in Calcasieu Lake to 15. The second result was that 85 percent of those that regularly fishes Calcasieu Lake were in favor of reducing the limit to 15. This would be a pro-active step to help the estuary that was suffering. Mr. Roth then noted, that on behalf of the 30,000 members and volunteers, CCA Louisiana endorsed the effort. Commissioner Morrow asked if a poll was taken asking the members if they were in favor of a statewide reduction from 25 to 15. Mr. Roth answered yes, and the result was that less than 50 percent were in favor of a statewide reduction.

Mr. Will Drost stated there were two things important to managing these fish and those were habitat loss and overfishing. He then read an e-mail from a Texas resident that suspected the fishery in Calcasieu would be “fished out” within the next two or three years. The e-mail explained how Galveston Bay and Sabine were heavily fished in the 1980's and early 1990's and now a fisherman was lucky to catch a limit of 10. Mr. Drost stated he has seen Calcasieu change within the last 5 years. He then noted how a new subdivision of 180 lots would take in 43 acres of marsh and 45 acres of waterbottom habitat that would impact the fishery. Mr. Drost then stated he had copies of letters of support from Representative Dan Morrish, Representative Chuck Kleckley, Senator Gerry Theunissen, Senator Willie Mount, a Resolution from Calcasieu Parish and numerous e-mails on this proposal. Chairman Denmon stated he received copies of those items also. Mr. Drost felt this proposal was not sending a negative message, but noted this was a pro-active approach rather than sitting around and waiting for it to break.

Mr. Chas Drost, Vice-President of Lake Charles Chapter CCA, stated there was a poll of their 40 Board members and they unanimously voted to seek a limit reduction on spotted seatrout. He then asked the Commission to vote for the proposal.

Mr. Kirk Stansel, Hackberry Rod and Gun, stated he spoke at the December Meeting and wanted to let the Commission know he was still in support of the limit change. Over the last 3 years, the fishing has gotten worse and he felt that was from fishing pressure the lake was receiving. The guides were not in favor of the proposal to keep people from coming, but to keep people coming to the area. Commissioner King asked Mr. Stansel that as a guide did he take limits most every day. Mr. Stansel answered yes, most guides take a limit. Commissioner King then asked if he would be willing to take less to conserve the resource and Mr. Stansel again answered yes.

Mr. Buddy Oakes stated he left Texas and retired to Hackberry in 1999 since the fishing in Galveston was terrible. He then noted he has been working for Hackberry Rod and Gun since 1999 and has seen a decline in the harvest. Big Lake was such a unique area that Mr. Oakes felt it should be managed in a different way from the rest of the state. Eight-five percent of their fishing business

comes from Texas and their lodge would suffer from the proposal but added that it would rebound. He agreed that this was a pro-active move.

Chairman Denmon asked if the Department had the ability to pull all of the public comments together as well as provide what the biology proves. Mr. John Roussel stated they would compile all of the information, provide it before the next meeting and then be prepared to make a recommendation and answer any questions.

Chairman Denmon commented he had trouble finding a copy of the agenda on the Department's new website. He asked if there could be a way to click a button and have the agenda appear. Mr. Bo Boehringer stated it appears under the Press Release Section, but would check into it further.

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

Dwight Landreneau
Secretary

DL:scf