

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**May 5, 2011**

**STEPHEN W. SAGRERA  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

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

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Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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**AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MAY 5, 2011**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 5, 2011

Chairman Stephen Sagrera presiding.

Billy Broussard  
Ronny Graham  
Stephen Oats  
Ann Taylor  
Mike Voisin

Assistant Secretary Jimmy Anthony was also present.

Commissioner Patrick Morrow was absent from the meeting.

Chairman Sagrera called for a motion for approval of the **April 7, 2011 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Oats. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Voisin stated the Sabine Lake Stakeholders met several times and would provide a report at the next Commission Meeting. Then he announced the Louisiana Seafood community was hosting a celebration of seafood from 5:30 to 8:30 PM on May 10 at the State Museum.

Commissioner Graham made a motion to add an item to the agenda to discuss the Rigs to Reef program. Commissioner Oats seconded the motion. Commissioner Voisin asked the purpose of the request and Commissioner Graham explained the Governor has raided the fund of about \$27 million and he felt the Commission should represent the sportsmen of the state and try to hold on to the money. The motion passed with no opposition.

**To receive and hear Enforcement & Aviation Reports/April** began with Lt. Col. Jeff Mayne stating the Department was keeping a close eye on the flood waters as they rise. The Department's planes flew a total of 88.9 hours for the month. In April, there were 11 boating accidents reported with 6 injuries and 1 fatality. The fatality occurred in St. Helena Parish. Then Lt. Col. Mayne noted that on May 14, the Department and other sponsors were hosting a Boating Education Lagniappe Day in order to bring awareness for boating education. A total of 1,602 citations and 657 written warnings were issued during April and agents responded to 59 public assists. Then Lt. Col. Mayne talked about several News

Releases dealing with gill net violations in Region 5, taking an alligator illegally on Loggy Bayou WMA, another illegal take of an alligator in Terrebonne Parish and 5 closed season shrimping violations. Commissioner Voisin asked if the Statewide Strike Force was new this month. Lt. Col. Mayne stated there has always been a Statewide Strike Force but now the membership was 17 with the majority along coastal Louisiana that helps support problem areas with high volumes or high issues. Commissioner Voisin then asked if the Oyster Strike Force became a part of the Statewide Strike Force. Lt. Col. Mayne noted the duties of the Statewide Strike Force was increased to include the duties of the Oyster Strike Force.

The next agenda item, **To consider Resolution on Free Fishing Weekend** was handled by Mr. John Sturgis. The free fishing days was an annual event hosted by the Department and authorized by the Commission. It allows the public to fish for 2 days without having to buy the normal recreational licenses and was open for both residents and non-residents. Mr. Sturgis then read the Therefore Be It Resolved portion of the Resolution. Commissioner Voisin made a motion to approve the Resolution, seconded by Commissioner Oats and unanimously approved. Then Mr. Sturgis mentioned that on June 11, 2011, four State Parks (D'Arbonne, Chicot, Bogue Chitto and New Orleans City Park) will have Department and State Parks staff with fishing equipment the public can use to fish.

(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 970,000 plus sportfishermen in Louisiana spend in excess of \$703 million 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,** no license required recreational Fishing Days 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 6 – 12, 2011 as

FISHING WEEK

in the state of Louisiana, and

**BE IT FURTHER RESOLVED,** that June 11 & 12, 2011 are hereby declared Free Fishing Days, during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

Date: May 5, 2011

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Stephen W. Sagrera  
Chairman

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Patrick C. Morrow  
Vice-Chairman

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Stephen J. Oats

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

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Ronald "Ronny" Graham

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Michael C. Voisin

\_\_\_\_\_  
Billy P. Broussard

Mr. Randy Myers began his presentation on the next agenda items, **To consider 2011-2013 Hunting Seasons and 2011-2012 WMA Season: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent** and **To consider General and WMA Hunting Rules and Regulations: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent** stating a list of amendments to the original Notices of Intent should be in the packets. A synopsis of all comments received on the seasons and hunting regulations was also included. During March, the Department held 6 public meetings throughout the state on the 2 Notices of Intent. Over 130 people attended the meetings and provided comments and a total of 116 comments were also received. Mr. Myers then reviewed the amendments for the general hunting seasons and WMA seasons Notice of Intent. The first amendment was to change primitive firearm either-sex days by

