

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**May 7, 2009**

**ROBERT J. SAMANIE, III  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808.

For more information, call (225) 765-2806.

**AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MAY 7, 2009**

			Page
1.	Roll Call		1
2.	Approval of Minutes of April 2, 2009	1	
3.	Commission Special Announcements/Personal Privilege		1
4.	To receive and consider Declaration of Emergency on Setting the Opening Dates of the 2009 Spring Inshore Shrimp Season and Re-Opening Portions of State Outside Waters to Shrimping		1
5.	To receive and hear Enforcement & Aviation Reports/ April		7
6.	To receive and consider Proclamation on the 2009 Boating Safety Week		7
7.	To receive and consider Notice of Intent on Wildlife Violator Compact		8
8.	To receive and consider Free Fishing Weekend/Day in the Park Proclamation		13
9.	To consider 2009-2011 Hunting Seasons and General and WMA Rules and Regulations: Consideration of Conditionally Adopted Amendments to Notices of Intent and Consideration of Notices of Intent	15	
10.	To receive and consider Declaration of Emergency to close fishing in a portion of Plaquemines Parish		18
11.	To receive and hear Update on Public Oyster Ground Rehabilitation Efforts		19
12.	Set September 2009 Meeting Date		20
13.	Receive Public Comments		20



MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 7, 2009

Chairman Robert J. Samanie, III presiding.

Earl King, Jr.  
Patrick Morrow  
Stephen Oats  
Stephen Sagrera  
Ann Taylor

Secretary Robert Barham was also present.

Commissioner Frederic Miller was absent from the meeting.

Chairman Samanie called for a motion for approval of the **April 2, 2009 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Morrow. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Chairman Samanie thanked State Representative Truck Gisclair for attending the meeting.

**To receive and consider Declaration of Emergency on Setting the Opening Dates of the 2009 Spring Inshore Shrimp Season and Re-Opening Portions of State Outside Waters to Shrimping** was handled by Mr. Marty Bourgeois. The presentation would detail the latest conditions and status of the shrimp resources. The slides included: annual shrimp landings (last year landings were about 57.8 million pounds valued at \$133 million at dockside); annual brown shrimp landings versus long term mean (landings last year were 50 percent below the long term mean of 31 million pounds); white shrimp landings versus long term mean (landings for the past 6 years have well exceeded the long term mean); monthly landings (long term mean plotted against years 2007 and 2008); annual Louisiana shrimp gear license sales (last year the number fell to about 14,500); brown shrimp landings by count size comparing the years 2000 and 2005-2008; diagram of a shrimp's life cycle; and a map of the three Louisiana shrimp management zones. The next series of slides were important since they influenced hydrological conditions, commented Mr. Bourgeois. These slides included: 2008 monthly southeast Louisiana rainfall from 2008 and 2009 versus long term mean; monthly Mississippi River discharge measured for 2008 and 2009 versus long term mean; south Barataria Bay monthly water temperatures

comparing long term mean with 2009; north Barataria Bay monthly salinity and the deviations from 10 ppt comparing the long term mean with 2008; April Mississippi River Discharge comparing annual Louisiana shrimp landings for 1976 through 2008; April 2009 tidal range for Barataria Pass; 2008 brown shrimp landings by basin; brown shrimp catch per effort in 6 foot trawl samples for Barataria Bay for April 2009 work weeks (3 highest landings year versus 3 lowest landings years versus 2008 and 2009); brown shrimp mean size in 6 foot trawl samples for Barataria Bay for April 2009 work weeks; brown shrimp catch per effort in 6 foot trawl samples for work week 18; brown shrimp mean size in 6 foot trawl samples for work week 18; and brown shrimp size distribution for 1993 (which had the latest season opener) compared with size distribution for 2006 (which had the earliest season opener) and size distribution for 2009. Next, staff had to project when 50 percent or more of the population reached 100 count per pound or larger. On May 18, 57 percent of the population in Zone I would be at 100 count per pound or larger; on May 11, 42 percent was projected to be at 100 count per pound or larger for Zone II; not until May 25 would 50 percent or more be at the 100 count or larger in Zone III; and statewide projection showed that on May 18 60 percent of the population would be at 100 count or larger. The last slide shown was the predicted May 2009 tidal range for Barataria Pass. Mr. Bourgeois noted that the full moon would be on May 8 and huge tides would follow that moon. Tides have a major impact on shrimp movement and staff predicted there would be significant movements of shrimp.

