

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

September 4, 2014

Billy Broussard
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, LA
September 4, 2014 9:30 AM

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 4, 2014

Chairman Billy Broussard presiding

Present:

Billy Broussard
Pat Manuel
Ronny Graham
Bart Yakupzack
Ed Swindell
Dan Davis

NOT Present:

Ann Taylor

Secretary Barham was also present

Wendy Brogdon Called Roll

Chairman Broussard called for a motion to "table" the **August 7, 2014 Commission Minutes**. A motion for approval was made by Commissioner Davis and seconded by Commissioner Manuel. Chairman Broussard called for a vote and the motion passed with no opposition.



For the agenda item, **Commission Special Announcements/Personal Privilege**

There were none heard



Chairman Broussard announced the next item, **To Hear Enforcement Reports for August**; to be presented by Major Martin.

There were Fourteen (14) boating accidents reported, Eleven (11) injuries and Zero (0) Fatalities. There were 718 total cases for the month of August with 381 Written Warnings issued and 36 Public Assistance.

Three (3) News releases were discussed

(1) LDWF Agents Arrest Ascension Parish Man for Boating Hit and Run

Louisiana Department of Wildlife and Fisheries (LDWF) Enforcement Division agents arrested an Ascension Parish man this morning, Aug. 15, for his alleged involvement in a boating hit and run.

Agents arrested Thomas J. Amorello, 32, of the St. Amant area, for felony hit and run, negligent injury and reckless operation of a vessel and booked him into the Livingston Parish Jail.

Agents began investigating a hit and run between two ski boats on the Amite River Diversion Canal on July 26 in Livingston Parish. The incident happened around 8:30 p.m. when a ski boat was rear ended and ran over by another ski boat allegedly operated by Amorello. The three passengers of the boat that was run over were treated for minor injuries and released.

Using eyewitness accounts of the description of a ski boat that sped through a no wake zone just north of where the hit and run took place near the Tiki Hut, agents were able to identify and track down Amorello's boat on July 28 at his residence. Amorello's boat matched the description and also had damage to the hull.

Agents seized Amorello's boat and the victim's boat and brought them to the Louisiana State Police Crime Lab for further investigation. The crime lab was able to make a direct match between the damage sustained on both vessels and determined that Amorello's ski boat was involved in the hit and run.

(2) Marrero Man Sentenced for Illegal Fish Sales in Plaquemines Parish

A Marrero man pleaded guilty on Aug. 28 to commercial fishing violations committed in Plaquemines Parish.

Joseph Morris III, 30, pleaded guilty to selling fish without a fresh products license, failing to maintain records, taking commercial fish without a vessel license, selling game fish illegally, selling spotted sea trout without a permit, selling spotted sea trout without a rod and reel license, taking/selling undersized spotted sea trout, possessing commercial red drum illegally and failing to comply with charter boat regulations.

Morris was ordered to pay a \$2,250 fine plus court costs, serve 120 days in parish prison suspended, and have all commercial and recreational fishing privileges seized and revoked for a period of two years. Continued litigation is pending in Jefferson Parish for additional alleged violations.

He is also facing a total of \$8,329.68 in civil restitution for the illegally taken and possessed fish. Jerry Lobrano for the 25th Judicial District prosecuted the case.

Agents arrested Morris on Jan. 24, 2014 for numerous commercial fishing violations after agents secured an arrest warrant from Plaquemines Parish when Morris sold spotted sea trout and red drum to undercover agents and took agents on chartered fishing trips without the required charter boat license.

(3) Agents Cite Three Subjects for Fishing Violation on Lake Bistineau

Louisiana Department of Wildlife and Fisheries Enforcement Division agents cited two Louisiana men and a juvenile male for alleged fishing violations on Aug. 15 in Bossier Parish.

Agents cited Matthew D. Pyle, 18, of Minden, Caleb A. Lee, 20, of Doyline, and a juvenile male for taking game fish using illegal methods. Pyle was also cited for fishing without a fishing license.

Agents received a complaint about the three suspects using a seine net at the Lake Bistineau Spillway and keeping every fish that was caught. Agents made contact with the subjects and found them to be in possession of two seine nets, nine crappie, five black bass and three bream.

According to the suspects, they would stretch the net out across the spillway and then walk the net back to the bank where they would retrieve the fish caught in the net.

Agents seized the fish and nets. Taking game fish illegally brings a \$400 to \$950 fine and up to 120 days in jail. Angling without a fishing license carries a \$50 fine and up to 15 days in jail

Agents participating in the case are Sgt. Chuck Dison, Senior Agent John Blalock and Senior Agent Bryant Coburn.

There were no comments or questions heard



Chairman Broussard announced the next item, **Louisiana Conservation Connection Web Source Presentation**, to be presented by Amos Eno

Before the presentation began, WLF Secretary, Robert Barham introduced Mr. Eno, President, Resources First Foundation (RFF) which was established in the year 2000 to develop web-based tools for conservation action.

RFF's premier project is the "Private Landowner" network, an online directory of over 15,000 resources to help private landowners connect to conservation information, resources and service providers.

Mr. Barham stated that prior to creating RFF, Mr. Eno served as the Executive Director of the National Fish and Wildlife Foundation for over ten years – and from 2000-2005 while working for the New England Forestry Foundation, Eno succeeded in completing the two largest conservation easements in the United States: the 762,000 acre Pingree Project and the 342,000 acre Downeast Lakes Forestry Partnership.

Mr. Barham welcomed Mr Eno from his home office in Yarmouth Maine, to announce the launch of the Louisiana Conservation Connection.

Mr. Eno began explaining the background of RFF - Resources First Foundation is an entrepreneurial 501(c)(3) non-profit organization founded in 2000. Since its beginning, RFF has built web-based tools and resources designed specifically for the multi-faceted needs of private landowners, land & energy conservation professionals and business to advance their goals and objectives. The RFF serves as the U.S. foundation for Wilderness Wildlife Trust.

Resources First Foundation develops portfolios of national, state, regional, and programmatic problem-solving web tools to address the needs of rural America in a free market format. In the past years, RFF has built ten websites to support the conservation needs of the private landowner.

The program's focus is to support and educate those that own the critical lands, lead them to the services they need to enable conservation, describe the benefits (both economic and environmental) of conservation practices, and put it in a format that can be easily accessed, and individualized

RFF's websites are designed for the entire conservation community including: private owner, professional staff (foresters, biologists, lawyers, appraisers, etc. and conservation service providers including the private businesses serving the rural land, forests and agricultural sectors. With all RFF's projects, the goal is to connect people to conservation by leveling the playing field and providing free access to critical conservation information, tools and services.

The Private Landowner Network, RFF's flagship site, has a series of directories, news services and tools developed specifically for use by the private landowner. Its accompanying suite of sites including the Conservation Tax Center, the Conservation Yellow Pages, and the Conservation Grant and Assistance Programs are searchable by state, zip code, and resource type. They provide access to over 25,000 technical experts, nonprofit organizations, government agencies, legal experts, service providers and conservation funding sources nationwide.

Mr. Eno also stated that The Louisiana Conservation Connection information resource was created by RFF and built with grants from the Walton Family Foundation and Louisiana Wildlife and Fisheries Foundation. The web site -- <http://www.stateconservation.org/louisiana> -- addresses the conservation needs of Louisiana's private landowners. The Louisiana Conservation Connection is RFF's 6th statewide conservation center and hosts 4,000 information resources. We are pleased to help position Louisiana in the fore front of our nations' private sector conservation leadership. The web site provides information on conservation, family farms, forestry, federal and state conservation programs, invasive and native species, natural heritage tourism and outdoor recreation, tax and estate planning services and water and wildlife resources. Landowners can find information on their local service providers such as foresters, biologists, equipment suppliers, veterinarians, and tax consultants. Site users will find new ideas for boosting their income and innovative tools for a broad range of ranch, farm and forest best management practices and tax and estate legal advisory services.

There were no comments or questions heard

Chairman Broussard announced the next item, **Recreational Trails Program Award for Russell Sage WMA ATV Trail Project**, to be presented by Steve Smith

Mr. Smith came before the Commission to recognize the award for "Outstanding Use of Recreational Trails Program Funds".

Mr. Smith stated that the Recreational Trails Program is a Federal Grant Program funded by the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005 which applies a user pay/user benefit philosophy of the Highway Trust Fund, returning federal tax on fuel used for non-highway recreation to

the states for trail projects. The gas tax supporting the fund is primarily for highway vehicles, but 30% of the annual is allocated to recreational trail grants, which are competed for by and allocated among states. The 2013 total was \$85 million, a portion of which went to Louisiana. LDWF utilizes a portion of these funds each year for development, enhancement, and repair/renovation of the WMA trail system infrastructure.