adding days and deleting a weekend of either-sex modern firearms on Buckhorn WMA. Also the amendment would allow staff to flip-flop a youth lottery weekend so the hunts could be evenly spread out. Amendment 2 established an experimental quality deer season on 20 WMAs with a restriction the deer must have at least 4 points on one side. The WMAs and their dates are: Alexander State Forest - December 10-16, Bayou Macon - December 24-30, Big Lake - January 21-27, Bodcau - December 31-January 6, Boeuf - January 14-20, Buckhorn - January 14-20, Camp Beauregard - January 7-13, Dewey Wills - January 21-27, Jackson-Bienville - January 7-13, Loggy Bayou - December 17-23, Ouachita - December 31-January 6, Pearl River - January 21-27, Pomme de Terre - January 21-27, Red River - January 21-27, Russell Sage - December 31-January 6, Sherburne - January 21-27, Sicily Island Hills - January 14-20, Spring Bayou - January 21-27, Three Rivers - January 21-27, and Union - December 24-30. The next 7 amendments related to the use of personal watercraft (PWC) on several WMAs. Mr. Myers noted a total of 55 comments have been received on this amendment, and 34 were against allowing PWC's on WMAs and 21 were for using PWC's on WMAs. Of the 21 supporting the use of PWC's, 7 were from non-residents and 3 supported the use for fishing. The Department recommended PWC management should be site specific for water depth, wildlife present and habitat type, as well as consider navigational hazards, and impacts to other users. However, Mr. Myers noted allowing PWC's for fishing would fall within the intended purposes of the WMA system. Then he asked the Commission to allow staff additional time to better evaluate the WMAs for PWC use and allow for broader public comment on this issue. The 7 PWC amendments were for Biloxi WMA, Boeuf WMA, Catahoula Lake (not technically a WMA), Manchac WMA, Maurepas Swamp WMA, remaining portion of Pearl River WMA, and Pointe-aux-Chenes WMA. Owners of the Biloxi WMA sent a letter stating they were not in favor of allowing PWC's on the area. Also, Mr. Myers provided information on Resolutions adopted by the Louisiana Wildlife Federation from their March 20, 2011 meeting relating to use of personal watercraft on WMAs; limiting the use of mudboats and surface drive devices on WMAs; preservation and promotion of small game hunting opportunities; adding the .17 HMR caliber rimfire rifle cartridge to the existing .22 caliber regulation for the taking of small game quadrupeds, nuisance or population control programs; and include the .35 caliber rifle cartridge for breech loaded firearms as legal primitive firearms weapons. Commissioner Voisin asked if the Department's view on PWC's was to have more time to study the use of PWC's before expanding and Mr. Myers answered yes. He added that staff would like to work on allowing the use of PWC's for fishing within certain guidelines. Commissioner Voisin asked the timetable for that change. Mr. Myers stated this information would be presented at the February 2012 meeting.

Mr. David LeRay stated he wanted to comment on the WMA quality deer proposal. He noted that a philosophy of quality deer management was protecting younger bucks and harvesting enough does which would allow for more naturally occurring breeding seasons. Act 337 of 2010 Legislative Session provided a quality deer season for public lands. But Mr. LeRay felt this proposal was being extended to public lands which he thought was counterproductive to quality deer management. Taking Three Rivers and Red River WMAs as an example, he noted there will be 19 days any buck can be killed and this quality deer season proposal would put additional pressure on the mature bucks during prime breeding

season. Mr. LeRay stated he was most concerned with the overall health of the deer herd. Also, the proposal could be detrimental to small game hunters since he felt one week of the dog season would be eliminated. Overall he was against the proposed season but noted he understood the idea. Mr. LeRay then suggested having the experimental quality deer season during the primitive weapon season.

Mr. Duane Cowart, representing the Personal Watercraft Industry Association, stated about a year ago they requested the use of personal watercraft on WMAs and a portion of Pearl River WMA was allowed. This year a request was made to include an additional 7 areas and after having discussions with staff, they wanted to reduce that number to 3. Mr. Cowart then asked that PWC's be allowed on the remainder of Pearl River up to I-10, Catahoula Lake, Pointe-aux-Chenes and Maurepas Swamp WMAs. PWC's was just a small boat, according to Mr. Cowart and has become the recreational watercraft of choice for individuals and families. He then mentioned the National Park Service conducted a 5 year study and as a result they found that PWC's "found no unique impact on the environment". Now 15 of the 21 national parks allow the use of PWC's and were considering opening the remaining 6. He asked for the opportunity to access how users, public and other WMA users react to this proposal.

Commissioner Oats stated the reason for the motion was to allow the opportunity to have it on the agenda. He felt it was premature to expand PWC's to the WMAs and was inclined to agree with staff. He also wanted to explore the use of PWC's for fishing. Commissioner Oats then made a motion to remove amendments 3, 4, 5, 6, 7, 8 and 9 on PWC's for this year. Commissioner Graham seconded the motion. Commissioner Voisin felt there should be some activity in order to study and analyze impacts. He wondered if there was 1 or 2 WMAs that offered a diverse land type that could give the Department the opportunity to see the potential impacts versus guessing the impacts. Commissioner Oats was sympathetic to the idea of a test area but felt it was "too much on the fly" for such a serious issue. Commissioner Voisin suggested if an user conflict or environmental conflict comes about, give the Secretary the authority to remove that. Mr. Myers stated the Secretary's authority would have to be added to the amendment. Commissioner Oats noted the only action on the amendments was an up or down motion. Commissioner Graham stated he has lived on a lake and witnessed the use of personal watercraft but felt the Commission should be careful before opening areas that are remote. Commissioner Voisin then asked if the Commission had the authority to close an area if there was an impact. Mr. Don Puckett commented the Commission can amend the WMA rules through the 120 day process, but for immediate closure, there would have to be imminent peril to the public health, safety or welfare. Then Commissioner Voisin asked, from an enforcement perspective, how challenging was it to keep PWC's off the WMAs and how difficult would it be to enforce. Lt. Col. Mayne stated he was the State Boating Law Administrator and they treated PWC's just like Class A vessels. He added they did not have any problems with PWC's on Pearl River and did not see a problem with adding the 3 WMAs the industry was requesting. Commissioner Voisin then asked Mr. Myers what WMA would give the best example of conflict or environmental potentials or any other challenge and he was told that he would need to look at each area in more detail. Commissioner Oats then asked the