Chairman Samanie asked Mr. Bourgeois if he felt the shrimp were staged and would move that next weekend. Mr. Bourgeois stated the samples indicate the shrimp were staged in the lower bays of Zone II and were ready to move. Commissioner King asked if the shrimp industry would be better served if they could take advantage of the high tides. Mr. Bourgeois felt it often came to who would catch the shrimp, the inshore boats or the larger offshore boats. Commissioner Morrow asked for the Department's recommendations. Mr. Bourgeois recommended opening Zone I on May 18 but open the waters of Breton and Chandeleur Sound with Zone II. He then recommended opening all of Zone III on May 25. Going back to Zone II, the projection for the entire zone was May 14, but again Mr. Bourgeois mentioned the possible movement of the shrimp. He added that shrimpers in the Vermilion system target white shrimp with any opening and it was noted there are significant numbers of white shrimp available for harvest. Commissioner Sagrera asked if the Department would be opposed to a May 11 opening in Zone II and Breton and Chandeleur Sound areas. Mr. Bourgeois answered no. Commissioner King asked for the recommended opening time. Mr. Bourgeois stated there has been discussions and a compromise was reached to open the season at 7:30 AM. Next the Chairman asked for public comments.

State Representative Jerry Gisclair stated his dad was a shrimper and spent his summers on the back end of a shrimp boat. Most of the shrimp they caught were from sunrise to mid-day. He asked the Commission to reconsider the opening to 6 AM, but 7 AM or 7:30 AM would be better than 12 noon. Commissioner Morrow asked the Representative if his group was good with 7:30. Representative Gisclair answered that 7:30 was okay. He

added that the shrimpers of today were an endangered species with the commercial shrimper being limited in numbers.

Mr. Bill Dekemel, a commercial fisherman, stated he reluctantly agreed with the Department's recommendation. Based on the slide presentation, the Pontchartrain Basin produced 10 percent of the shrimp while the Barataria produced 44 percent to which Mr. Dekemel stated this was based only on pounds and not dollars. The shrimp harvested from Pontchartrain were generally larger and were worth a lot more money which did not reflect the percentage from Pontchartrain based on pounds. He added they always looked for a later season since all of their fishing was geared to bigger shrimp. Mr. Dekemel knew that with the tide movement, there would be more recruitment brought into Zone I which would result in smaller sizes showing up. Again he asked that Zone I open no earlier than May 18, but preferably on May 25. In reference to the time opening, Mr. Dekemel did not think there would be a problem with enforcing a 6 AM opening.

Mr. Anthony Cuccia, Sr. stated that the shrimp from Lake Pontchartrain do not move out until June 10 and commented he disagreed with Mr. Dekemel. Being a bait dealer, he felt the longer they wait to get stock to get their business going, may result in losing the month of May. During this month, there would be 3 rodeos that Mr. Cuccia would not be able to furnish any live shrimp. He suggested opening Zone I on May 14 or earlier, but no later than May 18 at 6 AM. As a rule, Mr. Cuccia knew that Zone I had larger shrimp while Zone II's were smaller. He added that to be fair, both Zone I and II should be open on May 14 at 6 AM. Commissioner Oats asked Mr. Cuccia where was his bait business and he answered in Chalmette.

Mr. Anthony Cuccia, Jr. agreed with his dad that the season should open on May 14 but no later than May 18 at 6 AM. A 12 noon opener would be a killer.

Mr. Danny Babin felt there were a lot more agents with better equipment on the water and half the shrimpers than there were 10 years ago when he was a Commission Member. He noted there was no reason not to open the season at 6 AM. Mr. Babin did not have a preference on dates; he felt the biology speaks for itself. He then suggested looking at the zones in Louisiana and not expect something started 35 years ago to be the same today.