- The annual allocation for LDWF is \$400,000 and the individual project max is \$200,000. Currently, 2 separate projects are out for bid for \$200,000 per project, one on Dewey W. Wills WMA and another on Russell Sage WMA.

In 2013 the WMA Program completed 6 separate RTP project on various WMAs around the state. While all of the projects were successful in delivering the mission of the WMA program, one of these projects, the Sawyer Trail Project on Russell Sage WMA, was an exemplary project of what we strive to develop on our statewide trail system.

Russell Sage is one such WMA located in Ouachita Parish, just to the East of Monroe. The 22,000 acre WMA is a popular destination for approximately 30,000 users annually. Users range from hunters and fishermen to sightseers, hikers, and birdwatchers.

Sawyer Trail is an important trail that provides over two miles of ATV and UTV access on the Northern portion of the WMA. Prior to department ownership of this property, this trail was an oilfield road that provided access to oil well locations within the property. The department purchased the area in 1960 and the trail, through normal use, degraded over time to the state that such a project was needed to make it safely and adequately accessible to WMA users. Soil compaction had reduced a considerable portion of the trail to little more than a ditch holding water year round. Recreational use of the Northern portion of the WMA had declined considerably as a result. The project was proposed in 2008, awarded in 2011, and completed in 2013.

Improvements to the trail included:

- 1) Widening of the existing trail right-of-way to 50 feet, along the entire two mile length, to facilitate drying and maintenance activities.
- 2) Elevation of the trail to a minimum of 3 feet above grade, with v-ditches excavated on both sides to improve the quality of the trail to users and to make maintenance of trail more efficient and feasible.
- 3) Installation of 9 culverts along the trail's length to facilitate drainage and natural hydrologic flow through the adjacent bottomland hardwood systems.
- 4) Improvement of trailhead parking by brushing, shaping, and grading and thereafter adding 120 tons of #610 limestone.

The total project cost was \$50,544.60. Of this amount, \$38,286.00 was provided by the Recreational Trails Program, and the remaining twenty percent provided by LDWF.

This trail improvement has and will provide access for all user groups utilizing this portion of Russell Sage WMA, as well as improved employee access to facilitate the wildlife management activities.

For this reason it was nominated for and awarded a national recognition for the “Outstanding Use of Recreational Trails Program Funds”. This project was one of 14 projects from across the US that was awarded and recognized. I had the privilege of attending the awards ceremony on Capitol Hill in Washington DC this past June 11. It was an excellent experience to learn more about the program from which we receive this funding annually. There were several presentations from members of congress that are key to the Highway Trust Fund and the Recreational Trails Program.

Those employees recognized for their work are Gerald Owens, Charlie Booth, Chuck Easterling, Tracey Farrah, Nick Freeland and Jacques Vidrine. Mr. Smith also stated that the employees are the most important part of the program.

Chairman Broussard announced the next item, **National Archery in the Schools Program (ALAS) World Champions, Benton Elementary School** to be presented by Robert Stroede

Robert Stroede, State Coordinator for Archery in LA. Schools Program gave a brief history of the Archery in Schools Program, - ALAS is a part of the National Archery in the Schools Program (NASP) that is designed to introduce students in grades 4-12 to international target style archery. As the name states, the program is designed to be taught as part of the in-school curriculum. Most commonly the program is integrated into the schools PE program and is taught within the school’s gymnasium. Once exposed to the program many schools develop after school programs and archery clubs. Students at schools that teach the ALAS curriculum are then eligible to compete in State, National, and even World tournaments.

The sport of archery is a great way to get students involved in not only a lifelong sport, but also in their school, and into the outdoors. ALAS is program that looks to inspire confidence through the focus and discipline that sport of archery requires and the results speak for themselves. Nationwide over 10 million students have participated in the National Archery in the Schools program in its first ten years.

A total of 10,443 students from 665 schools shot at Nationals in Louisville, KY. Of that, 115 students from 7 schools in Louisiana attended. Benton Elementary School in Bossier Parish finished 8th in the nation in the Elementary category.

The World Tournament was held in July in Madison, Wisconsin. Fourth and Fifth Graders and one (1) Third Grader shot the best Elementary level in the world, led by Perry Norcross who has coached the team for three years. Benton Elementary School Team Members along with their coach were in attendance and were presented with an award.

Chairman Broussard stated that he was very proud of the group and what a great accomplishment they have achieved.

Chairman Broussard announced the next item, **To Recognize the Youth Hunter Education (YHEC) Challenge Champions**, to be presented by John Sturgis

Recognized as the most comprehensive youth hunting program anywhere in North America, the Youth Hunter Education Challenge (YHEC) is an outdoor skills and safety training for young hunters. Open only to those who have completed hunter-safety training at the state or provincial level, the program is conducted under simulated hunting conditions to provide the best practical environment for reinforcing and testing a young hunter's skills.

From rifle, bow and muzzleloader shooting at life-sized targets, to wildlife identification, to map-and-compass orienteering and more, YHEC participants get hands-on training in eight skills areas, giving them expertise in all methods of take and all types of game.

State- and provincial-level YHEC programs, hosted by volunteer instructors, draw an estimated 10,000 youths each year. Top ranked individuals advance to the annual NRA International Youth Hunter Education Challenge, the pinnacle of the program. Since its inception in 1985, YHEC has reached more than a million young sportsmen and women.

The International Program is divided into eight (8) events or activities:

Shooting Events

- Hunting Archery Challenge
- Hunting Muzzleloader Challenge
- Hunting Shotgun Challenge
- Light Hunting Rifle Challenge

Responsibility Events

- Hunter Responsibility Exam
- Hunter Safety Trail Challenge
- Hunting Orienteering Skills Challenge
- Hunting Wildlife Identification Challenge

Louisiana had 20 competitors, "Louisiana Bayou Bandits" and Competition Results as follows:

LA. Bayou Bandits "Senior" Gold Team:

- Connor Chaisson
- Doyle Donaldson, II
- Emily Fulton
- Jordan Palmisano
- Brad Petras
- Coach Doyle Donaldson, I

LA. Bayou Bandits "Senior" Silver Team:

- Christopher Becnel
- Matthew Braud

Ian Duplantis
Brennan Lirette
Austin Pace
Coach Frank Braud

LA Bayou Bandits “Junior” Gold Team

Jason Danos
Justin Guillory
Blake Johnson
Jay Madden
William Powell
Coach Chris Powell

LA Bayou Bandits “Junior” Silver Team

Rory John Bergeron
Lacey Bonvillain
Adam Hubbell
Kyle Landry
Adrienne Talbot
Coach Rory Bergeron

Competition Results:

Overall Junior Individuals
1st Place William Powell 13
(member of Louisiana Bayou Bandits Jr. Gold Team)

Overall Senior Individuals

1st Place Doyle Donaldson, II
(member of LA Bayou Bandits Sr. Gold Team)

Overall Senior Teams

1st Place Louisiana Bayou Bandits Senior Gold
Conner Chaisson
Doyle Donaldson, II
Emily Fulton
Jordan Palmisano
Bradley Petras

Chairman Davis thanked John Sturgis and Fred Kimmel for training the youth of Louisiana



Chairman Broussard announced the next item, **To Hear an Update on Red Snapper and LA Creel Survey**, to be presented by Joey Shepard

Mr. Shepard presented a PowerPoint presentation and stated the following:

The purpose of the LA Creel Survey is to provide statistically significant recreational fishery information to aid in management of Louisiana's valuable fishery resources. The saltwater component of the recreational fishery encompasses state waters including marsh habitat, bays, beaches and near shore areas as well as the offshore federally managed waters of the EEZ.