reason for shutting this activity down in 1999. Mr. Myers stated there was concern with impacts to other users as well as impacts to the wildlife resources. Commissioner Graham felt using PWC's for fishing and riding were two different ball games. Commissioner Oats suggested waiting and designate certain areas such as what was done on Pearl River. Commissioner Voisin reminded Commissioner Oats that there has been no conflicts on the one area already open. Commissioner Oats noted the Wildlife Division was recommending against the other areas. Mr. Cowart asked the Commission to consider at least the 3 WMAs they requested and the Industry would support doing a study. He wondered if there was a study done in 1999 when this activity was banned but felt there probably was not. Mr. Cowart felt it was unfair to those individuals that bought the PWC's as the boat of their choice to use for fishing on WMAs. Commissioner Voisin made a substitute motion to adopt amendments 5 (Catahoula Lake), 7 (Maurepas Swamp), 8 (Pearl River) and 9 (Pointe-aux-Chenes). Commissioner Taylor seconded the motion. Commissioner Oats asked why Catahoula Lake was included when it is not a WMA. Mr. Myers stated Catahoula Lake was under the authority of the Department and Commission, it was not a WMA. Also there were no restrictions for PWC's at the current time. Hearing no further discussion, the motion to adopt amendments 5, 7, 8 and 9 passed with opposition from Commissioners Oats and Graham. The Chairman then asked the wishes of the Commission with reference to amendment 1 on changes to the Buckhorn WMA seasons. Commissioner Oats made a motion to approve the amendment, seconded by Commissioner Voisin and approved with no opposition. Then Commissioner Oats made a motion to approve amendment 2 on experimental quality deer season and it was seconded by Commissioner Graham. This motion was unanimously approved. Lastly, Commissioner Voisin made a motion to adopt the amended Notice of Intent, seconded by Commissioner Oats and passed with no opposition.

Next Mr. Randy Myers talked about the amendment for the general and WMA hunting rules and regulations Notice of Intent. The amendment dealt with the youth deer season on private lands. The special youth season will be for a total of 7 days (adding 5 days) and youth 17 years or younger may hunt deer with any legal weapon during the primitive firearm season in each area. Hearing no questions, Chairman Sagra asked for public comments.

Mr. Jerry Harris, President of Red Top Hunting Club on Blind River, stated they had 6,000 acres that belonged to Blind River Properties and now was with Landscape Conservationist from Florida. All of the hunting leases have been cancelled and that property would be annexed into the Maurepas Swamp WMA. Mr. Harris added there are 7 hunting clubs that would be eliminated. If the area was turned into a WMA, sections 12 to 15 miles across would not be hunted or taken advantage of. One of the concerns for Mr. Harris was accessibility to the area and if it became part of the WMA, he would like airboats be allowed on the area.

Hearing no further comments, Commissioner Oats made a motion to adopt amendment 1 relating to special youth season on private lands. Commissioner Voisin seconded the motion and it passed with no opposition. Then Commissioner Voisin made a motion to

approve the amended Notice of Intent, seconded by Commissioner Oats and unanimously approved.

**To consider Deer Management Assistance Program: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent** was handled by Mr. Scott Durham. He mentioned a DMAP Notice of Intent was presented at the February Meeting and amendments were adopted at the last meeting. The amendments pertained to Level 1 participation. The first amendment changed the minimum acreage from 500 to 1000 acres. The second amendment placed the extended days to 15 before the season or 15 after, not to exceed 30 total. The last amendment was to add 10 additional days for rabbit hunting.

Mr. Glen Bueche, Mr. Gary LeBlanc, Mr. Deron McLin, Mr. Jimmy Fontana, Mr. Harold Barlow, Mr. Ryan Kemp, Mr. Tommy Boudreaux, Mr. Danny Gantt did not wish to speak but were against the proposed Notice of Intent.

Mr. Louis Collie stated he was opposed to the extension of the deer season through the DMAP program. This would cut down on the time small game hunters have in the woods. Mr. Collie felt there will be a lose of opportunity for youth hunters to be involved in hunting experience. Youth hunters first experience was usually rabbit hunting with their fathers or grandfathers. He also noted it takes a lot of time and expense to maintain dogs only to be allowed to hunt one weekend per year.

Mr. Melvin Demoulin stated he wanted to speak on the same issue. He did not understand why there was a need for more deer season. Three years ago, deer hunters were told they were killing too many bucks by limiting buck harvest to 3 per year. He then wondered if more bucks needed to be taken. Mr. Demoulin agreed with the comment made about the expense to feed his dogs all year. He felt rabbit hunting was a different experience and hoped it was not taken from them. Commissioner Voisin asked Mr. Demoulin if the rabbit season extension following the regular season caused a problem. He was told that all private lands in Area 6 were leased for deer hunting and no dogs were allowed for rabbit hunting until mid-January. Usually the month of February was for rabbit hunting with dogs. Mr. Myers stated rabbit season generally opens after firearms deer season closes and some WMAs in this area will open as early as mid-December. He added that rabbit season will still be open during the quality deer season on the WMAs.

