

HUNTING AND FISHING ADVISORY EDUCATION COUNCIL

MINUTES

March 15, 2011

**WOODY CREWS
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
HUNTING AND FISHING ADVISORY EDUCATION COUNCIL
BATON ROUGE, LOUISIANA
MARCH 15, 2011

1. Roll Call
2. Approval of Minutes of December 7, 2010
3. Welcome and Opening Comments
4. Wildlife Division Report: Proposed Hunting Seasons, Regulation Changes
5. Enforcement Division Report
6. Office of Fisheries: Rigs to Reefs Program
7. Office of Management and Finance: Conservation Fund Update
8. Sector Separation
9. Coastal and Nongame Resources Division: NRDA - Natural Resource Damage Assessment
10. Public Comments
11. Set Next Meeting Date
12. Adjournment

MINUTES OF THE MEETING
OF
HUNTING AND FISHING ADVISORY EDUCATION COUNCIL

Tuesday, March 15, 2011

Chairman Woody Crews presiding.

Jeff DeBlieux
Vance Gordon
Lyle Johnson
Alexander Perret
Donald Reed
Nelson "Snoop" Roth
Mike Windham

Council members Daryl Carpenter, Shane Crochet, Mike Rainwater, Samuel Smith, Stephen Pellessier, David Rousseau and Eric Sunstrom were absent from the meeting.

The Council did not have any changes or amendment to the **Minutes of December 7, 2010**, so Chairman Crews announced the Minutes were approved.

For the **Welcome and Opening Comments** agenda item, Chairman Crews stated that he has about 30,000 people he directs information from the Council meetings to and felt it important to keep everyone up to date.

The first report, **Wildlife Division Report: Proposed Hunting Seasons, Regulation Changes** was handled by Mr. Scott Longman. The changes were proposed to the Wildlife and Fisheries Commission at their February meeting, and now staff was making presentations around the state. When deer area 4 was put into place, it was an agricultural area and had still hunt seasons as opposed to Area 1 which allows dog hunting. With habitat changes in Area 4, the 2012-2013 season would see the combining of this area with Area 1 while keeping Area 4 as still hunting only. Next, Mr. Longman explained staff was looking at extending the deer season in Areas 1 and 6 to the end of January. Another big change was on the DMAP rules. Last year the Department was approached to extend deer season in Area 6

due to late breeding, but there were concerns from small game hunters. So the Department decided to make the changes geared at the property level and legislative changes directed the Department to work more intensively with the landowners. In response, they looked at DMAP to address those issues. Chairman Crews asked what DMAP meant and he was told it was Deer Management Assistance Program. Level 1 would have a 500 acre minimum, require complete harvest data collection, work with landowners to manage their habitat, and mandatory antler and antlerless tags issued. Once the tags are filled for Level 1 landowners, the deer season is over. Mr. Gordon asked how a landowner can get the biological justification. Mr. Longman stated a person would contact a biologist to see if data for the area was available. If no data was available, staff would work with the landowner to collect breeding data by harvesting does late in the year. Benefits from Level 1 will allow additional opportunity, provide expanded opportunity to meet harvest objects and provide for the opportunity to harvest older aged bucks. The fee structure was adjusted also. Level 2 was the old DMAP regulations. Also adjusted were fees for large acreage ownership (corporate ownership). The next change was to shorten the length of the call to validate a deer and allow a hunter up to 7 days to call in and report the kill. A change in federal regulation which was to be included in the regulations was to require a person that takes crows, black birds, cowbirds and grackles under the depredation order must use non-toxic shot and report the harvest to the U.S. Fish and Wildlife Service. Mr. DeBlieux asked what brought this regulation about and Mr. Longman stated the federal government had to address a species of crow that was on the endangered or threatened list by requiring the use of non-toxic shot for these birds. Dr. Reed stated one of the species of concern was the rusty black bird and Mr. Longman added that the other species was the Mexican crow. Mr. Longman then noted the next change was to make the language from Title 76 agree with Title 56 on not using any projection beam or illumination device to harvest animals. Last year a legislative change was made that would allow the take of coyotes, armadillos, feral hogs, nutria and beavers at night with a shotgun up to 10 gauge with buckshot or standard .22 and this needed to be included in Title 76. Mr. DeBlieux asked if a person needed to notify the Department if they were out there hunting and he was told no, but written permission from the landowner was needed. For the Special Youth Shotgun Season, it was recommended to extend the season from 2 to 7 days and allow youth 17 years and younger to use any legal weapon. Another