The Design Criteria of the LA Creel Survey is

- Increase the speed with which harvest data can be compiled into landings summaries
- Create a flexible design able to quickly respond to changing needs
- Provide information on area-specific harvest for all species landed by anglers
- Maximize survey efficiency and minimizing burden on anglers

The General Methodology of the LA Creel Survey is

Recreational landing estimates are calculated separately for the private recreational and for-hire sectors

- An access-point survey to collect harvest rate
- A phone/email survey to estimate total effort

Provides landing estimates by sector by week

Separate biological sampling from LA Creel recreational landing survey

The 2014 Red Snapper Monitoring

Incorporated recreational landings of red snapper into our general LA Creel survey, rather than handled as a standalone survey (as was done in 2013)

Provided increased monitoring of access-point sites with higher offshore fishing effort during Federal season without increasing the overall number of weekly assignments

Enhanced effort survey from the baseline LA Creel draws to increase precision of offshore effort during Federal season - Used the Recreational Offshore Landing Permit to expand only that aspect of the effort survey (offshore anglers and for-hire), thereby controlling costs while increased Precision of landing estimates

Concentrated biological sampling of red snapper during the Federal season

BENEFITS

Near real-time (weekly) landing estimates that could be used for in-season monitoring
Confidence in landing estimates

Reduced recall bias in effort survey (1-week recall period)

Precision of estimates (RSE < 20%) Flexible and efficient survey designed for quick response to changing regulations

Separate survey for representative biological samples

Provide opinion survey results from for-hire and private anglers fishing federally managed species

Several Questions and Comments were heard from the Commission and WLF Staff.

Commissioner Swindell - What is consider the inshore/offshore line?

Shepard answered: "Three miles, inshore"

Commissioner Swindell – Once EEZ closes, is all fishing inshore?

Shepard responded, "Yes".

Commissioner Yakupzack – In reference to "For Hire Charter ", it was stated only 25 are surveyed. You should consider and try to survey the 621 licensed guides.

Shepard responded: "We survey 100 percent of the Recreational Offshore Landing Permit (ROLP) Guides during the Federal Fishing Week (week 23)

Randy Pausina commented that some business owners/businesses hold licenses however they are not open to public or service the public sector. It's a business taking clients out to fish. He also stated that there's not a "True" definition for the 621 Charter fishing businesses.

Commissioner Swindell then commented that of the 621 Licensed Guides, most or all could only fish inshore and never fish offshore.

Shepard agreed with the comment.

Mr. Pausina stated that there are 100 federally permitted Captains. Some hold multiple permits and some are latent.

Commissioner Manuel asked if they are all identified and Pausina stated "yes", we are just trying to explain the numbers and the different numbers.

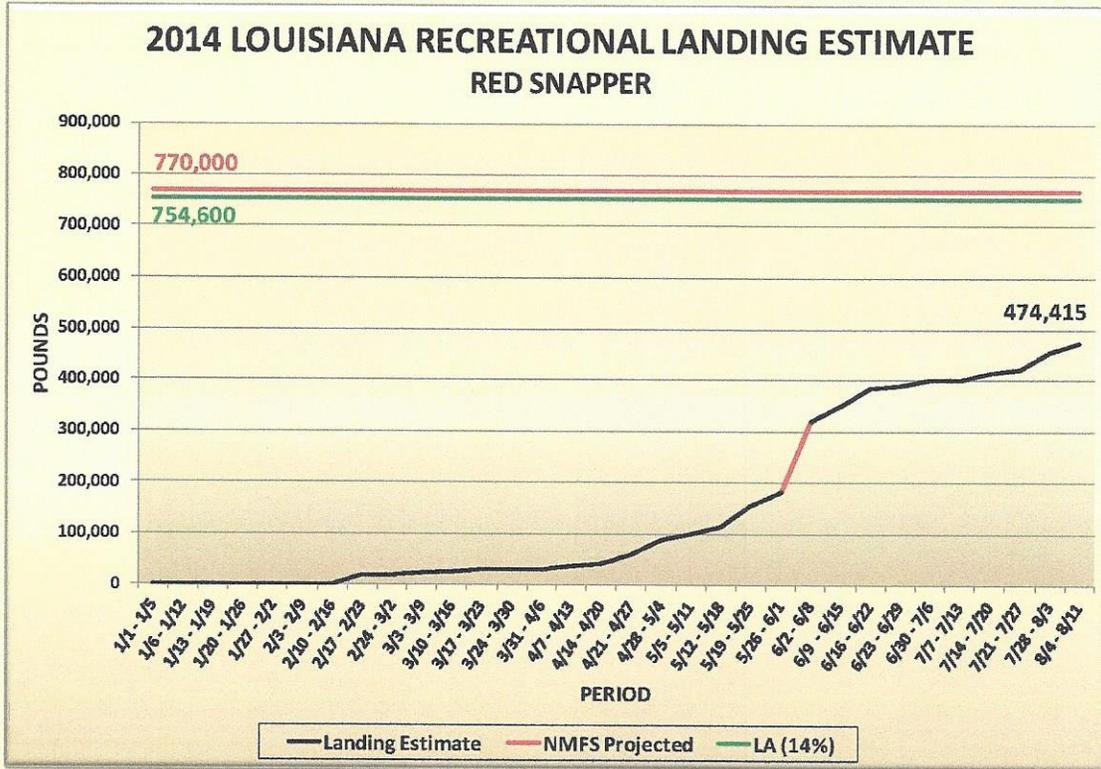
Commissioner Yakupzack asked "how are the random dock test conducted"

Shepard responded, it is a weighted test whereby the sites are chosen based on the area where there are larger number of anglers fishing

Commissioner Broussard ended the questioning by asking if this information is made available to the Feds and Shepard responded, yes we send all of this information to them.

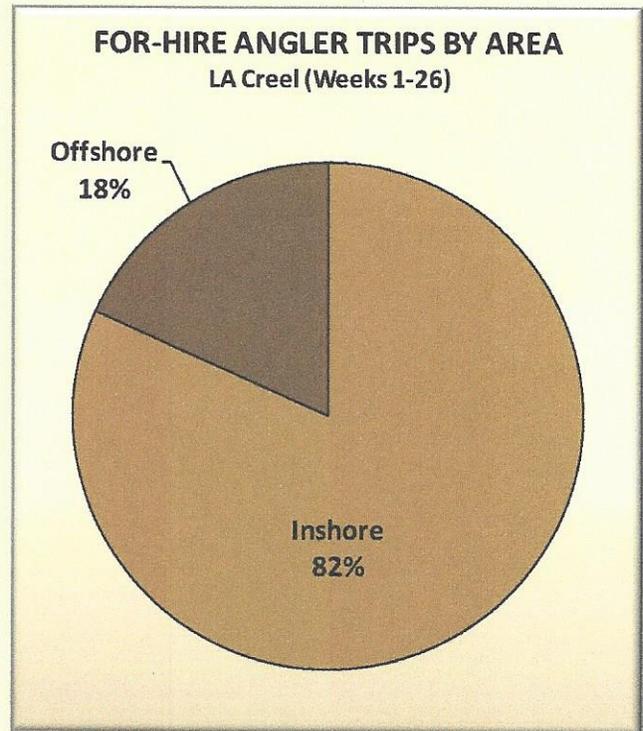
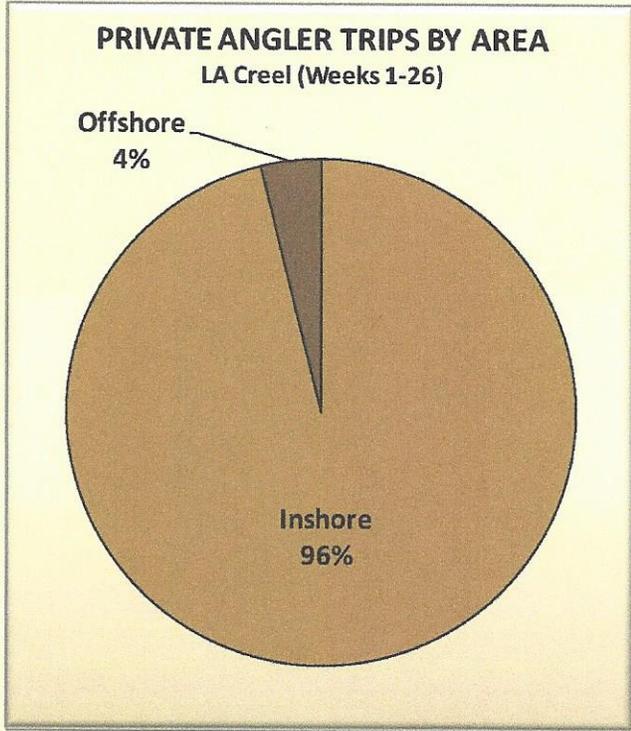
LA CREEL SURVEY