Mr. Vic Blanchard, speaking on behalf of the South Louisiana Branch of the Quality Deer Management Association (QDMA), a chapter of the National QDMA, stated they were a non-profit, educational conservation organization dedicated to ethical hunting, sound deer management, deer research, hunter recruitment, and natural resource managers. The Board of Directors of the South Louisiana Branch of QDMA supported the proposed changes to the DMAP Notice of Intent. He explained the reasons why they support the changes to the Level 1 DMAP proposal, which were: the data gathered by Department staff demonstrates the season adjustments were biologically justified; deer hunters in lower portions of Deer Areas 1 and 6 were missing out on great hunting opportunities during high

deer activity periods; Level 1 would satisfy the Department's responsibility of Act 337 from the 2010 Legislature; this was a voluntary program; and an extended season would allow clubs to fulfill their antlerless quotas. The amendments added to the proposal at the April meeting were discussed and the Board of Directors preferred that the Level 1 be available to those clubs with less than 1000 acres and that the extra days be determined by the Department deer staff. Mr. Blanchard did note that the Board of Directors did vote to support the DMAP proposal in its current form.

Mr. Joe Guidroz read a letter from a friend and hunting companion which expressed his own feelings. The letter voiced opposition to extending the deer gun season into February which was designed to kill trophy deer and would raise the price of land for hunting purposes. The sport of hunting could be killed with this proposal. Mr. Guidroz felt it was all about the money and there was no need for more deer season. Mr. Guidroz stated the letter was signed by Neil Smith, MD.

Mr. Randy Guidroz, President, Louisiana Rabbit Hunters Association, stated their stand on more deer hunting days was the same. He asked that no more days be allowed during February, but felt if they had to be given through Act 337, they be given at the front end of the season. A petition asking for the month of February for rabbit hunters contained over 300 signatures. Also, letters from 25 or 26 hunting clubs in Area 6 was submitted that were against the proposal. In response to the additional 10 days, Mr. Guidroz felt that was fine but then you would have to deal with turkey hunters. He added that it would be impossible and dangerous to do a study on allowing rabbit hunting and deer hunting at the same time.

Mr. Wayne Smith, Thibodaux, stated he has been hunting for 50 years and taught his children, grandchildren and friends how to rabbit hunt. His hunting season now is from December to the end of February. They quit hunting at the end of February since most of the rabbits are full of young. Hunting usage on private lands was restricted to deer hunting and then allow for rabbit hunting during February. Mr. Smith felt the rules have gotten so restrictive and reduced the number of those that rabbit hunt. He knew of at least 15 beagle clubs in Louisiana that represent about 800-1000 members and a large number were giving up hunting.

Mr. Allen Henry, Pointe Coupee Parish resident, stated there were over 20,000 rabbit hunters this proposal would affect. Trying to hunt rabbits with dogs while deer hunting was going on was not safe. Extending the season into March, Mr. Henry wondered about the small game biology and noted the best chance for rabbits to survive for the next year was at the end of March. He commented that the deer hunting program in the state of Louisiana as it is was not broken. Raising dogs for rabbit hunting is expensive.

Hearing no further discussion, Mr. Durham stated amendment 1 would increase the acreage from 500 to 1,000 acres for Level 1 participation. Commissioner Oats made a motion to adopt the amendment and it was seconded by Commissioner Graham. The motion passed with no opposition. Then Mr. Durham stated the second amendment would address the extended days with 15 on the front end and/or 15 on the back end not to

exceed 30 days. Commissioner Oats made a motion to adopt, seconded by Commissioner Graham and unanimously approved. The last amendment would provide up to 10 additional days of rabbit hunting for Level 1 participants after the normal rabbit season was over. Commissioner Oats made a motion to adopt the third amendment and it was seconded by Commissioner Graham. The motion passed with no opposition. Then Commissioner Graham made a motion to adopt the amended Notice of Intent, seconded by Commissioner Oats and approved with no opposition.

**To consider Declaration of Emergency on Setting the Opening Dates of the 2011 Spring Inshore Shrimp Season** was the first of two items handled by Mr. Marty Bourgeois. This presentation would detail the recent and current brown shrimp population conditions as well as trends in the shrimp fishery. The first slide showed annual Louisiana shrimp landings, heads on, from 1976 through 2010 (2010 was the lowest since 1976 with 73 million pounds land with a dockside value of \$104 million). The next slide showed the shrimp landings for brown, white and other types of shrimp from 1976 to 2010 (brown shrimp landings for the last 6 years have been below the long term average, but white shrimp landings have compensated and were well above the long term average). In the next slide, May and June were shown to be the highest landing months with secondary peaks occurring during October and November with the opening of the fall shrimp season. Looking at landings last year compared with 2009 and the long term average, every month of 2010 was below the long term mean except for December. Shrimp gear license sales from 2000 through 2010 showed a decline in participation, but a slight increase in license sales occurred in 2010. The next slide showed a shrimp's life cycle diagram. The next series of slides were on environmental conditions and they included 2010 monthly Louisiana rainfall versus 2011 (February and April 2010 extremely dry and March was just above the long term mean); Mississippi River discharge for 2010 and 2011 versus the long term mean; south Barataria Bay monthly water temperatures for 2011 versus long term mean; daily water temperatures for south Barataria Bay; north Barataria Bay salinity growth (ranging between 4.5 to 8 ppt which was well below the long term average); Mississippi River April discharge levels versus brown shrimp landings (typically when it is a high river, there is low brown shrimp production); brown and white shrimp landings by basin for 2010; map of the three Louisiana Shrimp Management Zones; brown shrimp catch per effort in trawl samples taken the first week of May; and average size in trawl samples for week 18 (largest sized shrimp are in Terrebonne Basin). Next Mr. Bourgeois talked about projections with the criteria that 50 percent or more of the brown shrimp populations reach 100 count per pound or larger. Based on Mondays in May, in Zone 1, 60 percent or more of the population will meet the criteria on May 23; Zone 2 the projection was for May 16 (actual cross over date was May 10 or May 11); for Zone 3, 61 percent would reach the criteria on May 23; and for the statewide projection, 62 percent would be right on May 16. The last slide shown was the predicted May tidal ranges.