Mr. Patrick Duplantis, speaking for the Terrebonne area, stated that recreational fishermen come to their area and throw cast nets and catch hundreds of pounds of marketable shrimp. He asked that Zone II open as early as possible and begin at 6 AM. He agreed with Mr. Babin's comments on looking at possibly changing the zones.

Mr. Terry Lapeyrouse suggested opening Zone II as early as possible and begin at 6 AM.

Mr. Nathan Thibodaux agreed with Mr. Lapeyrouse and Mr. Duplantis on opening Zone II on May 11 and look at changing the zones. Reasons to open was that there were marketable shrimp moving out that could be caught and to stimulate the economy.

Mr. Robert Campo, member of the Saltwater Recreational Task Force representing the live bait industry, stated he was a live bait dealer in Shell Beach along with his brother. He asked that their season open the same day as Zone II. Also being an oyster fisherman, Mr. Campo has seen brown shrimp in his oyster dredges. He felt the season should open to help stimulate the economy.

Mr. Michael Campo, part owner of a live bait business, stated there are a lot of white shrimp. He added that if shrimpers did not want the Lake Pontchartrain area open, he was fine with that. But he asked that the rest of the marsh in that area open as soon as possible, but no later than May 18.

Mr. Lindy LeBoeuf, a commercial fisherman, asked that the season open at 6 AM and open Zones I and II on the same date. This would be better for enforcement and the shrimpers since the boats could be scattered around the area. He suggested opening the season on May 14. Last year's opening "killed them" since they lost all of the brown shrimp to the bad weather. Most of the shrimp from Lake Pontchartrain are peddled, they do not go to a canning company. Again he asked that the season open on May 14.

Commissioner Sagrera made a motion to adopt the Department's recommendations except for Zone II and Breton and Chandeleur Sounds which should open on May 11. Mr. Bourgeois mentioned that part of the recommendation for Zone II would include a portion of the state waters that were currently closed. Commissioner Sagrera agreed to include those state waters in his motion. Chairman Samanie restated the motion would be to open Zone I on May 18, Zone II, the Breton and Chandeleur Sounds and offshore waters on May 11 and Zone II on May 25 beginning at 7:30 AM. Commissioner King 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  
2009 Spring Shrimp Season Opening  
adopted by the  
Louisiana Wildlife and Fisheries Commission  
May 7, 2009

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 2009 brown shrimp population in inside waters will meet the minimum 100 count per pound management criteria in Shrimp Management Zone 1 by May 18, 2009, and in Shrimp



Management Zone 2 by May 14, 2009, and in Shrimp Management Zone 3 by May 25, 2009, and

WHEREAS, per LA R.S. 56:497(A)2, the Wildlife and Fisheries Commission shall fix the open seasons for all or part of state waters, with the exception of the spring brown shrimp season in that portion of Louisiana's inshore waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Vermilion Bay and Southwest Pass at Marsh Island. The spring brown shrimp season in this area shall be opened by the Commission no later than the third Monday in May after considering the Department's projection as to when 50% of the brown shrimp crop will be one hundred per pound or greater, and

WHEREAS, on December 16, 2008 the Department of Wildlife and Fisheries had closed to shrimping that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude.

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 7:30 a.m., May 18, 2009, 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 7:30 a.m., May 11, 2009 and in Shrimp Management Zone 2 and that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495 from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel Buoy Line at 7:30 a.m., May 11, 2009, and in Shrimp Management Zone 3 at 7:30 a.m., May 25, 2009.

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 2009 Spring Shrimp Season in Louisiana state waters is attached to and made part of this resolution.

---

Robert J. Samanie, III, 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 2009 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/Louisiana State line to the eastern shore of South Pass of the Mississippi River, to open at 7:30 a.m., May 18, 2009 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 7:30 a.m., May 11, 2009, and

Shrimp Management Zone 2, that portion of Louisiana's inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island and that portion of the State's Outside Waters south of the Inside/Outside Shrimp Line as described in R.S. 56:495 from the western shore of Freshwater Bayou at 92 degrees 18 minutes 33 seconds west longitude to the Atchafalaya River Ship Channel at Eugene Island as delineated by the River Channel Buoy Line to open at 7:30 a.m., May 11, 2009.

