

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

November 4, 2010

**STEPHEN J. OATS
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 4, 2010

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, November 4, 2010

Chairman Stephen J. Oats presiding.

Ronny Graham
Patrick Morrow
Stephen Sagrera
Mike Voisin

Secretary Robert Barham was also present.

Commissioner Ann Taylor was absent from the meeting.

Chairman Oats called for a motion for approval of the **October 7, 2010 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Morrow. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Voisin asked Secretary Barham to update the Commission on a recent announcement. Secretary Barham stated an announcement was made in New Orleans that an agreement has been reached with BP as part of the ongoing negotiations whereby they will fund seafood safety. The funding will be \$18 million for testing, certification and marketing. Also BP has agreed to fund the berm projects, continue funding for the barrier islands and agreed to fund \$30 million for tourism in marketing Louisiana. Discussions will continue on the hatchery proposal for \$48 million which would include a marine hatchery at the Grand Isle Marine Lab with 2 grow out facilities in Plaquemines Parish and southwest Louisiana. Then there was a proposal for a cultch plant for oysters which was also being discussed.

To receive and hear Presentation of Shikar-Safari Club International Wildlife Officer of the Year Award began with Mr. Tom Montgomery stating the Shikar-Safari Club International was an international organization limited to 200 hunters worldwide. This organization raises a lot of money and gives it to conservation projects within the United States and outside. One of the projects was to honor a wildlife officer selected by each state. Louisiana's honoree was Sgt. Ryan Brasher and he was presented with several items from Mr. Montgomery. Mr. Montgomery then congratulated Sgt. Brasher.

To receive and hear Enforcement & Aviation Reports/October began with Lt. Col. Keith LaCaze stating there were 1,276 citations and 377 written warnings issued and agents helped with 37 public assists. Recreational deer hunting activities were the main focus for the agents. The Department's three planes flew a total of 63 hours for the month. During October, there were 7 boating accidents reported (total of 112 for the year) with 5 injuries and 1 fatality. The fatality occurred in Webster Parish. One news release discussed was agents rescued boaters from Vermilion Bay. Lt. Col. LaCaze mentioned that search and rescue activity was an ever increasing role for the Enforcement Division.

Lt. Col. LaCaze then introduced the President of the Louisiana Wildlife Agents Association, Lt. Scott Mathews, who had information for the Commission. Lt. Mathews stated he was approached by an individual that wanted to write a book on the Enforcement Division and the agents. After much discussion and planning with the headquarters staff, it was decided to go forward with the book. The author, Mr. Jerald Horst, wrote the book with the aid of agents in the field from stories told on how Wildlife and Fisheries shaped the state. Lt. Mathews felt there were very few people in Louisiana that has not been touched by some aspect of Wildlife and Fisheries. He also thought Mr. Horst did an excellent job with the book. There was enough material for 2 books, so the second book will be out in about a year. Lt. Mathews felt the book would give the Commissioners an inside track on the agents and their daily lives and impact on the public, so he provided a copy of the book to each member as a token of appreciation.

Next, Mr. Larry Reynolds presented the agenda item, **To receive and Announce Winners of the Duck Stamp Competition.** He began by stating that on Wednesday, October 27, the Department held the 23rd Annual Louisiana Waterfowl Conservation Stamp competition. The winning design will be used for the 2011 Louisiana duck stamp. The sale of duck stamps was critical to wetland conservation funding. The sale of duck stamps to waterfowl hunters and collectors has generated over \$11 million for wetland conservation since the program began in 1989 and almost \$400,000 for last year alone. Again this year, the contest was open in that the artist would select a waterfowl species they can feature. Mr. Reynolds hoped this flexibility would increase interest in the competition and the quality of the entries. There were 15 entries including 5 from past winners. Of the 15 entries, 10 were from Louisiana and 1 from Tennessee, Kansas, Mississippi, California and Indiana. The five judges for the competition were Mr. Luke Laborde, Dr. Clint Jeske, Mr. R. C. Davis, Mr. Dean Bergeaux and Mr. Jerry Bowers. Mr. Reynolds commented that they had not succeeded in increasing the participation but found the quality of the entries has been

outstanding the last few years. The third place winner was Mr. Don Edwards from Keithville, Louisiana and his art was flying wood ducks in the cypress swamp. Second place winner was Mr. Dale Pousson from Egan, Louisiana and his art was a pair of wood ducks sitting on a log. The judges unanimously chose a pair of wood ducks on a weathered stump by Mr. Wes Dewey from Chanute, Kansas. Mr. Dewey began painting professionally in the mid-1980's and in 1990 he won the Kansas State Duck Stamp contest and competes regularly in the Federal Duck Stamp competition. After talking to Mr. Dewey following the contest, Mr. Reynolds noted he was friendly, humble and overjoyed at winning the contest.