Following the presentation, Commissioner Broussard asked if temperature affects shrimp growth and Mr. Bourgeois answered yes. Then Commissioner Broussard wondered, with the high water event coming from the Mississippi River, how much would that affect the temperatures in the estuaries and was this factored in the growth rates. Mr. Bourgeois

stated the growth rates run on an assumed 10 mm per week and temperature was not factored in this. He added the Vermilion, Teche, Mississippi River Delta, eastern Barataria system and Lake Pontchartrain would be heavily affected by the Mississippi River waters. Due to the high water flooding, the Department had two sets of recommendations. The first recommendation was to have a statewide opening on May 12 except for an area north of the Mississippi River Gulf Outlet which would open on May 23. Included in the action was giving the Secretary authority to open areas to shrimping sooner. Mr. Bourgeois then reminded everyone that on May 6, 2011 at 6 AM, a special shrimp season would open from the Atchafalaya River westward to the western shore of Vermilion Bay. This action was in response to the potential of the Atchafalaya River inundating the Vermilion Bay system and those shrimp would no longer be available for harvest. Commissioner Broussard asked why would Calcasieu and Sabine be included in a statewide opening. Mr. Bourgeois stated the actual cross over date for samples from the Mermentau, Calcasieu and Sabine was May 23, but the fishery was restricted to the lower Calcasieu Ship Channel and the projection for that area was much earlier with a cross over date of May 12. Commissioner Broussard wanted to know what was the ratio of brown shrimp versus white shrimp in the Calcasieu. Mr. Bourgeois thought the brown shrimp from Calcasieu was a significant component to the harvest. The second recommendation, according to Mr. Bourgeois, was to open the area north of the Mississippi River Gulf Outlet on May 23, the area below the Gulf Outlet and a portion of the Barataria system east of Bayou Lafourche would open on May 16, the Terrebonne Basin would open on May 9 and Zone 3 would open on May 16. Chairman Sagrera asked why the early opening for the Terrebonne area. Mr. Bourgeois stated the cross over date for that area was May 5. Commissioner Broussard asked how far behind was Barataria Bay and he was told the cross over date was May 15 but statutes does not allow for a Sunday opening. The action would give authority to the Secretary to modify the dates if there was a need. Commissioner Oats questioned opening Zone 3 on May 16. He was told that the cross over date when the samples were combined from that area was May 18 or May 19 and it would need to be harvested before the moon phase move the shrimp out.

Mr. William Dekemel, fisherman from Zone 1, stated the Spillway opening would be devastating for the shrimp fishery. The May 23 date does not take into consideration the drop in salinity and the temperature drop from cold water of the Mississippi River. Another issue to consider was the Industrial Canal has been closed with no water going into the system due to a storm protection project. Mr. Dekemel felt there has been a one-third lose of recruitment into the system, all of the recruitment comes in from the tides. With the opening of the Bonnet Carre Spillway, the water exits through the Chef and Rigolets which also reduces recruitment. He felt opening the season on May 23 would be too early if the Spillway opened, but if the Spillway did not open, then May 23 would be a good date. Mr. Dekemel added that they do not know what will happen in his area, since this has never occurred before with one channel being closed. Commissioner Broussard asked if there was a concern that the high river waters would flush the shrimp out of the estuaries. Mr. Dekemel agreed with Mr. Bourgeois that there will be a time lag before the waters get to him, but the shrimp in his area go in and out daily.

Mr. Anthony Fillinich did not want to speak but asked that the season for Zone 2 open on May 9 ahead of the freshwater diversions. Then Chairman Sagrera read a letter from Mr. Dean Blanchard that asked that the season not open until the latest possible date. Commissioner Voisin recognized Representative Gisclair in the audience and asked if he had any comments. Representative Gisclair stated the shrimp are there and he asked it be opened. Hearing no further questions, Commissioner Voisin stated he has received comments from both sides of the issue and added this was a unique situation with the Department making two recommendations. He then made a motion to accept the staggered openings and instead of opening Zone 2 on May 9 to open on May 13. Commissioner Voisin then asked Mr. Don Puckett for help in wording on "granting the Secretary authority after consultation with the Chairman of the Wildlife and Fisheries Commission". Mr. Puckett suggested using the word notification instead of consultation so it could be a clear authority. Commissioner Oats agreed with Mr. Puckett and suggested "after notification of the Chairman of the Commission". Commissioner Voisin also agreed with using notification instead of consultation. Stating again, Commissioner Voisin made a motion to adopt the staggered openings and change the Zone 2 opening from May 9 to May 13 and include "after notification with the Chairman of the Wildlife and Fisheries Commission" in the appropriate sections. Commissioner Oats seconded the motion and it passed with no opposition.