Near real-time landing estimates



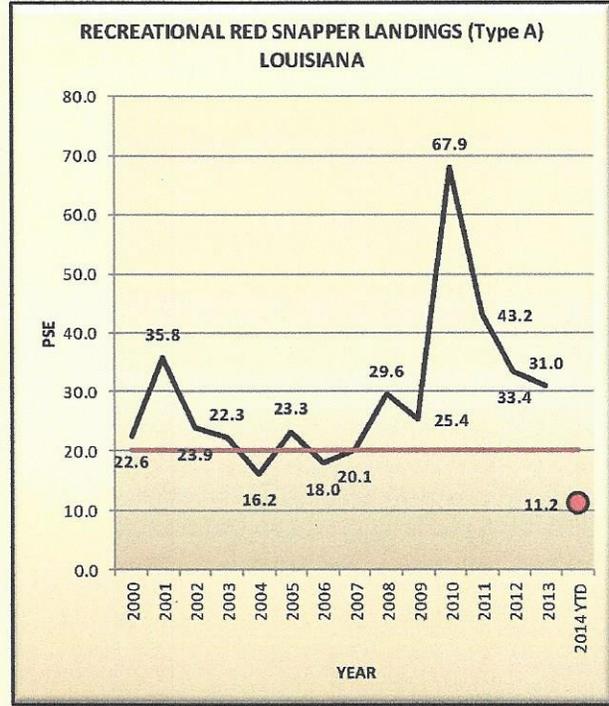
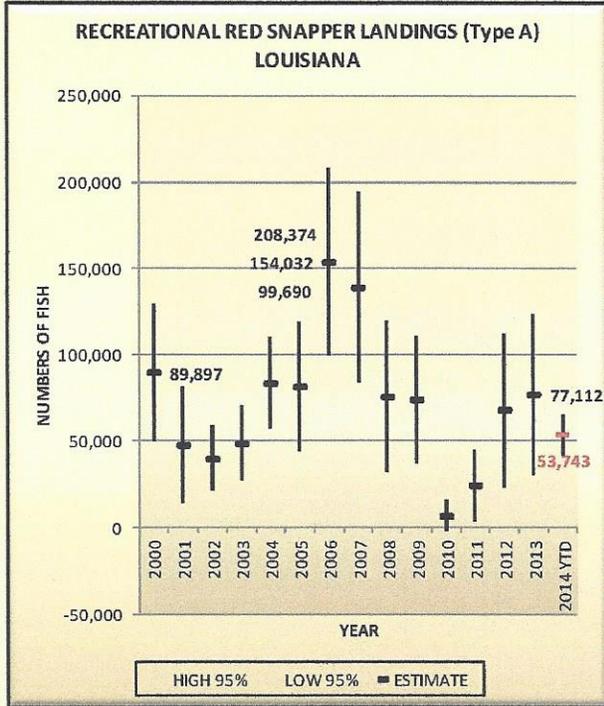
LA CREEL SURVEY

Confidence in landing estimates



LA CREEL SURVEY

Confidence in landing estimates



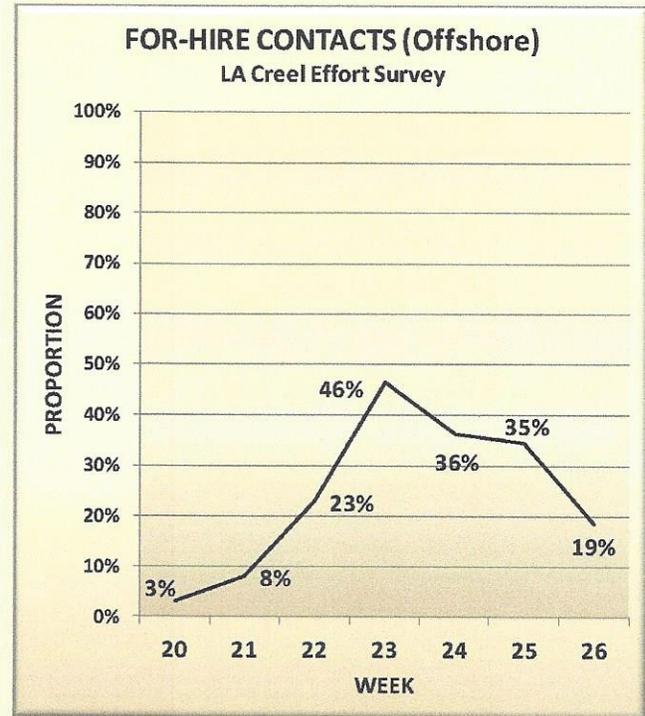
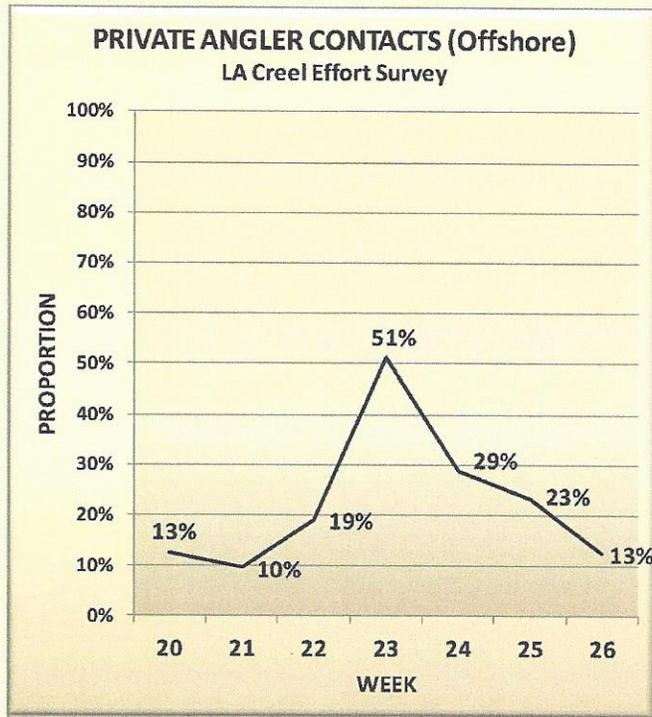
LA CREEL SURVEY

Flexible and efficient survey design – Effort Survey

EFFORT SURVEY - EEZ SEASON (WEEK 23)		
PRIVATE ANGLER	# LICENSES	SURVEYED
NORTHERN REGION	64,343	300
WESTERN REGION	129,572	300
EASTERN REGION	246,804	300
NON-RESIDENT	25,971	300
ROLP	15,193	750
TOTAL	481,883	1,950
COMPLETED		1,202
SUCCESS RATE		62%
FOR-HIRE		
FOR-HIRE	# LICENSES	SURVEYED
GUIDES	621	25
ROLP	85	82
TOTAL	706	107
COMPLETED		78
SUCCESS RATE		73%

LA CREEL SURVEY

Flexible and efficient survey design – Effort Survey



LA CREEL SURVEY

Flexible and efficient survey design

DOCKSIDE INTERCEPT SURVEY		
	2013 MRIP (Jan - Jun)	2014 LA Creel (Jan - Jun)
Assignments Completed	495	781
# Surveys Completed	2,926	5,207
Avg. Surveys per Assignment	6	7
Private Anglers Surveyed	2,926	13,692
Avg. Anglers per Assignment	6	18

PHONE (EFFORT) SURVEY		
	2013 MRIP (Jan - Jun)	2014 LA Creel (Jan - Jun)
Sample Size	195,540	40,350
Calls Completed	6,236	20,651
Success Rate	3%	51%

LA CREEL SURVEY

Representative Biological Samples – (Red Snapper)

Site	State Season		EEZ Season	
	Otoliths	Lengths	Otoliths	Lengths
Cypress Cove Marina	21	65	19	85
Venice Marina	87	152	85	153
Campo's Marina	0	0	0	6
Sand Dollar Marina	0	10	8	52
Bridge Side Marina	4	22	127	327
EASTERN	112	249	239	623
Multiple Sites - CSA 5	0	0	174	174
Melancon's Launch	0	0	0	6
Boudreaux's Waterfront	0	2	0	0
Sportsman's Paradise	0	0	8	8
Co Co Marina	0	0	131	134
Boudreaux Marina	0	0	39	41
CENTRAL	0	2	352	363
Quintana Public Launch	0	0	1	7
Freshwater City Public Launch	0	3	0	0
Grand Chenier Park	0	0	0	6
WESTERN	0	3	1	13
TOTAL	112	254	592	999

LA CREEL SURVEY

Opinion survey results – Regional Management

R.O.L.P. Holders Who Gave Usable E-mail Addresses = 13,552 (35% Response)	All		Louisiana		Gulf Other than Louisiana		All Gulf States		States Not in the Gulf	
	N=4,722		N=3,977		N=499		N=4,476		N= 193	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Strongly Opposed	259	5.5	224	5.6	22	4.4	246	5.5	8	4.1
Moderately Opposed	137	2.9	108	2.7	19	3.8	127	2.8	5	2.6
Neutral	521	11.0	422	10.6	58	11.6	480	10.7	32	16.6
Moderately Support	742	15.7	616	15.5	94	18.8	710	15.9	25	13.0
Strongly Support	3,063	64.9	2,607	65.6	306	61.3	2,913	65.1	123	63.7