To receive and hear Presentation of Thistlethwaite WMA Lease by Landowners began with Mr. Scott Longman stating he was honored to oversee the wildlife management area program. He then announced that the Thistlethwaite heirs has agreed to renew the lease agreement on the WMA. With the partnership, quality outdoor recreational opportunities would continue for the constituents of Louisiana. Mr. Longman then asked Secretary Barham to make a presentation. Secretary Barham stated he was absolutely thrilled to have the leased property. This WMA was the oldest leased property and was bottomland hardwood habitat in St. Landry Parish. Over the last 5 years, over 50,000 people have utilized the property. The Thistlethwaite WMA is the only WMA with an antler restriction and has produced quite a number of record class deer. On behalf of the Department, Secretary Barham presented the heirs with a copy of Chef John Folse's book "After the Hunt". Commissioner Morrow commented he knew the Thistlethwaite family and they have been a bedrock in St. Landry Parish for quite a number of years. He knew that the family goes above and beyond in hunting and other endeavors. Commissioner Morrow knew that the 11,000 acres was one of the best WMAs in the state and he personally thanked the heirs for allowing the WMA to continue.

Mr. Tony Vidrine began the next presentation, **To receive and hear Overview of Mississippi Alluvial Valley WMAs** stating he was the Manager of the Mississippi Alluvial Valley Ecoregion. A map of the Mississippi Alluvial Valley south WMAs was shown which consisted of 11 areas and Catahoula Lake. The WMA total acreage on Department owned or joint owned lands was 254,712. The one leased WMA was Thistlethwaite WMA consisting of 11,100 acres, it has been leased since 1966 and was managed for quality deer for the past 5 years. The 2 major habitat represented are bottomland hardwoods and cypress tupelo swamps. The WMAs are managed for wildlife and fisheries resources, to provide public opportunity and encourage outdoor recreation, hunting seasons, nature trails, bird days, public outreach and research facilities for use by universities, state and federal agencies and non-governmental organizations.

Major projects in this ecoregion include moist soil management areas for shorebirds, waterfowl, crawfishing, bird watching, hiking and photography; forest management on the lands the Department owns; and conduct surveys in order to keep track of the habitat and population on the WMAs. Another project was a new boat launch built on Big Alabama in the Sherburne WMA. Staff has been involved in boundary marking which involves painting boundary lines and posting signs as well as keeping up with road repairs. Hunting opportunities on the WMAs consists of lottery hunts for alligators, waterfowl hunts, deer hunts, and youth hunts (deer, turkey and waterfowl). Mr. Vidrine talked about the experiences that occurred on several youth hunts. Blinds have been built on some WMAs to accommodate physically challenged hunters for waterfowl and deer hunting. Public outreach includes a "Step Outside Day" program on Sherburne WMA for youth to do a number of outdoor activities. One of the more popular sites for birders was on the South Farm at Sherburne WMA. Staff will also assist universities in research and Department study leaders on the WMAs. A last project Mr. Vidrine talked about was the Monitoring Avian Productivity and Survivorship (MAPS) where song birds were monitored on Sherburne WMA.

To receive and consider Declaration of Emergency and Notice of Intent on Fisheries Closures due to Oil Spill was handled by Mr. Marty Bourgeois. He stated that the action was for the Commission to consider a request to close the areas currently closed to commercial and recreational fishing. A map of the areas closed to recreational fishing except for recreational angling and charter boat angling represented about 0.5 percent of saltwater areas. The next 2 slides were on the areas closed to commercial fishing. Mr. Bourgeois explained that one area was open to commercial fishing except for commercial crabbing. He mentioned that the Department of Health and Hospitals still has control over the oyster harvest. The commercial closures represents 1.5 percent of the saltwater areas. Chairman Oats asked if the action was to close new areas and was it to ratify actions taken by the Secretary. Mr. Bourgeois stated that since the last meeting, Secretary Barham has taken 2 actions to reopen areas. Commissioner Voisin made a motion to approve the Declaration of Emergency and it was seconded by Commissioner Sagrera. The motion 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
November 4, 2010

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 November 4, 2010, in the following area:

That portion of state and territorial waters bounded by the following coordinates: 1) 29 degrees 12 minutes 35 seconds north latitude 89 degrees 01 minutes 05 seconds west longitude, 2) 29 degrees 11 minutes 35 seconds north latitude 89 degrees 01 minutes 10 seconds west longitude, 3) 29 degrees 11 minutes 10 seconds north latitude 89 degrees 02 minutes 00 seconds west longitude, 4) 29 degrees 11 minutes 35 seconds north latitude 89 degrees 02 minutes 55 seconds west longitude and that portion of state inside and outside territorial waters south of the southern shore of Pass a Loutre and 29 degrees 11 minutes 25 seconds north latitude westward to 89 degrees 25 minutes 00 seconds west longitude and the eastern shore of Southwest Pass of the Mississippi River and south of 29 degrees 08 minutes 35 seconds north latitude inside of a line extending seaward one-quarter mile or more from the shoreline beginning at 29 degrees 11 minutes 25 seconds north latitude 89 degrees 03 minutes 30 seconds west longitude; thence east southeast to 29 degrees 11 minutes 00 seconds north latitude 89 degrees 02 minutes 25 seconds west longitude; thence south southwest to 29 degrees 08 minutes 55 seconds north latitude 89 degrees 06 minutes 15 seconds west longitude; thence east southeast to 29 degrees 08 minutes 15 seconds north latitude 89 degrees 02 minutes 10 seconds west longitude; thence south southwest to 29 degrees 04 minutes 50 seconds north latitude 89 degrees 04 minutes 10 seconds west longitude; thence north northwest to 29 degrees 06 minutes 00 seconds north latitude 89 degrees 06 minutes 00 seconds west longitude; thence south southwest to 28 degrees 59 minutes 35 seconds north latitude 89 degrees 08 minutes 00 seconds west longitude; thence south southwest to 28 degrees 59 minutes 15 seconds north latitude 89 degrees 08 minutes 15 seconds west longitude; thence south southwest to 28 degrees 58 minutes 20 seconds north latitude 89 degrees 10 minutes 00 seconds west longitude; thence north northwest to 29 degrees 02 minutes 40 seconds north latitude 89 degrees 16 minutes 20 seconds west longitude; thence south southwest to 28 degrees 54 minutes 40 seconds north latitude 89 degrees 25 minutes 00 seconds west longitude excluding those waters within Pass a Loutre west of 89 degrees 02 minutes 00 seconds west longitude, Northeast Pass west

of 89 degrees 02 minutes 10 seconds west longitude, Southeast Pass west of 89 degrees 04 minutes 10 seconds west longitude and South Pass west of 89 degrees 08 minutes 00 seconds west longitude, and that portion of state inside waters north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 30 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to the eastern shore of the Barataria Waterway, and that portion of state inside and outside territorial waters bounded by the following coordinates: 1) 29 degrees 21 minutes 00 seconds north latitude 89 degrees 52 minutes 00 seconds west longitude, 2) 29 degrees 18 minutes 00 seconds north latitude 89 degrees 52 minutes 00 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 10 seconds north latitude 89 degrees 57 minutes 30 seconds west longitude.

The Wildlife and Fisheries Commission also closes all commercial crab fishing, effective immediately November 4, 2010, in that portion of state inside waters south of the northern shore of Pass a Loutre and the Mississippi River Channel at 29 degrees 09 minutes 00 seconds north latitude westward to the western shore of Southwest Pass of the Mississippi River, and that portion of state outside territorial waters south of 29 degrees 12 minutes 40 seconds north latitude westward to 89 degrees 25 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: that portion of state inside waters north of 29 degrees 26 minutes 00 seconds north latitude and south of 29 degrees 30 minutes 00 seconds north latitude from 89 degrees 50 minutes 00 seconds west longitude westward to the eastern shore of the Barataria Waterway, and that portion of state inside and outside territorial waters bounded by the following coordinates: 1) 29 degrees 21 minutes 00 seconds north latitude 89 degrees 52 minutes 00 seconds west longitude, 2) 29 degrees 18 minutes 00 seconds north latitude 89 degrees 52 minutes 00 seconds west longitude, 3) 29 degrees 15 minutes 40 seconds north latitude 89 degrees 56 minutes 00 seconds west longitude, 4) 29 degrees 17 minutes 10 seconds north latitude 89 degrees 57 minutes 30 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 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 J. Oats
Chairman

