

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

April 04, 2013

Ronald "Ronny" Graham
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, LA
April 4, 2013

- | | | |
|-----|---|---|
| 1. | Roll Call | 1 |
| 2. | Approval of Minutes of March 7, 2013 | 1 |
| 3. | Commission Special Announcements/Personal Privilege | 1 |
| 4. | Artist Donation to Louisiana Wildlife & Fisheries Foundation and Presentation to Guests | 8 |
| 5. | To Hear Enforcement & Aviation Reports for March | 1 |
| 6. | Hear a Report on Coastal Master Plan – Garrett Graves, CPRA | 8 |
| 7. | To Receive Public Comments on Notice of Intent for the 2013-2015 Hunting Seasons Dates | 2 |
| 8. | To Receive Public Comments on Notice of Intent for General WMA Hunting Rules and Regulations | 2 |
| 9. | To Receive Public Comments on Notice of Intent for DMAP Fee Corrections | 2 |
| 10. | To Consider a Notice of Intent to Amend the Alligator Regulations to Change the Effective Date of Alligator Hunter Licenses | 2 |
| 11. | To Consider a Notice of Intent Amending the Regulations Governing Yo-Yo Mechanical Fishing Devices | 4 |
| 12. | To Consider a Resolution on Gear for Shrimp Trawling between Three and Nine Nautical Miles | 6 |
| 13. | To Consider a Resolution to Delegate Authority to LDWF's Secretary to Take Any Legal Action Necessary to Oppose NOAA's Emergency Rule Governing Red Snapper | 7 |
| 14. | Set August 2013 Meeting Date | 8 |
| 15. | Receive Public Comments | 8 |
| 16. | Executive Session to Discuss Prospective Litigation Relative to Return of Artificial Reef Fund Monies | 8 |
| 17. | Adjournment | 8 |

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 4, 2013

Chairman Ronny Graham presiding

Pat Manuel
Will Drost
Billy Broussard
Stephen Sagrera

Secretary Barham was also present

Chairman Graham called for a motion for approval of the **March 7, 2013 Commission Minutes**. A motion for approval was made by Commissioner Broussard and seconded by Commissioner Manuel. Chairman Graham called for a vote and the motion passed with no opposition.

For the agenda item, **Commission Special Announcements/Personal Privilege**, Jimmy Anthony presented a Plaque which was issued to LDWF by Ducks Unlimited for contributing to wetlands conservation. Louisiana alone contributed over Ten (10) million dollars financially.

For the agenda item, **Artist Donation to Louisiana Wildlife & Fisheries Foundation and Presentation to Guests**, a motion was made to move item to the end of the agenda. A motion for approval was made by Commissioner Broussard and seconded by Commissioner Manuel. Chairman Graham called for a vote and the motion passed with no opposition.

Lt. Col. Joey Broussard stated, for the agenda item, **To Hear Enforcement & Aviation Reports/March**, the department's planes flew a total of 65.4 aviation hours for the month. There were five (5) boating accidents reported with three injuries and no fatalities. Three (3) news releases were discussed. First, five (5) New Orleans men were cited for violating highly migratory species regulations in the Gulf of Mexico. Second, a Port Sulphur Man was charged with attempted First Degree Murder of a LSWF agent, aggravated assault, resisting an officer, public intimidation and taking oysters from a polluted area. The Third news release was LDWF Agents made six (6) turkey baiting cases during the opening weekend of the 2013 turkey hunting season.

There were a total of 826 cases, 437 written warnings issued during March and agents helped with 35 public assists.

For the agenda item, **Hear a Report on Coastal Master Plan**, a motion was made to move item to later in the agenda. A motion for approval was made by Commissioner Manuel and seconded by Commissioner Sagrera. Chairman Graham called for a vote and the motion passed with no opposition.

The next item, **To Receive Public Comments on the Notice of Intent for the 2013-2015 Hunting Season Dates**, was handled by Mr. Steve Smith, the WLF WMA Program Manager. Mr. Smith began by going over the Public Comments that were received. Each Commissioner was given a copy of all the comments in the packet provided by Wendy. Each packet consisted of a compilation page of comments and a copy of all emails received. There were a total of 7 new comments received of which Two (2) were in Favor of the NOI, Five (5) were Opposed.

The next item on the Agenda, **To Receive Public Comments on the Notice of Intent for General WMA Hunting Rules and Regulations** was also handled by Mr. Steve Smith. There were a total of Two (2) new Comments received. One (1) Comment was in Opposition and One (1) Comment was in Favor.