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 Louisiana/Texas State Line, to open at 7:30 a.m., May 25, 2009.

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.

Robert J. Samanie, III  
Chairman

**To receive and hear Enforcement & Aviation Reports/April** began with Lt. Col. Keith LaCaze stating a total of 1,523 cases and 493 written warnings were issued and agents helped with 46 public assists. The general focus this month turned to recreational boating and recreational and commercial fishing activities. There were 12 boating accidents

reported resulting in 18 injuries and 2 fatalities. The fatalities occurred in Caldwell Parish and St. Tammany Parish. The Aviation Report showed the Departments three planes flew a total of 84.5 hours during April. News Releases discussed included turkey violations during opening weekend in Beauregard Parish, sentencing in Federal Court for 3 individuals cited during the duck season for double tripping, a Farmerville individual arrested for contest fraud, and apprehension of 3 people for theft of oysters from a private lease in St. Bernard Parish.

**To receive and consider Proclamation on the 2009 Boating Safety Week** was handled by Sgt. Rachel Zechenelly. Before presenting the proclamation, Sgt. Zechenelly talked about statistics on boating and boating safety in Louisiana. The first statistic was that 74 percent of the fatalities were from drowning and those that did drown were not wearing life jackets. Another statistic (95 percent of the fatalities from 2005-2008) were from individuals that had not had formal boating education. However, she noted that over the last 4 years there has been a reduction in the number of accidents. Sgt. Zechenelly felt it important that the state and department get involved in the National Safe Boating Week Proclamation each year. The Proclamation talked about boating knowledge, wearing life jackets and having boating education. She then asked the Commission to proclaim the week of May 16-22 Safe Boating Week. Hearing no questions, Commissioner Oats made a motion to adopt the Proclamation, seconded by Commissioner Morrow and passed with no opposition.

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

## **PROCLAMATION**

### **LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

WHEREAS, the United States has over 13 million boats, and 322,000 of those boats are on Louisiana waters; and

WHEREAS, the vast majority of boating incidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, 74% of our states fatalities on the water are due to drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, while boats are a marvelous source of recreation, unknowledgeable boat operators are a risk to other boaters when they do not know or obey the Navigation Rules of the Road, drink alcohol, or take drugs while operating a boat or choose not to wear a life jacket; and

WHEREAS, one precaution, wearing a life jacket, could save 80% of the lives of those who fall into the water unexpectedly; and

WHEREAS, boating knowledge and skills are important in reducing human error and improving judgment, if people are aware of the risk they are more likely to take the precautionary measures to protect themselves, their friends, family, and others; which is why we must spread the message of boating safety education in our state, now

THEREFORE BE IT RESOLVED, the Louisiana Wildlife and Fisheries Commission does hereby proclaim May 16-22, 2009 as Safe Boating Week in the State of Louisiana.

---

Robert J. Samanie, III, Chairman  
Louisiana Wildlife and Fisheries Commission

**To receive and consider Notice of Intent on Wildlife Violator Compact** began with Captain Jimmy Carter stating this proposed rule was a result of Act 363 from the 2008 Regular Legislative Session. The Act asked the Department to become a member of the Compact and develop rules and regulations governing it. Captain Carter explained that non-residents that may come to Louisiana and violate our laws and then leave without paying their fines or restitution, the Department would notify their home state and that state would suspend the violators licenses. This would help the Enforcement Division since agents must bring non-residents to jail when they are caught violating the law, but now they can issue them a citation for minor offenses and continue with their patrols. Captain Carter noted that 95 percent of the states were members of the compact. He then asked the Commission to consider the proposed rules. Commissioner Morrow felt this was a great move for the state since it would deter out-of-state residents from coming into Louisiana and violating the law and not suffer any consequences. He then made a motion to adopt the Notice of Intent and it was seconded by Commissioner King. The motion passed unanimously.