The next agenda item, **To receive and hear Request by Oyster Task Force to Discuss 2010 Oyster Season East of Mississippi River and Hackberry Bay** began with Mr. John Tesvich, Chairman of the Oyster Task Force and President of the Louisiana Oyster Dealers and Growers Association, stating the Oyster Task Force met recently. The members discussed the upcoming oyster season which had a delayed opening until November 15. The Task Force recommended the staff continue looking at the resource and give an update on the conditions of the stock. At the last meeting, additional information on the conditions of the reefs was received. The numbers showed the reef was in an extremely depleted condition having possibly lost recruitment from the summer months. After the discussion, the Oyster Task Force overwhelmingly recommended to the Secretary and Commission that the public seed grounds east of the Mississippi River be closed for the entire regular season and also close the currently scheduled opening for Hackberry Bay. Explaining further, Mr. Tesvich mentioned that the Oyster Task Force has been dealing with oyster issues and particularly the area east of the Mississippi River which was considered the heart of the reefs in Louisiana for quite a while. This area was the most productive public natural reefs in the world, according to Mr. Tesvich. The resource in this area has been in trouble even before BP; the resource has totally collapsed and was in a dire need of intervention. There has been a lose in production over the last 10 years, but the BP spill along with the freshwater killed oysters in the inside areas and prevented the summer spawning and natural recruitment that builds stock on the reefs. A Research Committee was formed in early 2009 which included Department biologists, professors in oyster biology and a retired Department employee. The Committee met 3 times to discuss what was going on with the public reefs and why recruitment was not being seen. A number of issues were found which included: hurricane induced damages such as sedimentation of the reefs, freshwater diversions was messing up the optimum salinity levels, and overharvesting. The Task Force has dealt with these issues and made recommendations to keep

certain areas closed and sponsor legislation to put a new seed ground permit in place that would limit the number of vessels that can operate on the public reefs. Mr. Tesvich felt that the resources were limited and if they were not managed properly, they may be lost. He added that the recommendation was a unique opportunity to do what was best for the resource while having overwhelming support from the majority of the oyster industry. He understood the argument about getting oysters on the market, but knew that the resource was not available. Again, Mr. Tesvich asked that the oyster season be postponed indefinitely. Commissioner Morrow asked if the Research Committee experts had a recommendation on the 2010-11 season and Mr. Tesvich stated the final report was given to the Task Force in March. The report included a number of recommendations but then the BP oil spill came along which has not allowed these to be implemented.

Before accepting public comments, Chairman Oats stated that Representative Reed Henderson, unable to attend the meeting, expressed his support for the recommendations of the Oyster Task Force regarding the closures.

Ms. Dana Brocato, a seafood dealer, stated she was representing the United Commercial Fisherman's Association and 263 fishermen that signed a petition expressing concern about the fragile state of the oyster reefs. Opening the season for any length of time would negatively affect the industry in the long run. Ms. Brocato grew up in New Orleans and did not know about the oyster industry but has had the opportunity to work on an oyster boat and knew it was a very hard life. She thought there was a need to preserve the resources for the future and felt it would be wise to follow the recommendations of the fishermen.

Mr. James Kiffe, an oyster fisherman from St. Bernard Parish, stated, on behalf of several hundred fishermen, that he requests the Commission keep the season closed until next September. The fishermen knew that there was a new spat catch and if the season opened, the spat would not survive.

Mr. Brad Robin, representing the United Commercial Fishermen and member of Oyster Task Force, stated that everything has died, but within the last month, there was a new spat catch crop up. If the season opens, the fishermen would be wondering next year what they were going to do. Mr. Robin commented that this was the first time everyone in the industry in St. Bernard and Plaquemines Parish was on the same board. He asked that the season remain closed.