Summary of the Scoping Workshops on Reef Fish Amendment 39: Recreational Red Snapper Regional Management			
LOCATION	DATE	PUBLIC IN ATTENDANCE	PUBLIC COMMENTING
Corpus Christi, Texas	15-Jan-13	37	12
Texas City, Texas	14-Jan-13	30	16
Baton Rouge, Louisiana	14-Jan-13	32	13
Biloxi, Mississippi	15-Jan-13	23	6
Orange Beach, AL	16-Jan-13	125	18
Destin, Florida	17-Jan-13	104	9
St. Petersburg, Florida	22-Jan-13	24	9
		375	83

LA CREEL SURVEY

Opinion survey results – Sector Separation

R.O.L.P. Holders Who Gave Usable E-mail Addresses = 18,126 (24% Response)	All		Charter with Federal Permit		Charter without Federal Permits		All Charter		Private Angler		Unidentified	
	N=4,358		N=48		N=147		N=195		N= 4,124		N= 39	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Strongly Opposed	2,107	48.3%	10	20.8%	61	41.5%	71	5.5	2,018	48.9%	18	46.2%
Moderately Opposed	486	11.2%	2	4.2%	12	8.2%	14	2.8	469	11.4%	3	7.7%
Neutral	483	11.1%	4	8.3%	20	13.6%	24	10.7	452	11.0%	7	17.9%
Moderately Support	569	13.1%	7	14.6%	23	15.6%	30	15.9	535	13.0%	4	10.3%
Strongly Support	432	9.9%	21	43.8%	20	13.6%	41	65.1	388	9.4%	3	7.7%
Don't Understand Issue	281	6.4%	4	8.3%	11	7.5%	15	65.1	262	6.4%	4	10.3%
Opposed	2,593	72.1%	12	30.0%	73	62.9%	85	54.5%	2,487	72.9%	21	75.0%
Support	1,001	27.9%	28	70.0%	43	37.1%	71	45.5%	923	27.1%	7	25.0%

Summary of Public Hearing on Sector Separation		
LOCATION	PUBLIC IN ATTENDANCE	PUBLIC COMMENTING
Port Aransas, Texas	53	13
Galveston, Texas	99	48
Baton Rouge, Louisiana	163	34
Gulfport, Mississippi	62	32
Mobile, AL	45	28
Orange Beach, Alabama	55	30
Panama City	120	56
St Petersburg, Florida	95	49
	692	290

Chairman Broussard announced the next agenda item to be presented, **To Hear and Consider a Notice to Amend the Fisheries Forward NOI** to be presented by Jason Froeba

Mr. Froeba stated that the Commission approved the Fisheries Forward Program NOI during the July Commission Meeting. After a thorough review of the proposed rules, the Department saw a potential conflict and is here before the Commission to amend the NOI. The procedures are the same and the amendment is strictly an internal paperwork process.

The proposed amendment, "The Department shall issue a special crab trap permit allowing the applicant to actively fish crabs under the sponsor's crab trap gear license and report trip ticket sales of crabs using the applicant's name and commercial fisherman's license number. This permit shall only be issued once and shall only be valid for the duration of the sponsorship. The applicant must complete a minimum of 20 crab fishing trips evidenced by trip tickets. Any trips or landings conducted prior to the date the sponsorship is initiated shall not count toward the applicant's total required crab fishing trips", will hold a public hearing on October 22, 2014 at the WLF Headquarters building on Quail Drive beginning at 10:00AM.

Commissioner Manuel asked if the Commission was "changing the NOI"

Froeba answered, yes and Commissioner Manuel followed up with the question of whether or not any objections were heard. Froeba stated that there were no objections heard, this is to correct a paperwork process.

Chairman Broussard called for a motion. A motion for approval was made by Commissioner Graham and seconded by Commissioner Swindell.

Chris Guidry, a member of the public asked to speak. Mr. Guidry asked "Is there a difference between a major and a minor amendment".

Mr. Froeba stated that this was not a grammatical error in the Notice of Intent; therefore this is the process in how to make a change.

Mr. Guidry asked if there is a published internal process and Froeba stated that this is internal procedures

There were no other questions or comments heard.

Chairman Broussard called for a vote and the motion passed with no opposition.

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

POTPOURRI

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Public Hearing—Louisiana Fisheries Forward Program
(LAC 76:VII.347)

The Department of Wildlife and Fisheries published a Notice of Intent to establish the Louisiana Fisheries Forward Program in the July 20, 2014 edition of the Louisiana Register (LR Vol. 40, No. 07). After a thorough review of the proposed rules, the Department of Wildlife and Fisheries proposes the following substantive changes found in LAC 76:VII.347 G.2. A public hearing pursuant to R.S. 49:968(H)(2) will be conducted October 22, 2014, at 10:00 AM.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§347. Louisiana Fisheries Forward Program

A.- F. ...

G. ...

1. ...

2. The Department shall issue a special crab trap permit allowing the applicant to actively fish crabs under the sponsor's crab trap gear license and report trip ticket sales of crabs using the applicant's name and commercial fisherman's license number. This permit shall only be issued once and shall only be valid for the duration of the sponsorship. The applicant must complete a minimum of 20 crab fishing trips evidenced by trip tickets. Any trips or landings conducted prior to the date the sponsorship is initiated shall not count toward the applicant's total required crab fishing trips.

3. ...

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:305.6.

HISTORICAL NOTE: Notice of Intent by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:1428 (July 2014).

Public Hearing

A public hearing will be held on October 22, 2014, at 10 am at the Louisiana Department of Wildlife and Fisheries, 2000 Quail Dr., Baton Rouge, LA 70808.

Chairman Broussard announced the next agenda item to be presented, **To Hear and Consider a Notice of Intent for the Abandoned Crab Trap Removal Program** to be presented by Marty Bourgeois

Mr. Bourgeois advised the Commission that through the authority granted in R.S. 56:322(N), that he request the Wildlife and Fisheries Commission amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps

The use of crab traps shall be prohibited from 6:00 a.m., Friday, February 20, 2015 through 6:00 a.m. Sunday, March 1, 2015 within the portion of Cameron Parish described as:

From a point originating at the Louisiana/Texas state line at the mouth of the Sabine River; thence northward along the Louisiana/Texas state line through the Sabine River and Sabine Lake; thence northward along the Louisiana/Texas state line through the Sabine River to the intersection of the Sabine River and the northern shore of the Gulf Intracoastal Waterway (GIWW); thence eastward along the northern shore of the GIWW to 93 degrees 37 minutes 00 seconds West longitude; thence southward along 93 degrees 37 minutes 00 seconds West longitude to a point along the inside-outside shrimp line as defined in R.S. 56:495(A); thence westward along the inside-outside shrimp line and terminating at the Louisiana/Texas state line and mouth of the Sabine River.

All crab traps remaining in the closed area during the specified period shall be considered abandoned. These trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Anyone is authorized to remove these abandoned crab traps within the closed area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area.

Commissioner Swindell asked if there were disposal sites and Mr. Bourgeois stated that yes there were designated disposal sites and they are located within the closed area.

Chairman Broussard called for a motion. A motion for approval was made by Commissioner Manuel and seconded by Commissioner Davis.

There were no other comments or questions heard

Chairman Broussard 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
Office of Fisheries
Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps
(LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et. seq., and through the authority granted in R.S. 56:322(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1*). The Wildlife and Fisheries Commission now proposes to amend the provisions to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

LAC Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited from 6:00 a.m., Friday, February 20, 2015 through 6:00 a.m. Sunday, March 1, 2015 within that portion of Cameron Parish as described below:

From a point originating at the Louisiana/Texas state line at the mouth of the Sabine River; thence northward along the Louisiana/Texas state line through the Sabine River and Sabine Lake; thence northward along the Louisiana/Texas state line through the Sabine River to the intersection of the Sabine River and the northern shore of the Gulf Intracoastal Waterway (GIWW); thence eastward along the northern shore of the GIWW to 93 degrees 37 minutes 00 seconds West longitude; thence southward along 93 degrees 37 minutes 00 seconds West longitude to a point along the inside-outside shrimp line as defined in R.S. 56:495(A); thence westward along the inside-outside shrimp line and terminating at the Louisiana/Texas state line and mouth of the Sabine River.