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

#### NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to enact rules governing the Wildlife Violator Compact with the Department of Wildlife and Fisheries.

#### Title 76

## WILDLIFE AND FISHERIES

### Part I. Wildlife and Fisheries Commission and Agencies Thereunder

#### Chapter 3. Special Powers and Duties

#### Subchapter B. Enforcement Officers

#### §309. Wildlife Violator Compact

##### A. Definitions

##### 1. As used in this compact, unless the context requires otherwise:

Citation - any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

Collateral - any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

Compliance - with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

Conviction - a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

Court - a court of law, including magistrate's court and the justice of the peace court.

Home state - the state of primary residence of a person.

Issuing state - the participating state which issues a wildlife citation to the violator.

License - any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

Licensing authority - the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

Participating state - any state which enacts legislation to become a member of this wildlife compact.

Personal recognizance - an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

State - any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

Suspension - any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

Terms of the citation - those conditions and options expressly stated upon the citation.

Wildlife - all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

Wildlife law - any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

Wildlife officer - any individual authorized by a participating state to issue a citation for a wildlife violation.

Wildlife violation - any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

## B. Procedures for Issuing State

1. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph 2 of this subsection, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

2. Personal recognizance is acceptable

a. if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual, and

b. if the violator provides adequate proof of identification to the wildlife officer.

3. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

4. Upon receipt of the report of conviction or noncompliance pursuant to paragraph 3 of this subsection, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

### C. Procedure for Home State

1. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. All member states may honor a suspension based on failure to comply. Due process safeguards will be accorded.

2. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

3. The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

D. Reciprocal Recognition of Suspension

1. All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

2. Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

E. Applicability of Other Laws

1. Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:69.21-R.S. 56:69.31.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, 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 Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, August 6, 2009.

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).

Robert J. Samanie, III  
Chairman

Mr. John Sturgis presented the next agenda item, **To receive and consider Free Fishing Weekend/Day in the Park Proclamation.** The proclamation would set fishing week in



Louisiana and would allow the public to recreationally fish for 2 days without having to purchase the normal recreational license. Also, in partnership with the Office of State Parks, certain state parks statewide would have Department and State Parks employees available with fishing equipment to provide help or instructions. Mr. Sturgis then read the Therefore Be It Resolved portion of the Resolution. Next he introduced Ms. Sharon Broussard, a representative from the Office of State Parks. Ms. Broussard noted the Office of State Parks was celebrating their 75<sup>th</sup> anniversary this year. Today there are 20 recreational parks, 16 historic sites and 1 preservation area in Louisiana. They chose June 6 as a statewide Day in the Park to coincide with the Free Fishing Weekend to promote fishing. Ms. Broussard thanked the Commission and Department for the donated rods and reels. Hearing no comments, Commissioner Oats made a motion to adopt the Resolution, seconded by Commissioner Sagrera and unanimously approved.

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

### **RESOLUTION**

#### **LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**WHEREAS,** sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

**WHEREAS,** sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and

**WHEREAS,** the estimated 700,000 plus sportfishermen in Louisiana spend in excess of \$1.06 billion annually, and

**WHEREAS,** Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two no license required recreational Fishing Days each year, and

**WHEREAS,** a required recreational Free Fishing Weekend during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing, now

**THEREFORE BE IT RESOLVED,** that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 1 - 7, 2009 as

### **FISHING WEEK**

in the state of Louisiana, and

**BE IT FURTHER RESOLVED**, that June 6 & 7, 2009 are hereby declared

**FREE FISHING WEEKEND,**

during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

**BE IT FURTHER RESOLVED**, that on June 6, 2009 the Department of Wildlife and Fisheries will assist the Office of State Parks to present family fishing opportunities at designated State Park facilities during free **“Day in the Park”** activities to promote outdoor recreation and enjoyment of the valuable resources of the state of Louisiana.

Date: May 7, 2009

\_\_\_\_\_  
Robert J. Samanie, III  
Chairman

\_\_\_\_\_  
Frederic L. Miller  
Vice-Chairman

\_\_\_\_\_  
Patrick C. Morrow

\_\_\_\_\_  
Stephen J. Oats

\_\_\_\_\_  
Stephen W. Sagrera

\_\_\_\_\_  
Earl P. King, Jr.