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

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

### Spring Inshore Shrimp Season Opening Dates

In accordance with the emergency provisions of R.S. 49:953 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 2011 Spring Shrimp Season in Louisiana state waters to open as follows:

That portion of Shrimp Management Zone 1 from the Mississippi/Louisiana state line to the southern shore of the Mississippi River Gulf Outlet to open at 6:00 a.m., May 23, 2011 and that portion of Shrimp Management Zone 1 from the southern shore of the Mississippi River Gulf Outlet to the eastern shore of South Pass of the Mississippi River to open at 6:00 a.m., May 16, 2011, and

That portion of Shrimp Management Zone 2 from the eastern shore of South Pass of the Mississippi River to the eastern shore of Bayou Lafourche to open at 6:00 a.m., May 16, 2011 and that portion of Shrimp Management Zone 2 from the eastern shore of Bayou Lafourche to the eastern shore of the Atchafalaya River Ship Channel at Eugene Island as delineated by the Channel red buoy line to open at 6:00 a.m., May 13, 2011, and

Shrimp Management Zone 3 from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line, to open at 6:00 a.m., May 16, 2011.

The Commission hereby grants authority to the Secretary of the Department of Wildlife and Fisheries upon notification to the Chairman of the Wildlife and Fisheries Commission to open any closed area of inside waters based upon biological and technical data or threats to marketable size shrimp posed by the USCOE operation of the Bonnet Carre spillway or Morganza spillway, and delay the opening of, or close, the 2011 spring inshore shrimp season if biological and technical data indicate the presence of significant numbers of small, unmarketable size brown shrimp; and 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. The Secretary is further granted the authority to open any area, or re-open any previously closed area, of inside waters based upon biological and technical data upon notification to the Chairman of the Wildlife and Fisheries Commission.

Stephen W. Sagrera  
Chairman

On the next agenda item, **To consider Declaration of Emergency to open Public Oyster Seed Grounds in the Lake Borgne and Mississippi Sound** Mr. Patrick Banks wanted to present information on a possible special season in areas of the public oyster grounds in the event of the Bonnet Carre Spillway opening. A map shown was on the oyster conditions in the Lake Borgne and Mississippi Sound area. The information presented on temperatures and salinities for shrimp with the possibility of the Bonnet Carre opening holds true for oysters. A Bonnet Carre opening this year would be similar to the 1983 opening. The difference between this opening and the 2008 opening was the timing for the opening. In 2008, the opening occurred in April and temperatures were low and oysters had not yet spawned and there was no reported significant mortality. The 1983 opening was similar in timing with a May opening and hot water temperatures which resulted in devastating impacts on oyster mortality. Current conditions of the public oyster seed grounds in Lake Borgne and Mississippi Sound area shows significant resources exists. Oysters were already in a weakened state, commented Mr. Banks, with the hot temperatures and going through or have gone through reproduction and salinities were depressed also. If the Bonnet Carre Spillway opened and remained open for an extended period of time, the oysters would be at risk and could have significant mortality but the shells would not go unused. If the Commission decided to allow an oyster season to open, the recommended area would be the public oyster seed grounds within the Department of Health and

Hospitals Harvest Areas 1 and 2. The Declaration of Emergency presented by staff would direct the Secretary to open the season in the event the Spillway opens. Commissioner Broussard asked when will the Department of Health and Hospital shut down oyster harvesting. Mr. Banks stated it was very difficult to know, the Department of Health and Hospitals would shut it down based on their data. Then Commissioner Broussard wondered if the freshwater from the Mississippi River would not dilute the salinities in other public grounds to a point where there would be no mortality. Mr. Banks did not think that was true, it was expected there will be freshwater in a lot of areas but this area does have a significant resource.

Mr. Jakov Jurisich, a fisherman from Buras, stated the problems the oyster industry endured after Katrina, he would not wish on his worst enemy. The devastation from Hurricanes Katrina, Rita, Gustav and Ike and the BP oil spill and now the flooding leads to the question of what to do in this situation. Mr. Jurisich felt the industry would face a catastrophe with the release of freshwater into Lake Borgne. He then asked the Commission not to open Lake Borgne due to health concerns and opposition from fishermen from St. Bernard and Plaquemines Parish. If the lake was opened, there was a strong possibility that a number of boats from Texas would come and take their market share.

The Commission did not take any action on this item.

Moving on, the next agenda item, **To consider Declaration of Emergency and Notice of Intent on Fisheries Closures due to Oil Spill** was presented by Mr. Marty Bourgeois. He stated this action would reaffirm those areas currently closed to commercial fishing and recreational fishing other than recreational angling and charter boat angling. The first map showed the Mississippi River Delta that was still closed to commercial fishing. The second slide showed the areas in the Barataria system closed to recreational fishing other than charter boat and recreational angling and all commercial fishing. The 3 areas represents about 0.5 percent still closed. Commissioner Voisin asked Mr. Bourgeois if he would be opposed to adding language to notify the Chairman of the Commission to the end of the Declaration of Emergency and he was told it could be done. Then Commissioner Voisin made a motion to adopt the Declaration of Emergency with the amendment indicating notification of the Commission Chairman, actions by the Secretary can occur. Commissioner Broussard seconded the motion and it passed with no opposition.