Mr. Patrick Banks stated he had a few slides he wanted to show which gave data generated since the recent stock assessment. Based on the assessment and the fact the resource was in a much reduced state, a substantial delay in opening the season was made to November 15. He then stated that what has changed was a spat catch occurring in St. Bernard Parish area. In Coastal Study Areas 2 and 3, there have been some small areas of spat catch and there has been a lot of freshwater in the area in the spring and extended through the summer which resulted in significant mortalities. Data from Coastal Study Area 1 showed substantial numbers which indicates a good reproductive event, according to Mr. Banks. Data from the Black Bay area in Coastal Study Area 2 did not show a lot of spat for the first round of dredging, but the second samples showed more. He felt the November samples would give a much better idea the strength of the spat catch. Based on the information, Mr. Banks felt it prudent to delay the November opening, continue to see what the November samples show and maybe revisit this issue at a later time. Staff recommendation was different from the Oyster Task Force in not asking for a complete closure for the entire season. Commissioner Sagrera asked what damage would working the reefs have on the spat. Mr. Banks stated that physical damage could occur from dredges which has been documented from studies in Sister Lake. If there are substantial resources and the boats are widespread, the damage could be sustained by a good oyster resource. But in years such as this one, the damage may play a much bigger role in rebounding. Then Mr. Banks explained where Hackberry Bay (west side of Mississippi River in the Barataria Basin) was for Commissioner Sagrera. Commissioner Voisin began stating this was an interesting situation since he felt some of the areas should remain open. He reminded everyone that the harvest in 2009 was substantial on both the public and private grounds. Commissioner Voisin did not disagree with any comments made, but wondered how could this dilemma be solved. He understood the challenges by the fishermen and the market. Letters were received from the Restaurant Association supporting closing for transplanting and opening for market oysters. Other letters were received from individual restaurants and Gulf Oyster Industry Council supporting similar situations. The reproduction in the St. Bernard area were not significant yet, but 90 percent of that would not make it to the market since different dynamics will impact the seed. Commissioner Voisin felt there may be some potential for a compromise. He asked the attorneys what were the Commission's legal abilities in not allowing the transplanting of oysters but allowing the take of sack oysters. Mr. Don Puckett answered that there can be sack only areas east of the river not to exceed a quarter of the area and it has to include American Bay. Commissioner Voisin thought it would be good to open the lower quarter of Coastal Study Area 2 from November 15 to November 23

since this would put oysters on the market when the greatest demand for Louisiana oysters exists and then open another quarter east of the river from December 13 to December 23 and not allow for transplanting of oysters, but sack only areas. He added the dredge surveys for November and December should be reviewed and decide in January on opening Coastal Study Area 1 or not. Commissioner Voisin then asked Mr. Banks if he would consider this thought. Mr. Banks stated his concern was that he did not know if the proposal did the resource any protective good. He explained that he looked at the bedding activity that occurred at this time of year and found that during any given week there were at most 7 boats doing bedding out of the 70-100 boats. Mr. Banks understood that the proposal would save a small measure of harvest activity, but not to do enough good. Also, he added that the area being discussed had about 35,000 barrels of market-sized oysters which was not a lot. Commissioner Voisin mentioned that one of the Research Committee members, Dr. Supan, suggested opening from the Mississippi River to the Mississippi River Gulf Outlet. He felt there was a need to open some areas, but take a reasonable approach. Commissioner Voisin noted that the Commission had previously given the Secretary authority, so the members did not have to do anything. But he asked Mr. Puckett if the Secretary could overturn any motion made by the Commission. Mr. Puckett answered no, the Secretarial authority was mainly for emergency situations. But he added this was a policy matter that should be determined by the Commission. Commissioner Morrow stated the Commission's charge was to protect the resource and he felt this has been done since he was appointed. He then asked Mr. Banks, from the Department's standpoint, what would be best for the resource. Mr. Banks stated the season should be delayed to protect the much reduced resource until further notice, look at the data, and if a change is recommended, then present it to the Commission. Commissioner Voisin commented to Mr. Banks that harvest was up on the public grounds in 2007 and 2008 and dropped in 2009 but the private grounds picked up substantially in 2009. The comment from Mr. Banks that this was a challenged resource, Commissioner Voisin did not have the same feeling since the numbers did not say that the resource was challenged. He felt the resource was in the middle, and the Commission represents the resource and the compromise concept was for the resource and allow the consumer to have access to it. Commissioner Voisin asked if a motion was in order. But Mr. Puckett informed the Commissioners that this item was listed as discussion and it would need to be converted to an action item with a unanimous vote. The item could be listed as a Declaration of Emergency to revise the oyster season east of the Mississippi River and Hackberry Bay. Before going on, Commissioner Morrow asked when would the season open if no action was taken and Mr. Banks stated the season would open on November 15 and authority was given to the Secretary to modify the season if