\_\_\_\_\_  
Ann L. Taylor

**To consider 2009-2011 Hunting Seasons and General and WMA Rules and Regulations: Consideration of Conditionally Adopted Amendments to Notices of Intent and Consideration of Notices of Intent** was presented by Mr. Randy Myers. Two separate Notices of Intent were introduced in February 2009 setting into motion the public comment period which would end at 4:30 PM on May 7. He again reminded the Commission 9 public meetings were held across the state to review the proposals and receive comments. To date, a total of 1,052 comments were received. At the April meeting, 4 amendments to the original proposals were considered and conditionally adopted. The first amendment was to delete the provision that raccoon and opossum can only be taken during the rabbit season which will allow them to be taken, except on WMAs, year round and increase the bag limit from 1 to 2. The second amendment, at the request of the Department of the Army, modified Fort Polk and Peason Ridge WMAs regulations to require a mandatory deer check and added a special feral hog season. The third amendment added a special youth lottery squirrel hunt and a special youth lottery rabbit

hunt on Floy Ward McElroy WMA. The last amendment would allow 8 days of hunting deer with or without dogs for the Catahoula Ranger District, Winn Ranger District, Kisatchie Ranger District and the Evangeline Unit of the Calcasieu Ranger District within Kisatchie National Forest. The amendment also included that all dogs would have permanently attached identification markings as well as a legible collar tag and electronic tracking collar and the Forest Service would issue a permit to the hunters prior to deer hunting with dogs.

Mr. David Lewis stated he was in total support of the Forest Service's proposal to disallow the use of dogs to hunt deer on the Kisatchie National Forest. He also noted he was against the Commission's amendment passed at the April meeting which would allow deer dog hunting. The two reasons for the opposition was safety and the wise and proper management of the deer herd. He felt that if deer dog hunting was not allowed, there would be an increase in the deer population and an increase in the size and quality of the deer herd. In reference to comments made that "dogs can't read", Mr. Lewis read R.S. 2771 which does not allow any person to permit any dog to trespass on any land. Other comments by Mr. Lewis which he noted were not true was that the private landowners, private leases and hunting clubs wanted to hoard all of the deer and wanted the use of Forest lands for themselves. The reason the state does not allow deer dog hunting on WMAs was the problems that occur, according to Mr. Lewis. He then asked about the logic of approving an amendment for deer dog days this year, when it was voted last year not to approve a motion which could have been overruled by the Legislative Oversight Committee. Mr. Lewis then discussed the information provided by Mr. Myers on the number of public comments received on this proposal. A comment by Commissioner King at the last meeting implied that the people of Kisatchie were unreasonable, unfair, selfish people to which Mr. Lewis felt they were very reasonable and very fair. He then reminded the Commission he stated last year that if deer dog hunting continued, someone may be tragically hurt or killed and this comment was expressed by others as well. Mr. Lewis asked why did the Commission want to continue a practice that could not be enforced or regulated. Concluding, Mr. Lewis again asked the Commission to go along with the U.S. Forest Service proposal to not allow the use of dogs to hunt deer. He felt it would take courage, but added it would be the right thing to do. Commissioner King stated that they do allow dog hunting on the public lands in the Atchafalaya Basin. He then noted that Mr. Rick Farrar spoke representing the Louisiana Sportsman's Alliance 2100 members that wanted deer dog hunting in the Kisatchie National Forest. Having received compassionate comments both for and against the proposal, Commissioner King noted that this situation would not satisfy everyone. Also, he mentioned that decisions were based on biology for the resource. Then he added that one tool used in evaluating regulations were through public comments. Speaking on one of the public hearings, Commissioner King stated there were 530 people plus legislators that spoke for deer dog hunting that represented thousands of people. Mr. Lewis felt he did not skew any statistics from the information he has been able to gather. Since the April meeting, another statistic showed public comment has been 5:1 opposing the amendment. Commissioner Oats encouraged Mr. Lewis to stay with his convictions. But he told Mr. Lewis not to come before the Commission and suggest they did not have courage because they did not agree with him. Commissioner

Oats also suggested that personal opinions should be kept out of issues since it would not help. Mr. Lewis stated he did not intend to be disrespectful and apologized, but felt he should be honest. He knew that each Commissioner had a tough job and whatever decision was made would be a courageous decision. Commissioner Morrow assured Mr. Lewis that the decisions from the Commission were not guided by threats of legislative override, but were guided by biological, ecological and sociological data. He added they take into consideration the best interests of all citizens.

