

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MINUTES**

**November 1, 2007**

**EARL P. KING, JR.  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
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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**  
**NOVEMBER 1, 2007**

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MINUTES OF THE MEETING  
OF  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, November 1, 2007

Chairman Earl P. King, Jr. presiding.

Frederic Miller  
Patrick Morrow  
Stephen Oats  
Wayne Sagrera  
Robert Samanie, III

Undersecretary Janice Lansing was also present.

Commissioner Henry Mouton was absent from the meeting.

Chairman King called for a motion for approval of the **October 4, 2007 Commission Minutes**. A motion for approval was made by Commissioner Samanie and seconded by Commissioner Sagrera. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Miller stated he was advised of the death of former Commissioner Kelly by Commissioner Mouton. While talking to Mr. Don Puckett, Commissioner Miller learned that former Commissioner Vujnovich also passed away. Commissioner Miller proposed that in January of each year, the passing of former Commission Members, staff and other folks be mentioned. He added this could be done on an annual basis. Chairman King felt it was point well taken.

Moving on to the next item, **To receive and hear Enforcement & Aviation Reports/October**, Lt. Col. Keith LaCaze stated there were 1,012 citations and 179 written warnings issued and agents helped in 47 public assists. Main activity was centered around the opening of hunting seasons. There were 14 boating accidents reported for the month which makes 140 for the year, 5 injuries totaling 80 for the year and 1 fatality bringing that total to 22. The fatality occurred in Calcasieu Parish where 4 people were in a canoe with no PFD's and the canoe capsized and 1 person drowned. The Aviation Report showed the 3 Department planes flew a total of 78 hours. Lt. Col. LaCaze then explained a hunting accident that occurred in Vernon Parish where poor stand placement resulted in injury to a hunter. Then he talked about several News Releases where poachers from Rapides Parish lost their hunting privileges for 5 years as well as other fines imposed; and a total of 59

citations were issued during the opening of the oyster season on the public seed grounds east of the Mississippi River. Of those 59 citations, 29 involved undersized oysters. Commissioner Morrow asked how was the life jacket loaner program going. Lt. Col. LaCaze stated the program was immensely popular with the public. In the case report, the number of life jackets loaned and returned were noted. Commissioner Morrow felt it was a great program.

**To announce Duck Stamp Competition Winner** began with Mr. Robert Helm stating the event occurred the week prior to the meeting. The program was established in 1988 by the Louisiana Legislature specifically to raise funding for wetland projects. Most of the funds were used to purchase land added to the WMA program. Over the course of the program, almost \$10 million has been generated. Several years ago, the Department decided to switch to a Retriever Saves Game series and the dog selected this year was the Golden Retriever. Each artist was also required to have a discernible species of live waterfowl in their painting. Prior to the dog series, all of the popular waterfowl species were used in the 17 years of the program. The 5 judges for this year were Dr. Headley Adelman, Mr. Jerry Bower, Mr. Joe Herring, Mr. Tony Bernard and Mr. Robert Walker. Winners were Mr. Ralph Marino of Baton Rouge taking 3<sup>rd</sup> place; Mr. Timothy Turenne from Minnesota placing 2<sup>nd</sup>; and Mr. Jeff Klinefelter from Indiana took 1<sup>st</sup> place. Mr. Klinefelter also won the 2004 competition and placed 2<sup>nd</sup> last year.

**Presentation on Mottled Duck and Gadwall Telemetry Research Projects** was a second agenda item for Mr. Robert Helm. He stated Louisiana was fortunate to have conservation partners to do wetlands restoration and habitat projects. Last year, 2 pilot research efforts were initiated on radio telemetry projects of gadwall and mottled ducks. Based on the results from the pilot projects, these were expanded to full time projects. Mr. Mike Brasher with the Gulf Coast Joint Venture, took the lead role on the two telemetry projects. Mr. Helm noted there was very little known about gadwall in Louisiana. He then asked Mr. Brasher to give his presentation.

Mr. Brasher stated he would give an update on the two projects. The first project was on Seasonal Survival, Movement and Habitat Use of Mottled Ducks and was conducted in coastal regions of Texas and Louisiana. Mottled ducks were very important to Louisiana and Texas and in recent years there have been concern about population declines in certain parts of Texas more than Louisiana. Objectives included estimating seasonal survival of female mottled ducks, habitat use of mottled ducks, breeding probability on female mottled ducks and general information on their movements. As mentioned, the pilot study began in September 2006 and concluded in March 2007. Mr. Brasher felt the pilot study was very successful, they learned what they intended and with the information, they proceeded with a 3 year study conducted by two PhD students, one from LSU and the other from Texas A&M Kingsville. The 2 students have been hired and began their work capturing mottled ducks in association with banding operations conducted by the Department, U.S. Fish and Wildlife and Service and Texas Parks and Wildlife. The goal was to capture and radio mark between 200 and 250 females across the coast and monitor them for at least one full year. As of September 30, 99 females have been captured in

Louisiana with 6 mortalities. In Texas, there was very heavy rainfall which complicated their work. But they did capture 75 females with 13 mortalities. Mr. Brasher then showed a list of research partners that have contributed to the project financially or logistically and expressed his thanks.