there was a need. Commissioner Morrow then asked Mr. Puckett if the Commission wanted to accept the Task Force recommendation, there would need to be action on a Declaration of Emergency and he was told yes. Commissioner Voisin made a motion to convert the discussion to an action item and Commissioner Morrow seconded the motion. Commissioner Graham felt the resource was not open for a reason in August and again the information had not changed and thought it should still be closed. The motion failed with opposition from Commissioner Graham. Chairman Oats asked if a Commission resolution stating their intent would need a unanimous vote and Mr. Puckett felt that would be a non-binding resolution giving a recommendation to the Secretary, but was not sure if it could be done without converting to an action item. Commissioner Graham felt the need to protect the resource and made a motion to reconsider the issue of adding an item to the agenda and this was seconded by Commissioner Morrow. The motion passed unanimously. Next, Chairman Oats stated that the original motion by Commissioner Voisin was to add an item converting the discussion to an action item with a Declaration of Emergency. Again the motion failed with opposition from Commissioner Voisin. Chairman Oats noted he was very sympathetic about the market and the plight of the resource. But after hearing the information from the staff to not open the season and if the item had been on the agenda, the Chairman would have voted to suspend the opening until the data warrants its reopening. Commissioner Morrow concurred with the Chairman's thoughts by protecting the resource and at the same time balance the interest of the consumer and all economics involved. He added that the Secretary had the right under previous action to take action that would still be in the best interest of the resource. Commissioner Segrera noted he saw validity in comments by Commissioner Voisin, but after hearing from the public, he thought he would support them and ask to revisit the issue in future months. Chairman Oats stated to Commissioner Voisin that if the data moved toward reopening, he would look at calling a Special Commission Meeting. Then Commissioner Voisin made a motion to reconsider, seconded by Commissioner Segrera and the motion passed with no opposition. Then in response to the unanimous vote, Commissioner Voisin made a motion to adopt the recommendations by Mr. Banks and put it on the December agenda for further discussion. Commissioner Segrera seconded the motion. Chairman Oats restated the motion was to accept the staff recommendation to delay the opening east of the Mississippi River and Hackberry Bay until further action by the Commission and then have it on the December agenda.

Mr. James Kiffe stated, he was not a businessman, but being in the oyster business he has learned that you can not push the market. If the market was pushed, eventually the market would push back and

they would be fishing for nothing. He explained how a sack boat will do more damage to the reefs than a seed boat.

Mr. John Tesvich stated that on behalf of the Oyster Task Force, they supported the motion. The Task Force would be meeting during the month and discuss the status with the current updates. If they changed their position, the Task Force would let the Commission know before their December meeting.

Hearing no further comments or questions, the motion 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

November 4, 2010

In accordance with the emergency provisions of Louisiana Revised Statutes (R.S.) 49:953, and under the authority of R.S. 56:433, R.S. 56:435.1 and R.S. 56:435.1.1(D) notice is hereby given that the Wildlife and Fisheries Commission hereby declare that the 2010/2011 oyster season opening in the following areas shall be delayed until further notice:

1. The primary public oyster seed grounds east of the Mississippi River, as described in Louisiana Administrative Code (LAC) 76:VII.511 and LAC 76:VII.513, including the Lake Machias/Fortuna Sacking-Only Area of the public grounds which is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet, and the Sacking-Only Area in the American Bay area which shall be that portion of the public grounds within Bay Long west of a line running generally north/south from a point at 29 degrees 31 minutes 13.78 seconds N latitude, 89 degrees 34 minutes 9.79 seconds W longitude to a point at 29 degrees 29 minutes 40.67 seconds N latitude, 89 degrees 34 minutes and 8.48 seconds W longitude.

2. The Hackberry Bay Public Oyster Seed Reservation as described in R.S. 56:434.E.

All other 2010/2011 oyster season details as outlined by the August 5, 2010 Declaration of Emergency passed by the Wildlife and Fisheries Commission shall remain in effect at this time.

This oyster season delay is necessary to protect and conserve oyster resources in these areas for long-term sustainability. Significant spat catch has been documented in portions of these areas by the Department of Wildlife and Fisheries during recent biological sampling. Additionally, sampling revealed late-summer oyster mortalities which further decreased a much-reduced oyster stock assessment in portions of these areas. Due to low resource availability and the presence of significant spat catches, an oyster season delay is ordered as a conservation measure to protect oyster resources in these areas.

The Secretary is authorized to take emergency action to reopen areas previously closed or delayed if the threat to the oyster resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Stephen J. Oats
Chairman

The Commissioners agreed to hold the **March 2011 Meeting** on Thursday, March 3, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Before going on, Chairman Oats mentioned that a new Chairman and Vice-Chairman would be elected at the January Meeting. Also, the Chairman added that he would not attend the December meeting, it would be conducted by the Vice-Chairman.

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

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

Stephen J. Oats
Chairman

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