Mr. Hank Hollingsworth, member of Louisiana Sportsman's Alliance, came to applaud what the Commission has done in respect to dog hunting and any decision based on what should happen for all hunters in Louisiana. Commissioner King asked Mr. Hollingsworth if Mr. Rick Farrar spoke correctly when he said he represented 2100 members? The paid membership was 295, but the Louisiana Dog Hunters Association had about 400 members which would be joining with the Alliance group. The 2100 members Mr. Farrar spoke of were probably signatures that were gathered.

Mr. Brandon Rush did not wish to speak but was for the amendment.

Mr. Christopher Johnson stated he was for the amendment and thanked the Commission for the 8 days to dog hunt. He hoped to raise his daughter to dog hunt. Mr. Johnson added he takes his vacation to camp on Kisatchie National Forest. Commissioner King asked Mr. Johnson if he had a considerable investment in his dogs and he was told yes. Then Commissioner King felt the U.S. Forest Service should have let the public know of this proposal a year ago so the public could consider their investments. He thought it would be unfair for the public. Mr. Johnson stated the tracking collars work really well but were very expensive. Commissioner King knew that leases were very expensive and hard to come by and hoped that the use of Kisatchie as a resource would continue.

Commissioner King asked Secretary Barham if the Department was opposed to an 8 day deer season with or without dogs on Kisatchie National Forest. Secretary Barham stated the Department was not opposed to the amendment. He added that there was no biological reason to object to that season. Commissioner King then asked if the Department had the resources to enforce the season. Secretary Barham stated the Department has the best core of agents ever and they would get the job done. Hearing no further comments, Commissioner Oats made a motion to approve the 4 amendments in globo. Commissioner King commented he would be okay with taking the permit system out of the amendment. Chairman Samanie reminded Commissioner King that change would not be following the protocol. Commissioner Oats did not want to make the change either. The whole point was to support the responsible deer dog hunters and help the landowners by eliminating those not responsible. Commissioner Morrow seconded the motion. Commissioner King stated the Department's Enforcement Report showed there were about 8,000 man hours dedicated to monitoring small and big game hunting, illegal hours hunting, waterfowl, ATV activities, litter, fishing, boating, etc. on Kisatchie National Forest. The motion on the amendments passed with no opposition. Commissioner Oats then made a motion to adopt the 2009-2010 General and WMA Rules and Regulations as amended and

it was seconded by Commissioner Morrow. This motion also passed with no opposition. The last motion was made by Commissioner Morrow to adopt the General Hunting Seasons, seconded by Commissioner Oats and unanimously approved.

Mr. Mark McElroy presented the next agenda item, **To receive and consider Declaration of Emergency to close fishing in a portion of Plaquemines Parish**. He stated the Department received information that tilapia were in a pond in Plaquemines Parish and additional sampling showed tilapia was found outside the pond as well. Secretary Barham declared an area closed to all fishing and the proposed Declaration of Emergency would reaffirm that closure. The proposal would also allow the Secretary to do what may be necessary to handle the issue. Chairman Samanie asked Mr. McElroy to read the Therefore Be It Resolved portion of the Resolution. Mr. McElroy added that the closed area was being monitored by agents for both public and private waters. Hearing no discussion, Commissioner Sagrera made a motion to adopt the Resolution and it was seconded by Commissioner Oats. The motion passed unanimously.