B. All crab traps remaining in the closed area during the specified period shall be considered abandoned. These trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Anyone is authorized to remove these abandoned crab traps within the closed area. No person removing crab traps from the designated closed areas during the closure periods shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January, 2012), LR 38:12 (December, 2012, 40:96 (January, 2014).

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

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.

Family Impact Statement

In accordance with Act 1183 of 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).

Poverty Impact Statement

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

Provider Impact Statement

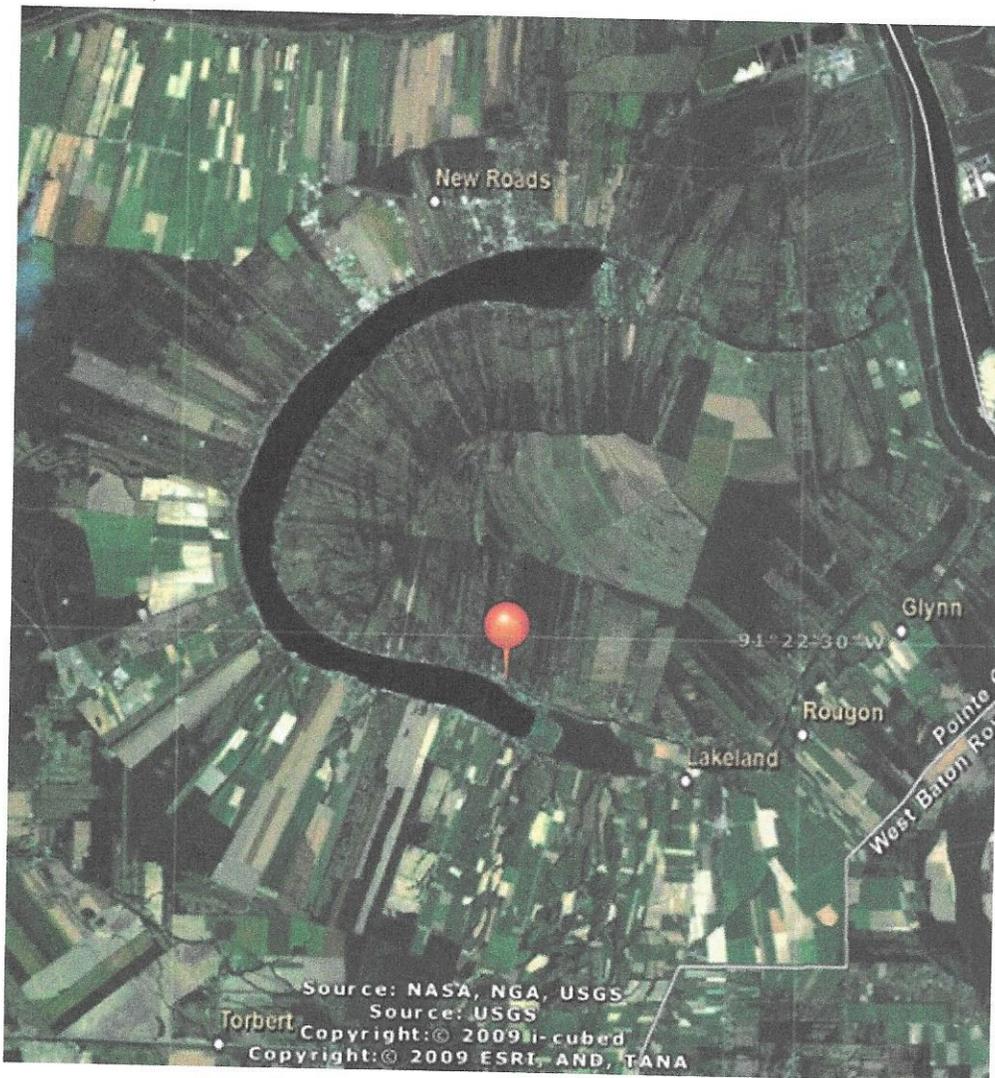
This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed rule to Mr. Martin Bourgeois, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, Box 189, Bourg, LA 70343, or via email to mbourgeois@wlf.la.gov prior to November 1, 2014.

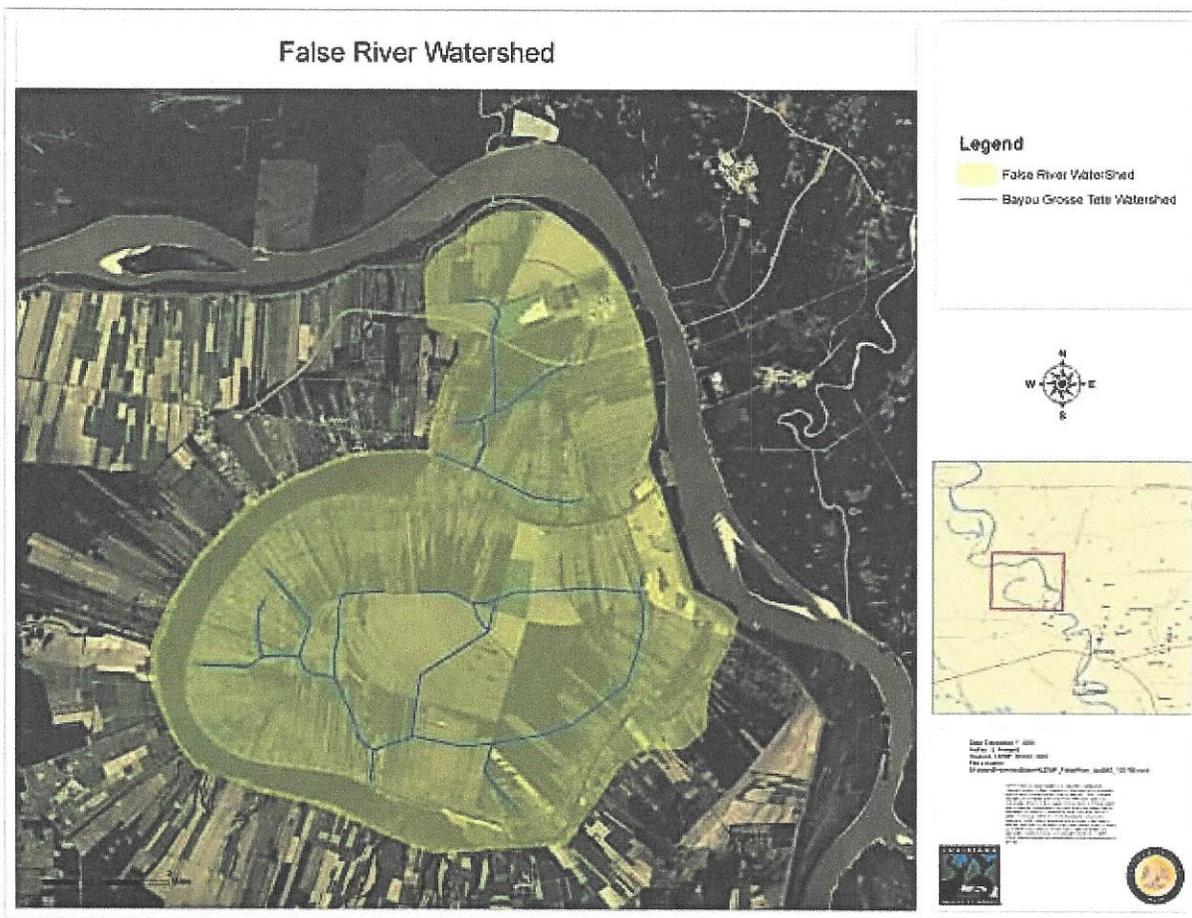
Chairman Broussard announced the next agenda item to be presented, **To Hear an Update on the False River Restoration Project** to be presented by Rachel Walley

False River is an Inactive oxbow of the Mississippi River located in Pointe Coupee Parish and covers 3,200 acres. False River was once considered one of two trophy lakes in Louisiana. 95 percent of the shoreline is developed.