Then Mr. Brasher talked about the gadwall study which was being led by Dr. Al Afton with LSU and Mr. Jacob Gray, a graduate student. In any given year, over 75 percent of the gadwall population will winter along the Texas and Louisiana coasts. Also very little is known about gadwall despite it being a very abundant bird in Louisiana. Objectives for this study were that it would be a winter season only study, estimating survival rates on females, estimating habitat use on coastal marsh versus flooded agricultural fields, quantifying the distribution and movements of gadwall and spring migration paths. A pilot study was conducted last year but they were unsuccessful in capturing the birds until late December. A satellite backpack transmitter was attached to the birds, they were released on Rockefeller and monitored remotely until the batteries expired. The results from the pilot study was that 16 females were marked on Rockefeller with 6 missing and 3 dead within the first 4 weeks of the study. The transmitters were only to last 8 months, but after 10 ½ months, the batteries on at least 3 units were still operating. At least 6 of the birds died and this number could be as high as 12. A website, which was hosted by Ducks Unlimited, was established that showed the movement and status of the birds. A map with the tracking information was shown. The birds were given names based on donations from private individuals that contributed a certain amount of money to the project. Since last winter, the majority of the marked birds got off of Rockefeller Refuge, several went to the rice prairie regions, most stayed in the coastal marsh area of Cameron Parish, and one went to the Red River WMA in Concordia Parish. Their spring migrations northward were monitored, which went up the Mississippi River Delta, up through Iowa, North and South Dakota and into Saskatchewan. Mr. Brasher then noted the current locations of 3 birds. The full-scale study was actively underway with capture sites being established. Implant style satellite transmitters would be used this year as opposed to the backpacks. The goal was to radio mark 60 adult females from multiple capture sites and continue monitoring the birds on the website. A list of partners and the website's address ([www.ducks.org/gadwallstudy](http://www.ducks.org/gadwallstudy)) was then shown. Mr. Brasher summarized that the research projects were going as expected with a few minor hitches and he appreciated the opportunity to provide an update.

Commissioner Miller asked if the projects had discerned an impact on habitat and where the mottled ducks have traditionally stayed since the hurricanes. Mr. Brasher stated they did not have any birds radio marked prior to the hurricanes and did not have an established baseline of data. He was not sure if information could be obtained from the banding operations since the molting sites were traditional. Mr. Helm added that the habitat use range for mottled ducks had not changed much since the hurricanes. Based on surveys and banding over the last several years, mottled ducks appeared to have 2 exceptional breeding seasons and the numbers for those birds appear to be very good. He noted that both projects were developed and designed to address many of the questions that were brought up during the painful years of 2000 to 2005. These on the ground efforts should address many of those concerns, commented Mr. Helm. Commissioner Morrow asked the prognosis for the duck season. Mr. Helm stated production was exceptional and it looked

promising if there is a winter season. Commissioner Miller added that he was in southeast Arkansas the prior weekend and it was the first time he had seen specklebellies trying to light in the fields this early. Mr. Brasher stated they were receiving reports that gadwalls were stacked up in east Texas and at Rockefeller Refuge.

The last item for Mr. Robert Helm was **Presentation of Wood Duck Banding Award**. Annually, staff in the top Wildlife Division Region was recognized for their preseason wood duck banding program. Banding was very important because it indicates the welfare of the population for the very secretive wood duck. Banding goals are established in all states in the Central and Mississippi Flyways and are established by age and sex class. Louisiana bands wood ducks in 2 capacities, nesting hens in the box program and by the use of rocket nets in July, August and September. A trophy was developed that was awarded each year. In the short history of the trophy, which began in 2003, there has been an increase in the number of bands from about 200 to over 800. This year, Region 6, based in Opelousas, won the award for banding 826 wood ducks. Region 6 includes the area of Atchafalaya Basin, Avoyelles, St. Landry and other Parishes. Region 7, located in Baton Rouge, winners of the trophy for the last 2 years, banded 800 wood ducks this year. Mr. Jonathan LeBlanc accepted the award for the Region 6 office. Mr. Helm expressed appreciation for his efforts as well as those of the Region.

**Presentation of Mourning Dove Banding Award** was handled by Mr. Mike Olinde. In 1998, the Fish and Wildlife Service looked at coo count data and notified committees of the Eastern Central Management Units that if the declines continued, there would be restrictions in the regulations. Management strategies were asked for which included when a restriction would occur, what the restriction would be and what impact the restriction would have. Mr. Olinde stated this was a very difficult task when you do not have an index on what the population was doing. A National Harvest Management Strategy was developed as well as an interim harvest management strategy for the regions. After looking at all of the data sets available for dove in the Eastern Management Unit, 3 of the 4 indices for mourning doves were either stable or increasing. Staff did not believe the Services initial concerns were justified, but Mr. Olinde felt mourning doves should be managed on science. A pilot study with 26 states to determine population parameters was done and was implemented on a national level 2 years ago. Louisiana has led the nation in the number of mourning doves banded for the past 2 years. For this past year, Region 4 banded 1,294 mourning doves and the team was comprised of Mr. Lowery Moak, Mr. David Breithaupt, Mr. Clyde Thompson, Mr. Chuck Easterling, Mr. Bill Spangler and Mr. Jeff Taylor. Coming in second was Region 2 and they banded 1,278 birds. The trophy was then presented to Mr. Moak to bring back to Region 4. Mr. Olinde thanked Cable Cabinets for making the award's base, mounting it and donating it to the Department.