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

RESOLUTION  
Fishing Closure in an area South of Port Sulphur  
in Plaquemines Parish  
May 7, 2009

WHEREAS, tilapia, a fish native to Africa, has been found in public and private waters in southeast Louisiana, and

WHEREAS, tilapia is an exotic fish capable of displacing native fish and is currently prohibited from being possessed in Louisiana except under extremely protective permits issued to tilapia producers, and

WHEREAS, it appears tilapia are currently confined to an area that can be treated with a fish toxicant, and

WHEREAS, if allowed to spread, tilapia could result in drastic environmental, recreational and economical impacts, and

WHEREAS, fishermen, both recreational and commercial, could be pathways that spread tilapia into additional Louisiana waters.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby issues a Declaration of Emergency, attached to and made part hereof, closing recreational and commercial fishing in an area below Port Sulphur in Plaquemines Parish.

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 Declaration of Emergency, including but not limited to the preparation of reports and correspondence to other agencies of government.

---

Robert J. Samanie, III, Chairman  
Wildlife & 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.D of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby closes, effective immediately, May 7, 2009, to recreational and commercial fishing an area located just south of Port Sulphur in Plaquemines Parish, more specifically described as follows: those waters bounded on the north by St. Jude Road, on the east by the Mississippi River main levee, on the south by Milan Drive and on the west by the back levee of the drainage ditch. Effective with the closure, no person shall take or possess or attempt to take any species of fish from waters within the closed area. No person shall possess while on the waters of the closed area any fishing gear capable of taking fish.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to broaden or to reopen the area closed to fishing if biological and technical data indicates the need to do so. This Declaration of Emergency shall remain in effect for a period of 90 days unless circumstances dictate that it be extended or circumstances warrant that the closure be lifted.

Robert J. Samanie, III  
Chairman

**To receive and hear Update on Public Oyster Ground Rehabilitation Efforts** was presented by Mr. Patrick Banks. The funding sources for the projects came from U.S. Congress through NOAA, the Gulf States Marine Fisheries Commission and into the Department in order to rehabilitate the fisheries. Of the \$53 million, \$10 million was earmarked to rehabilitate the public oyster grounds. One project under construction was funded through the Public Oyster Seed Ground Development Account. This account was compensation collected from impacts to the oyster grounds primarily by oil and gas companies. Cultch planting or reef building was the main method to rehabilitate an oyster ground. The cultch, which are typically oyster shell, limestone rock or crushed concrete, provides a substrate for the larvae to settle on and grow. Since 1917, about 30,000 acres

of oyster reefs have been built or rehabilitated using over 1.5 million cubic yards of material. Locations are based on salinity conditions and bottom firmness. Next, Mr. Banks showed pictures of equipment used to do the reef building and some of the results showing spat on limestone rock. This year's projects began on May 3 and will end around June 10 at a cost of \$6.17 million. The locations for this year are the Mississippi Sound, Black Bay, Lake Chien, Sister Lake and Calcasieu Lake. Commissioner Sagrera asked what was the average size for one of the projects and Mr. Banks stated, this year, any one location could range from 50 acres to 200 acres. He added that these type reefs were built low profile which provides a much greater area for the oysters to attach. Commissioner King asked if these areas would be leased. Mr. Banks stated no, these areas are public grounds and anyone with a proper license during an open season would be able to fish on them. Chairman Samanie stated the jobs done with the cultch plants were phenomenal. Mr. Banks stated that the return on the investment of \$6.17 million was between 2 and 20 times that amount. Commissioner Sagrera asked the average time for growth and he was told, typically 2 years.

The Commissioners agreed to hold the **September 2009 Meeting** on Thursday, September 3, 2009, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments**. Mr. Ronald Coco, Avoyelles Wildlife Federation, asked the Commission to change the limit and size of fish for Spring Bayou WMA. Since the hurricanes, the fishing has gone down. From bass tournaments recently held, there was 1 fish caught the first tournament and 2 during the next 2 tournaments. Even though the Department stocked fish in the area the same week as the last tournament, they would not be ready for several years. Again he asked that the limit or size be changed for the next several years until the area could build up again. Assistant Secretary Randy Pausina stated he would have someone look at the situation.

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

---

Robert J. Barham  
Secretary

scf