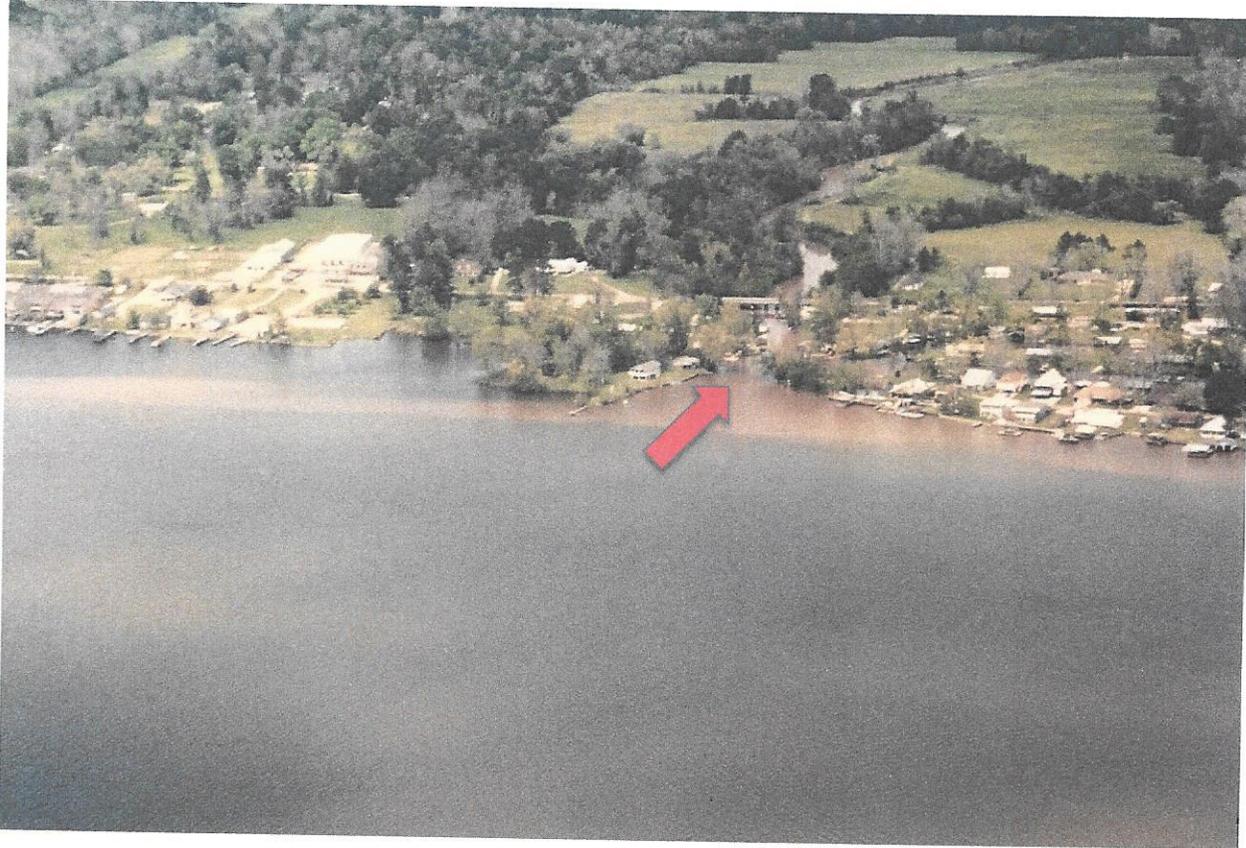


Changes in the Watershed:

- Bayou Grosse Tete Watershed Project : the purpose was to drain farmland
- Proposed in the 1940's
- Fought by US Fish and Wildlife Service and LA. Department of Wildlife and Fisheries
- Project was completed in the 1990's
- Dredged a series of canals in the watershed that drain directly into the lake



The Bayou Grosse Tete Watershed Project dramatically increased siltation which was detrimental to aquatic habitat, sport fisheries, water quality and aquatic vegetation



Past Efforts include numerous “False Starts”

- US Army Corp of Engineers restoration project
- 2010 proposed drawdown

Current Efforts

- False River Watershed Council
 - o HCR 123 (2012 Session, Representative Thibaut)
(to create a more comprehensive plan with all parties)

False River Aquatic Restoration Project – Fisheries Action Items:

- Improve Sport Fishing Success
- Decrease rough fish population
- Reintroducing Commercial Fishing
 - o 2012 First Season since 1991
 - o 2014 Season to start October 1st
- Increase Game Fish Stocking
 - o December 2012 300,000 redear sunfish

Replenishing the lakes fish population with redear will help gauge how well revitalization efforts are working. In addition, stocked adult Florida Large Mouth Bass and hybrid striped bass fingerlings

- o June 2014 6,000 Florida Large Mouth Bass stocked with angler assistance
- Improve Aquatic Habitat
-

False River Aquatic Restoration Project – Aquatic Habitat Improvements:

- Increase areas suitable for fish propagation
- Increase areas favorable for hatchling and fingerlings survival
 - o 7 Gravel Beds (2013)
 - o Artificial Reef Project

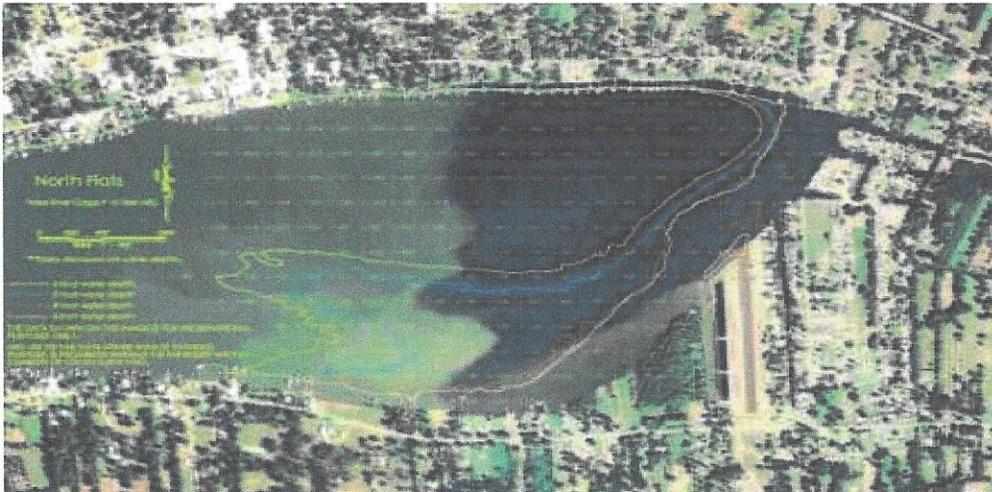
Island Construction (South Flats)

- Funding secured through a Cooperative Endeavor Agreement (January 2014) to create a 16 acre island
 - o Lower lake level 2.0 – 2.5 feet
 - Target level of 2000 drought conditions
 - September 2, 2014 – March 1, 2015
 - Deepens ~25 acres of south flats to 5 feet
 - Creates ~3,500 linear feet of edge habitat
 - Currently > 100 acres < 3 feet deep
 - Construct a containment dike and fill with dredge material to create a sustainable island



What's Next:

- Once the island construction is complete, plant aquatic vegetation around newly formed edge habitat
- Artificial reef project
- Additional gravel beds
- Secure additional funds to address siltation on the north end of the lake
- Continuation of Council Meetings
- Address Problems; New and Old
-



Commissioner Swindell asked where funding coming from for this project

Ms. Walley answered 1.3 million dollars from capital outlay and private funding sources

Commissioner Broussard questioned the containment dike made from hydraulic dredging?

Ms. Walley responded, three (3) feet above bottom

Commissioner Manuel asked if this job goes out for bid or estimate

Ms. Walley responded, the Parish bids out

Chairman Broussard announced the next agenda item to be presented, **To set the January 2015 meeting date**

A discussion took place and the January 2015 meeting will be held on January 8, 2015

Chairman Broussard called for a motion. A motion for approval was made by Commissioner Graham and seconded by Commissioner Manuel.

There were no other comments or questions heard

Chairman Broussard called for a vote and the motion passed with no opposition

Chairman Broussard announced the next agenda item to be presented, **To Receive Public Comments**

The first comment was heard by Ms. Jennifer Treadway Nixon

Ms. Nixon received the Notice of Intent to amend the regulations for the Big Exotic Cats published in July 2014. The regulation came about in 2006 with Act 715 that proposed for the first time, to regulate big exotic cats including tigers. Thereafter the Commission promulgated rules and since that time, there has been conflict and controversy and in and out of courts.

She would like to come to an agreement that is reasonable and recognizes the constitutional rights of a business owner that has been exhibiting tigers for twenty seven years.

She stated that the rules exempted big cats exhibited by Colleges and Universities, but shall provide exemptions for zoos. Michael Sandlin, the owner of the Tiger Truck Stop received an exemption from the USDA under the animal welfare act. Mr. Sandlin wants to protect the public and the welfare of animals and has complied and received a permit from the USDA.