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

## DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Recreational and Commercial Fisheries Closure

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby closes all commercial fishing, effective immediately May 5, 2011, in the following areas:

Those waters north of 28 degrees 56 minutes 30 seconds north latitude and south of 28 degrees 59 minutes 30 seconds north latitude from the eastern shore of Southwest Pass of the Mississippi River eastward to a line beginning at 28 degrees 59 minutes 30 seconds north latitude and 89 degrees 19 minutes 50 seconds west longitude and ending at 28 degrees 56 minutes 30 seconds north latitude and 89 degrees 23 minutes 00 seconds west longitude, and those waters north of 29 degrees 02 minutes 00 seconds north latitude and south of 29 degrees 02 minutes 20 seconds north latitude from the western shore of South Pass of the Mississippi River westward to 89 degrees 15 minutes 25 seconds west longitude, and those waters north of 28 degrees 59 minutes 40 seconds north latitude and south of 29 degrees 02 minutes 00 seconds north latitude from the western shore of South Pass of the Mississippi River westward to 89 degrees 15 minutes 25 seconds west longitude and southeastward along a line beginning at 29 degrees 02 minutes 00 seconds north latitude and 89 degrees 15 minutes 25 seconds west longitude and ending at 28 degrees 59 minutes 40 seconds north latitude and 89 degrees 10 minutes 15 seconds west longitude, and those waters west of the western shore of South Pass of the Mississippi River south of 28 degrees 59 minutes 40 seconds north latitude bounded by the following coordinates: 1) 28 degrees 59 minutes 15 seconds north latitude and 89 degrees 08 minutes 15 seconds west longitude, 2) 28 degrees 58 minutes 20 seconds north latitude and 89 degrees 10 minutes 00 seconds west longitude, 3) 28 degrees 59 minutes 01 seconds north latitude and 89 degrees 11 minutes 00 seconds west longitude, 4) 28 degrees 59 minutes 40 seconds north latitude and 89 degrees 10 minutes 15 seconds west longitude, and those waters east of the eastern shore of South Pass of the Mississippi River and south of 29 degrees 01 minutes 50 seconds north latitude eastward to a line beginning at 29 degrees 01 minutes 50 seconds north latitude and 89 degrees 07 minutes 20 seconds west longitude and ending at 28 degrees 59 minutes 35 seconds north latitude and 89 degrees 08 minutes 00 seconds west longitude, and those waters adjacent to but not including Northeast Pass and Southeast Pass of the Mississippi River and bounded by the following coordinates: 1) 29 degrees 08 minutes 35 seconds north latitude and 89 degrees 04 minutes 20 seconds west longitude, 2) 29 degrees 08 minutes 15 seconds north latitude and 89 degrees 02 minutes 10 seconds west longitude, 3) 29 degrees 04 minutes 50 seconds north latitude and 89 degrees 04 minutes 10 seconds west longitude, 4) 29 degrees 05 minutes 30 seconds north latitude and 89 degrees 05 minutes 10 seconds west longitude, and those waters south and west of Pass a Loutre of the Mississippi River and east of 89 degrees 05 minutes 35 seconds west longitude bounded by the following coordinates: 1) 29 degrees 11 minutes 25 seconds north latitude and 89 degrees 03 minutes 30 seconds west longitude, 2) 29 degrees 11 minutes 00 seconds north latitude and 89 degrees 02 minutes 25 seconds west longitude, 3) 29 degrees 14 minutes 00 seconds north latitude and 89 degrees 05 minutes 35 seconds west longitude, 4) 29 degrees 11 minutes 00 seconds north latitude and 89 degrees 05 minutes 35

seconds west longitude, and those waters south of North Pass of the Mississippi River bounded by the following coordinates: 1) 29 degrees 11 minutes 35 seconds north latitude and 89 degrees 02 minutes 55 seconds west longitude, 2) 29 degrees 12 minutes 35 seconds north latitude and 89 degrees 01 minutes 05 seconds west longitude, 3) 29 degrees 11 minutes 35 seconds north latitude and 89 degrees 01 minutes 10 seconds west longitude, 4) 29 degrees 11 minutes 10 seconds north latitude and 89 degrees 02 minutes 00 seconds west longitude, and those state inside and outside waters adjacent to Grand Terre Island bounded by the following coordinates: 1) 29 degrees 18 minutes 20 seconds north latitude and 89 degrees 54 minutes 50 seconds west longitude, 2) 29 degrees 17 minutes 10 seconds north latitude and 89 degrees 53 minutes 50 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude and 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 00 seconds north latitude and 89 degrees 57 minutes 20 seconds west longitude, and those state inside waters in the upper Barataria Basin north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 29 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to 89 degrees 57 minutes 00 seconds west longitude.

Recreational fishing is open in all state inside and outside territorial waters, except in the following areas, where only recreational angling and charter boat angling is allowed: those state inside and outside waters adjacent to Grand Terre Island bounded by the following coordinates: 1) 29 degrees 18 minutes 20 seconds north latitude and 89 degrees 54 minutes 50 seconds west longitude, 2) 29 degrees 17 minutes 10 seconds north latitude and 89 degrees 53 minutes 50 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude and 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 00 seconds north latitude and 89 degrees 57 minutes 20 seconds west longitude, and those state inside waters in the upper Barataria Basin north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 29 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to 89 degrees 57 minutes 00 seconds west longitude.

