

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

October 6, 2011

STEPHEN W. SAGRERA
CHAIRMAN

BATON ROUGE, LOUISIANA

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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
October 6, 2011

	Page
1. Roll Call	1
2. Approval of Minutes of September 1, 2011	1
3. Commission Special Announcements/Personal Privilege	1
4. To hear Enforcement & Aviation Reports/September	1
5. To consider 2012 Turkey Hunting Areas, Seasons and Bag Limits: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent	1
6. To consider General and WMA Turkey Hunting Regulations: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent	1
7. To consider Declaration of Emergency on Fisheries Closures due to Oil Spill	2
8. To consider Declaration of Emergency to give the Secretary Authority to Delay Opening of the 2011-2012 Season on the Public Oyster Seed Grounds	5
9. Set February 2012 Meeting Date	6
10. Receive Public Comments	6
11. Executive Session to Discuss Prospective Litigation relative to return of Artificial Reef Fund Monies	6
12. Adjournment	6

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 6, 2011

Chairman Stephen Sagrera presiding.

Billy Broussard
Ronny Graham
Patrick Morrow
Stephen Oats
Ann Taylor

Secretary Robert Barham was also present.

Commissioner Mike Voisin was absent from the meeting.

Chairman Sagrera called for a motion for approval of the **September 1, 2011 Commission Minutes**. A motion for approval was made by Commissioner Morrow and seconded by Commissioner Oats. The motion passed with no opposition.

There were no **Commission Special Announcements/Personal Privilege** for this month.

Lt. Col. Joey Broussard stated, for the agenda item, **To receive and hear Enforcement & Aviation Reports/September**, the Department's planes flew a total of 83.6 hours for the month. There were 5 boating accidents reported with 2 injuries and 1 fatality. The fatality occurred in St. Martin Parish. News releases discussed were on an Union Parish individual cited for his 5th DWI while on Russell Sage WMA, a Belle Chasse man cited for filing a false boat registration, and a West Monroe man pled guilty for violating the Bald and Golden Eagle Protection Act that could lead to fines of up to \$100,000 and 12 months jail. A total of 1,292 cases and 489 written warnings were issued during September and agents helped with 80 public assists. Then Lt. Col. Broussard commented that Sgt. Paul Stuckey's death was still under investigation. Chairman Sagrera expressed condolences to Mr. Stuckey's family, on behalf of the Commission.

Mr. Jimmy Stafford handled the next 2 wildlife items together, **To consider 2012 Turkey Hunting Areas, Seasons and Bag Limits:**

Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent and To consider General and WMA Turkey Hunting Regulations: Consideration of Conditionally Adopted Amendments to Notice of Intent and Consideration of Amended Notice of Intent. He reminded the Commission that a proposal was submitted at the July meeting which entailed 2 turkey hunting zones (north Louisiana and south and central Louisiana). The north season would open one week later than the south season. During the public comment period, e-mails were received and a public hearing was held in north central Louisiana. A total of 108 comments were received, of which 45 were for the proposed seasons and 63 were opposed. Most of the opposition came from the zoning of the state. Then at the September meeting, both Notices of Intent were amended to have one turkey season opening on the fourth Saturday of March. Since the September meeting, only 2 comments have been received and both were in support of the amendment. Mr. Stafford asked the Commission to consider the amendments and then both amended Notices of Intent. Commissioner Oats made a motion to adopt the amendments, seconded by Commissioner Graham and unanimously approved. Then Commissioner Oats made a motion to adopt the amendment Notices of Intent and it was seconded by Commissioner Graham. This motion also was unanimously approved.

To consider Declaration of Emergency on Fisheries Closures due to Oil Spill was handled by Mr. Marty Bourgeois. He asked the Commission to reaffirm the areas currently closed to recreational and commercial fishing. The first map shown was of the Barataria Bay area closed to all commercial fishing and all recreational fishing except for charter boat and recreational angling. The second map shown was centered around the Mississippi River Delta. Commissioner Morrow asked if these were the same areas as those closed in April 2010 and Mr. Bourgeois answered yes. He added that there has been as much as 73 percent of saltwater areas closed and staff has progressed in getting areas reopened. Commissioner Taylor asked why were the areas still closed and Mr. Bourgeois commented that one of the stipulations in reopening an area was oil no longer was present. In the areas still closed, shoreline treatments were still ongoing. Hearing no further questions, Commissioner Morrow made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner Oats. 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

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 October 6, 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 09 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 these coastal waters. Efforts have been made and are continuing to be made 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 upon notification to the Chairman of the Wildlife and Fisheries Commission.

Stephen W. Sagrera
Chairman

The next fisheries item, **To consider Declaration of Emergency to give the Secretary Authority to Delay Opening of the 2011-2012 Season on the Public Oyster Seed Grounds** was handled by Mr. Harry Blanchet. At the September meeting, the Commission voted to open most of the oyster seed grounds on October 17, but there was sampling yet to occur as it related to the Natural Resources Damage Assessment from the oil spill. This action would allow the Secretary to open those areas two weeks after the originally scheduled opening date. The areas affected were from Terrebonne Parish east to the Mississippi state line. Also the action was discussed with Commissioner Voisin and a few members of the Oyster Task Force and they were good with it as long as it did not extend further than necessary or past the beginning of November. There being no questions, Commissioner Oats made a motion to accept the Declaration of Emergency, seconded by Commissioner Graham and approved 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

In accordance with the emergency provisions of the Administrative Procedure Act, 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 Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

The Secretary of the Department of Wildlife and Fisheries is hereby authorized to delay the opening of the Public Oyster Seed Grounds as described in R.S. 56:434.E, Louisiana Administrative Code (LAC) 76:VII.507, LAC 76:VII.509, LAC 76:VII.511, LAC 76:VII.513, LAC 76:VII.517, and LAC 76:VII.521, including the Lake Machais/Fortuna Sacking-Only Area of the public grounds and the Sacking-Only Area in the American Bay area, for a period of up to 2 weeks from the previously established opening date of October 17 2011, to allow sampling for Natural Resource Damage Assessment (NRDA) associated with the Deep Water Horizon incident in those areas. Any area designated by the Secretary for a delayed opening pursuant to this Declaration shall remain closed for a period of up to two weeks as a result of the Deep Water Horizon incident.

This action becomes effective October 6, 2011. All other season rules established by the Commission for the public oyster seed grounds remain in effect.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action.

Stephen W. Sagrera
Chairman

The Commissioners agreed to hold the **February 2012 Meeting** on Thursday, February 2, 2012, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Chairman Sagrera then asked for **Public Comments**. Ms. Ann Reiley Jones, Chairman of the Bob R. Jones Wildlife Institute, stated they were affiliated with LSU Ag Center and located at Jones Idlewild Research Station outside of Clinton, Louisiana. They recently filled an endowed chair for wildlife research with Dr. Lane Foil. The purpose of the Institute and the endowed chair was to further wildlife research, particularly in white-tailed deer.

Commissioner Oats made a motion for the Commission to go into **Executive Session to Discuss Prospective Litigation relative to return of Artificial Reef Fund Monies** and it was seconded by Commissioner Graham. The motion was unanimously approved. Reconvening from the Executive Session, Chairman Sagrera stated the Commissioners have agreed to study this issue further, perhaps set up a meeting with the Governor's staff and explore other options in order to get this issue resolved.

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

Stephen W. Sagrera
Chairman

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