The next item, **To Receive Public Comment on Notice of Intent for DMAP Fee Corrections** was also handled by Mr. Steve Smith. Mr. Smith stated there were No comments received on the DMAP Fee Schedule changes. Commissioner Manuel asked what the opposition was for the previous agenda item and Mr. Smith responded by saying it was in reference to the Doe Days during the week. There were no other questions or comments.

Chairman Graham announced the next item, **To Consider a Notice of Intent to Amend the Alligator Regulations to Change the Effective Date of Alligator Hunting License**, to be handled by Noel Kinler. Mr. Kinler began by stating that this is a Notice of Intent to change the effective dates on the alligator hunting licenses from July 1 to June 30 each year to January 1 to December 31 of each year. This change is necessary to comply with FWS that our CITES tag issuance coincides with the calendar year. The CITES tag change will go into effect on January 1, 2014. Alligator hunters will not be required to purchase any additional license as a result of this change.

A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Broussard. Chairman Graham called for a vote and the motion passed with no opposition.

(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
Alligator Regulations

The Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules for use of snares and amend the rules relative to Alligator Regulations.

TITLE 76
WILDLIFE AND FISHERIES
PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

§701. Alligator Regulations

A. – A.4.a.i.(n). ...

ii. *All license types prescribed above except nongame quadruped exhibitor and breeder and resident and nonresident alligator hunter expire annually on June 30. Nongame quadruped exhibitor and breeder and resident and nonresident alligator hunter licenses expire annually on December 31.*

A.4.b. – A.17.c. ...

AUTHORITY NOTE: *Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.*

HISTORICAL NOTE: *Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37:2421 (August 2011), LR 39: .*

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

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 statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Bob Love, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., May 20, 2013.

In accordance with Act #1183 of the 1999 regular session of the Louisiana Legislature, 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).

Chairman Graham announced the next item, **To Consider a Notice of Intent Amending the Regulations Governing Yo-Yo Mechanical Fishing Devices**, to be handled by Mike Wood. Mr. Kinler began by explaining this is only a minor correction affecting Item Six (6) in the NOI. The verbiage will change to state that no object which is driven into the lake bottom, a stump or tree, or the shoreline shall be used to anchor a yo-yo or trigger device. A motion for approval was made by Commissioner Broussard and seconded by Commissioner Manuel. Chairman Graham called for a vote and the motion passed with no opposition.

(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

Yo-Yo and Trotline Regulations (LAC 76:VII.134)

The Louisiana Wildlife and Fisheries Commission hereby advertises its intent to adopt regulations for yo-yo's and trotlines in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

§134. Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, and Lake St. Joseph

A. The following regulations are applicable to the use of yo-yo's and trigger devices when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

- 1. No more than 50 yo-yos or trigger devices shall be allowed per person.*
- 2. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.*
- 3. When in use, each yo-yo or trigger device shall be checked at least once every 24 hours, and all fish and any other animal caught or hooked, shall be immediately removed from the device.*
- 4. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device must be re-baited at least once every 24 hours.*

5. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no yo-yo or trigger device shall be attached to any metal object.

6. Except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device. "Object" means rebar or other metal material, cane, PVC tubing, construction material, or any other type of material.

7. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Section, each yo-yo or trigger device shall be removed from the waterbody immediately.

B. The following regulations are applicable to the use of trotlines when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), and Lake St. Joseph (Tensas Parish), Louisiana.

1. All trotlines shall be clearly tagged with the name, address, and phone number of the owner or user and the date of placement. The trotline shall be marked on each end with a floating object that is readily visible.

2. At any given time, no person shall set more than three trotlines with a maximum of 50 hooks each.

3. All trotlines shall have an eight-foot cotton leader on each end of the trotline.

4. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no trotline shall be attached to any metallic object.

5. Each trotline shall be attended daily when in service.

6. When not in use, each trotline shall be removed from the waterbody by the owner or user.

C. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

Chairman Graham announced the next item, **To Consider a Resolution on Gear for Shrimp Trawling between Three and Nine Nautical Miles**, to be handled by Commissioner Billy Broussard. Mr. Broussard asked the Commission to consider a Resolution on Gear for Shrimp Trawling between Three and Nine Nautical Miles to prevent confusion between user groups. There were no Questions or Comments heard. A motion for approval was made by Commissioner Broussard and seconded by Commissioner Sagrera. Chairman Graham called for a vote and the motion passed with no opposition.