**To receive and consider Notice of Intent on Youth Fishing Weekends, 2008** began with Mr. Gary Tilyou reminding the Commission they requested staff look at taking the size limit off of black bass in the Atchafalaya Basin for youth. The 2 areas that would be affected are Lakes Dauterive/Fausse Pointe and the Basin. A map which outlined the area

was included in the packets. The proposed rule would affect youth under 16, it would be for Memorial and Labor Day Weekends and only for 2008. This proposal was presented to the Inland Fisheries staff and the Freshwater Fisheries Recreational Task Force and both groups liked the idea. Mr. Tilyou hoped this idea could be promoted so folks could make plans to participate. He noted there was an error on the Resolution, the cite should read R.S. 56:326.1 instead of R.S. 56:325.1. Commissioner Oats made a motion to adopt with the noted change. Commissioner Sagrera seconded the motion and it passed with no opposition.

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

**RESOLUTION**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**  
**November 1, 2007**

WHEREAS, R.S. 56:326.1 gives the Louisiana Wildlife and Fisheries Commission the authority to set by rule, size limits for freshwater finfish, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is constantly seeking ways to increase participation in outdoor activities by the state's youth, and

WHEREAS, the suspension of the length limit on black bass in certain Louisiana waterbodies may be a means to increase youth participation in freshwater angling, and

WHEREAS, allowing for a limited take of undersize black bass by youth anglers for six (6) days should not lead to overharvest or changes to the population structure.

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission hereby promulgates a Notice of Intent, attached to and made a part hereof, to adopt a rule to allow for the take of undersize black bass by anglers less than sixteen (16) years of age in designated waterbodies in 2008.

BE IT FURTHER RESOLVED, 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.

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Earl P. King, Jr., Chairman



Wildlife & Fisheries Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to create a rule to allow anglers below 16 years of age to keep black bass below the minimum size limit in certain waterbodies during the Memorial Day and Labor Day weekends in 2008.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sports and Commercial Fishing**

**§108. Promotion of Youth Fishing**

Notwithstanding the provisions of LAC Title 76:VII.165 and 189, anglers below 16 years of age shall be allowed to possess black bass below the minimum length limit in accordance with the following provisions:

1. The areas where the length limit will be suspended are the Atchafalaya Basin, Lake Verret-Palourde Area and the Lake Fausse Point-Dauterive Area, as defined in LAC Title 76:VII.165 and 189, respectively.

2. The dates of the suspension shall be Memorial Day weekend, May 24-26, 2008 and Labor Day weekend, August 30-September 1, 2008.

3. The suspension shall be effective from sunrise on each opening day extending until midnight on each closing day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.326.1.

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 Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, January 3, 2008.

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).

Earl P. King, Jr.  
Chairman

Mr. John Roussel handled the agenda item, **To receive and hear report on Presidential Executive Order Naming Redfish and Striped Bass in EEZ as Gamefish**. He began noting a copy of President Order #13449, issued by President Bush on October 20, entitled Protection of Striped Bass and Redfish Populations was included in the packets. Mr. Roussel then read two major parts of the Order, the Policy Statement and the Implementation portion. He explained that the EEZ meant Exclusive Economic Zone and was that area of oceanic waters from outside of State jurisdiction out to 200 miles. Management of striped bass and red drum in Louisiana was almost entirely under statutory control. There is a specific prohibition on the commercial taking and landing of red drum in Louisiana in the statutes as well as a prohibition on the sale of both striped bass and red drum except if the striped bass are less than 10 inches and would be stocked in private ponds or approved public waters. For red drum, fish produced by aquaculture could be sold with proper documentation and fish produced in jurisdictions allowing the take and sale of red drum can be imported into Louisiana with proper notification and documentation. Another statute mentioned by Mr. Roussel was that the authority to determine gamefish or commercial status of a particular species shall be retained by the Legislature. He felt the Executive Order was self-explanatory. Commissioner Miller asked if it was allowed to sell wild caught redfish in Louisiana. Mr. Roussel answered yes, if they are legal to take outside of the jurisdiction of Louisiana, they can be imported into Louisiana with proper documentation.

The Commissioners agreed to hold the **March 2008 Meeting** on Thursday, March 6, 2008, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next item was to receive **Public Comments** and none were heard.

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

Bryant O. Hammett, Jr.  
Secretary

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