The Deepwater Horizon drilling rig accident has resulted in a significant release of hydrocarbon pollutants into the waters offshore of southeast Louisiana and these pollutants have the potential to impact fish and other aquatic life in portions of Louisiana's coastal waters. Efforts have been made and are continuing to minimize the potential threats to fish and other aquatic life.

The Commission hereby grants authority to the Secretary of the Department of Wildlife and Fisheries upon notification to the Chairman of the Wildlife and Fisheries Commission to open, close, reopen-reclose, broaden or otherwise modify the areas closed and opened to fishing if biological, environmental and technical data indicate the need to do so, or as needed to effectively implement the provisions herein.

Stephen W. Sagrera  
Chairman

**To consider Resolution on Rigs to Reef Funds** began with Commissioner Graham making a motion to request the Governor and his Administration halt any action that takes money from the Rigs to Reef fund. Commissioner Taylor seconded the motion. Chairman Sagrera asked if action could be taken now or should it wait until the next meeting. Mr. Puckett advised that the Commission could take action now. Commissioner Graham again stated he would like word to get to the Governor that the Commission was opposed to them taking the money. Commissioner Broussard asked if the money could be used to hire Counsel to protect itself. Commissioner Voisin felt the request was for a letter to be drafted on behalf of the Commission, signed by the Chairman, indicating to the Governor and Legislature that funds in the Rigs to Reef program remain in the program. Commissioner Graham answered Commissioner Broussard that they have the right to sue the State of Louisiana. Commissioner Voisin supported the motion but noted the legislative intent was the most current action and if they change it, that would allow them the chance to take from the fund. He also did not think the fund was constitutionally protected. Commissioner Graham stated he has been told that it was protected. Mr. Puckett understood the motion was to direct him to prepare a letter for the Chairman's signature to the Governor, his Administration and Legislature to request halting any action to remove Rigs to Reef fund. Chairman Sagrera then asked for public comment.

Mr. Keith Saucier stated he was asked by the President of Louisiana Wildlife Federation to speak on the concerns with the Artificial Reef Fund and House Bill 477. A copy of HB 477 was provided and Mr. Saucier read that the Artificial Reef Fund would have \$26,613,000 taken and transferred to the Overcollections Fund. The Federation also thought this money was protected under the Conservation Fund. A surprise was finding out the amount of money in the fund and it was not being spent on fisheries enhancement projects. Mr. Saucier then read from the Act of Donation, specifically section 9.1, "Donor agrees to and shall donate to the Conservation Fund". Next he read Article 7, Section 9A from the State Constitution which states, "All money received by the State or by State, Board, Agency or Commission shall be deposited immediately upon receipt in the State Treasury except (1) as a result of grants or donations". R.S. 56:10.B stated, "All funds collected by the Commission from every source shall be paid to the State Treasury and shall be credited to the Bonds, Security and Redemption Fund". Mr. Saucier mentioned that they thought the Governor's actions were wrong, unethical and questionably illegal. An opinion from the Attorney General on this matter has been requested which did not mean the Legislature would have to abide by his opinion. He then expressed support for the motion. Mr. Saucier added that the Federation adopted a Resolution, even before HB 477 came about, which asked for 3 things: urge the Legislature to enact legislation to dedicate the Reef Fund for its intended purposes, have the Commission and Department be proactive in spending the money in the future, and request an Attorney General opinion on whether the actions taken are legal.

Commissioner Voisin asked Mr. Randy Pausina why the money has not been spent. Mr. Pausina stated the majority of the money recently came from toppled rigs from Hurricanes Katrina and Rita. He added that \$18 million was used to build a fisheries lab on Grand Isle and they would move to the next project. Another hurdle to spend the money was to get

legislative authority. Commissioner Voisin asked if the Department had a current plan that has been presented to the legislature. Mr. Pausina stated it would be used to enhance programs or supplement programs wherever needed. For the next fiscal year, \$7 million was requested to be authorized to spend out of the fund. Commissioner Voisin then asked Mr. Pausina if the Department supports the taking of funds. He told the Commissioner the Department has had a very robust program and was very successful and was glad to help the State during the budget crisis. Commissioner Voisin then asked Mr. Pausina if he wanted to give the state the money. Commissioner Graham felt Commissioner Voisin should be careful on who he asked questions to when it involved the Governor. Commissioner Voisin appreciated the comment from Commissioner Graham but again asked Mr. Pausina if the Department supported the raid. Mr. Pausina stated the Department supports the State and would help. Then Commissioner Voisin asked Mr. Pausina if he supports the Commission's letter to the Governor and Legislature and Mr. Pausina did not comment. Commissioner Taylor asked if there were plans to build artificial reefs with the fund. Mr. Pausina stated that about \$500,000 would be made available for an inshore artificial reef construction and possibly Independence Island Reef would be fully funded from the program. Hearing no further discussion, the motion passed with no opposition.

The Commissioners agreed to hold the **September 2011 Meeting** on Thursday, September 1, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Chairman Sagrera then asked for **Public Comments** and none were heard.

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

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Stephen W. Sagrera  
Chairman

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