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

RESOLUTION

Clarifying the Line for Application of Shrimp Trawl Gear Size Restrictions

*Adopted by Louisiana Wildlife and Fisheries
Commission
April 4, 2013*

WHEREAS, Act 336 of the 2011 Legislative Session recognized Louisiana's historical Gulfward boundary as three marine leagues, and

WHEREAS, in June of 2012, the Louisiana Wildlife and Fisheries Commission took action to extend jurisdiction of state territorial waters for the purposes of fisheries management to three marine leagues, and

WHEREAS, LSA-R.S. 56:495.1(F)(1) requires shrimping vessels not to exceed use of a total maximum of one hundred thirty feet of corkline and one hundred sixty-five feet of lead line in offshore state territorial waters seaward of the inside/outside line described in LSA-R.S. 56:495and

WHEREAS, shrimping vessels fishing in federal waters of the Gulf of Mexico are not restricted by trawl size and may use trawls of any size, and

WHEREAS, the Wildlife and Fisheries Commission recognizes that the legislative intent of implementing the shrimp trawl gear restriction in LSA-R.S. 56:495.1(F)(1) was to prohibit larger vessels using larger trawls from trawling inside of three miles of Louisiana's territorial sea as such action would create conflicts with smaller boats,

particularly near the major shrimp immigration routes located near tidal passes, may interfere with and impede safe navigation near these passes, and potentially disrupt juvenile shrimp recruitment located inside of three miles, and

WHEREAS, enforcing the gear restrictions for shrimp trawls in the manner that they have historically been enforced is beneficial to the shrimping community and industry, eliminates the costs associated with having to purchase smaller trawls for use in state offshore territorial waters extending beyond three nautical miles, and is not detrimental to the shrimp resource, now

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission, in accordance with the laws of the State of Louisiana, directs enforcement agents of the Louisiana Department of Wildlife and Fisheries to apply the shrimp trawl provisions found in LSA-R.S. 56:495.1(F)(4) only in the portion of Louisiana territorial waters seaward of the inside/outside line described in 56:495 to the three mile state offshore boundary as demarked prior to the Commission's extension of territorial waters to three marine leagues,

Ronald "Ronny" Graham, Chairman

Robert J Barham, Secretary

Chairman Graham announced the next item, **To Consider a Resolution to Delegate Authority to LDWF's Secretary to Take Any Legal Action Necessary to Oppose NOAA's Emergency Rule Governing Red Snapper**, to be handled by Commissioner Billy Broussard.

In light of NOAA's response to Louisiana going non-compliant, It is our feeling that some of their decisions were based on less than scientific data. The Commission would like to give the LDWF Secretary the authority to file suit if deemed necessary between now and the next Commission meeting.

There were no Questions or Comments heard. A motion for approval was made by Commissioner Manuel and seconded by Commissioner Sagrera. Chairman Graham called for a vote and the motion passed with no opposition.

Chairman Graham announced the next item, **To Set the August 2013 Meeting Date.** A discussion took place and the meeting is set for August 1st, 2013. A decision of where the meeting will be held at the June Commission meeting. A motion for approval was made by Commissioner Broussard and seconded by Commissioner Manuel. Chairman Graham called for a vote and the motion passed with no opposition.

Chairman Graham announced the next item, **To Hear Public Comments;** Rebecca Triche, Executive Director of the Louisiana Wildlife Federation voice her concern over the Artificial Reef Fund Raid by the Governor. The Federation believes the funds are protected by the constitution. The Federation also believes the funds should be used for what they were donated for, and raiding the fund is illegal. Action needs to be taken by the Commission, and would like to see information on how the funds are being used on artificial reefs. Commissioner Graham stated that Randy Pausina will give a report at a later date. There were no other comments or questions heard.

Chairman Graham announced the next item, **Hear a Report on Coastal Master Plan by Garrett Graves, Governor's Office of Coastal Protection and Restoration Authority.** The Presentation is captured in its entirety below.

(The Full Text of the Presentation is made a part of the record.)

Chairman Graham announced the next item, **Artist Donation to Louisiana Wildlife & Fisheries Foundation and Presentation to Guests,** to be handled by Bob Love. Whooping Crane Project in Louisiana was unsure of where the money would come from to fund the project. We are unveiling artwork to help conserve wildlife in Louisiana. Mr. RC Davis was introduced as the artist who has donated his whooping crane painting and prints with all funds to go directly to the project funding. Mr. Kell McGinnis assisted with the unveiling.

The Commissioners went into **Executive Session to Discuss Prospective Litigation relative to return of Artificial Reef Fund Monies.** Returning from Executive Session, Chairman Graham stated that the Commission will take no action at this time.

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

Ronny Graham
Chairman