She stated there is an exemption/ Permit for owners that can show previous ownership, which Mr. Sandlin is.

In the WLF Regulations, Title 76 part 5, the exempted entities under "E", "should say" zoos as defined in the animal welfare act. It says, "Zoos that are accredited by the AZA. Number 2 says research facilities as defined in the animal welfare act. She asked, "Why didn't we say that for zoos?"

She stated her understanding of the regs are to comport with what the legislative will is.

Under "F", it says "permitted zoos can get a permit", which they thought Mr. Sandlin fell under with the permit he held. Then they were sued by the Animal Legal Defense Fund. Lots of technical arguments. They went back to the Legislature and the Legislature specifically defines in the new law, that previous ownership shall include people who have lawful ownership and continually possess since August 15th, 2006, which should include Mr. Sandlin.

There is still no regulation. It further limits what a zoo is. The proposal doesn't say if you were a zoo on the date the law was enacted and a previous owner of tigers or animals you shall be permitted, it says "other zoo" is going to be defined and further limited to a publically or municipally owned permitted institution that owns and maintains multiple species of animals.

She stated Mr. Sandlin is a privately owned zoo and only has tigers and has a federal permit for two tigers. According to Louisiana regulations, they are prohibited from bringing a second tiger in. Under "A" is says an entity that has submitted an application before July 1, 2014 as an "other zoo" can be exempted or given a permit and this NOI was not published until July 20, 2014. "How were we supposed to get our due process and put in an application for our permit if it didn't get published until nineteen days after the required deadline"? She felt this was not right and not what the Commission meant to do.

She suggested that "this is one of those situations where there is a whole lot of conflict and controversy and we should stop wasting the tax payer's dollars on paying lawyers like Mr. Whitrock".

She asked that the Commission take care of the constitutional rights of the business men that live in Louisiana.

She also stated that this tiger is a conservational/educational exhibit based on studies.

Ms. Nixon suggested /recommended that "we hold a meeting between those interested persons because there is only two other zoos currently being excluded from the regulations with the department" and the Commission should come up with regulations that fairly comport with what the Legislature intended.

Commissioner Manuel asked the question, "what is the difference between an AZA and a USDA zoo"?

The answer was given as an AZA is a private nonprofit organization and Commissioner Manuel followed up with "Are their rules contrary to USDA rules" and the answer given was "yes".

USDA is the federal regulatory agency that is responsible for the Endangered Species Act and Animal Welfare Act. There are three different accrediting associations. One is the "AZA", the "USDA" and a third one which is brand new.

Ms. Nixon, Why is Louisiana picking the "AZA, a private entity", when who's to say which one is best.

Commissioner Manuel: Was the wording in the legislation – did they specify the AZA group, the USDA group or the new group. Ms. Nixon stated that "no, they did not specify any group".

Commissioner Manuel – We determined the AZA group (passed in 2007)

Commissioner Graham – What did the Legislation passed in 2014 say?

Ms. Nixon responded, It did not change the language, it still says shall provide exceptions for big cats, animal sanctuaries and zoos and it defined previous owner. It also says you shall permit the owner not the cat. The regulation as it stands only wants to permit the cat.

Ms. Nixon referenced the ordinance for a local gentlemen's club that was challenged and found unconstitutional.

The next speaker was called up by Commissioner Broussard, Mr. Chris Guidry

Mr. Guidry stated the Legislature unanimously approved an exemption for a small zoo and the Commission was charged with writing regulations to allow legal ownership of the tiger. The opportunity was missed to codify what the legislature asked. His client, Michael Sandlin, is a small business person and an animal lover. As his representative, He is requesting relief for Mr. Sandlin.

Chairman Broussard asked WLF General Counsel, Fred Whitrock if he had the Department's "take on this" -

Mr. Whitrock stated that the matter is in current litigation and there are currently four lawsuits involving this matter and that he had no other comment

The Chairman and Mr. Whitrock stated that no action could be taken at this meeting. Commissioner Broussard asked "if amending the NOI to include wording that would include zoos that comply with the animal welfare act?"

Mr. Whitrock responded that the Animal Welfare Act is a federal act that was looked into and reviewed when these regulations were written. There are reasons certain areas of the act were and were not included. The Animal Welfare Act and Permitting requirement is completely different than it is at the state level.

Chairman Broussard asked if the original author of the act was conferred/consulted with when the rules were promulgated as we don't want to contradict what the intent of the regulation was.

Mr. Whitrock stated that the staff went through the legal reviews

WLF Secretary Robert Barham stated as a former Senator with past legislative experience, the original author of the acts intent doesn't mean much as the act is passed by 144 members of the legislature. A court assumes intent of the whole body, not the intent of the original author that wrote the act. Secretary Barham said it is assumed constitutional unless a court finds that it is unconstitutional.

Commissioner Broussard asked if it was premature for the Commission to move on this matter and Secretary Barham stated in "his opinion", the Commission should let the courts make a decision and let that process work out first.

Mr. Guidry stated an amendment can be made to the regulations today, and Chairman Broussard responded by saying it is not on the agenda.

Commissioner Manuel stated that no matter whether or not a decision was made today, it would still be in court regardless. Mr. Whitrock stated that that is the experience the department has had previously and this has been in litigation since 2006

Ms. Nixon stated that the constitutionality of the regulations are being challenged by her clients because they did not exempt them as the statute required which can be corrected by taking into account previous existing zoos.

Ms. Nixon stated she disagrees with Mr. Barham and Mr. Whitrock that the law can be changed. Can it be changed retroactively?

Chairman Broussard asked, does Mr. Sandlin not have a permit because of the WLF regulations?
Ms. Nixon responded, "that's correct".

Commissioner Graham asked "Does our regs allow this guy to keep his tiger?
The answer given by Mr. Whitrock – It's a simple question without a simple answer.
We originally permitted Mr. Sandlin to possess Tony the Tiger. He met all of our requirements. The Animal Legal Defense Fund, an animal rights group filed a suit claiming we violated our own regulations by issuing the permit. Ultimately, the court agreed with them that we couldn't issue them the permit. Legislation was passed this session that the Notice of Intent issued in August would amend the regulations that would allow us to issue Mr. Sandlin a permit. Ms. Nixon has filed a couple of lawsuits against the department; the Animal Defense Fund has also filed a lawsuit against the department. Whichever way the Commission goes, its not going to end the lawsuits. It needs to be decided in court. Under the regulations we had, the courts said we could not issue a permit. We are in the process of amending the regulations to allow us to issue a permit to Tony the Tiger, to allow the tiger to remain at the Tiger Truck Stop.

A lot of thought was put into the promulgation of the regulations on which organizations and which part of the animal welfare act should be followed based on the legislation and you can't just say to adopt the Federal Animal Welfare because it encompasses another level.

Commissioner Manuel asked Mr. Whitrock if Mr. Sandlin was invited into the process when the rules were promulgated this year – Mr. Whitrock responded that he did not know and he was not aware of any meeting where Mr. Sandlin was involved. Chairman Broussard commented that "his counsel has said "no".

Mr. Guidry wanted to note that the Commission amended a Fisheries rule and Chairman Broussard stated that yes it was, but it was posted on a Notice of Intent and the public given an opportunity to speak

Chairman Broussard stated that is an issue that the public needs notice to be able to speak on any amendment or change. A Notice of Intent would have to be done in order to give the public an opportunity to counter

Chairman Broussard stated he would not make a motion to amend the agenda however someone could He asked if this was going to be dragged through the court system or if there was a timeline for resolve. Mr. Whitrock stated it was moving forward and to point out that we could not take up amending the regulations at this meeting.

Ms. Nixon asked when could it be put on the agenda and the answer given by Chairman Broussard was if it is the intent of the Commission after having conversations outside of this meeting to determine whether or not to amend.

Commissioner Davis it recognizes the AZA – could the verbiage read the AZA or the USDA?
No response was unheard.

Ms. Nixon stated, the Commission can put an end to this and make the verbiage specific
Chairman Broussard stopped the discussion and stated the conclusion would not be made today as it was not on the Agenda and the Commission would take up in Executive Session at a later date if they so choose.

Mr. Guidry asked the Commission to implore the right to put on the agenda, a Notice of Intent
Mr. Guidry also asked that Chairman Broussard facilitate a meeting where everyone could sit down and talk about the things that were talked about today. Chairman Broussard said he would like to discuss but that "that's a little bit further out"

There were no other comments heard

There being no further business, Chairman Broussard **Adjourned** the meeting

Billy Broussard, Chairman