change to make Title 76 agree with Title 56 was on amending the restriction of carrying firearms on WMAs. In an order to lessen confusion on regulations, the 3 part Self-Clearing Permits was being changed to 2 parts and would exclude the vehicle tag portion. Limited access areas would be instituted on Joyce and Manchac WMAs which would restrict internal combustion engines. Changes on the WMAs included: eliminating 3 day firearms, either sex days on Attakapas WMA; adjusting the waterfowl lottery hunts by adding opportunity on Bayou Pierre WMA; modifying the area for youth hunts on Big Lake WMA which would allow for other use on the property; extending the primitive firearms season on Boeuf WMA for an additional 7 days; increasing the opportunity for participation on Buckhorn WMA; adding feral hog seasons on Clear Creek, Little River and West Bay WMAs; establishing small game hunting on Elm Hall WMA; adding a lottery hunt for graduates of the Becoming an Outdoors Woman program on Floy McElroy WMA; reducing the number of hunting days for bucks only on Grassy Lake WMA; adding another day of mandatory deer check on Maurepas Swamp WMA; deleting season dates for crawfishing on Ouachita WMA; eliminating the mandatory deer check on Pearl River WMA; amending the fall turkey season dates on Peason Ridge WMA to be flexible with the military; establishing a 3-day youth lottery deer hunt within a limited use area on Red River WMA; restricting small game hunting to shotgun only on the Chauvin Tract on Russell Sage WMA; clarifying language on teal and goose hunting on Sherburne WMA; modifying and extending hunting opportunity on Sicily Island WMA; separating Soda Lake WMA to allow for small game hunting as well as waterfowl hunting; changing the mandatory deer check to self-clearing permit on Spring Bayou WMA; eliminating the handgun restriction on Tunica Hills WMA; and making West Bay a limited use area. On Kisatchie National Forest, all deer hunting on the property will be still hunting only and those dates were moved to appropriate times of the year; and then they clarified wording on regulations. Mr. Longman then showed a list of public hearings that would be held. Chairman Crews asked if the Department had an email prompt that would advise the public of meetings. Mr. Longman explained that he could get with Mr. Bo Boehringer and be added to the News Release list. Mr. Gordon asked if the still hunting on Kisatchie was final and Mr. Longman stated the National Forest made their decision but there is an appeals process and now those appeals are being considered at the Washington level. Mr. Longman explained further the DMAP process and Level 1 and the tags that a landowner may get.

The **Enforcement Division Report** began with Major Joey Broussard stating the Department's three planes flew a total of 70.5 hours for the month of February. There were 12 boating accidents during the month with 7 fatalities, 4 in Plaquemines Parish, and 1 in each Orleans, Evangeline and Ouachita Parishes. Major Broussard added that no PFD's were in use on any of the boats. A total of 1,067 cases and 317 warnings were issued and agents responded to 54 public assists. The majority of the cases were related to fishing licenses and boating safety. Next, Major Broussard talked about cases of interest. The first was a game fish case in Iberville Parish where agents found individuals running hoop nets and keeping crappie. The next case was a littering case that led to a drug arrest. The last case began as a search and rescue for an overdue hunter, but found the hunter died from multiple gunshot wounds and an individual has been charged with negligent homicide. Chairman Crews asked if the accident involving the 4 individuals that drowned in Plaquemines Parish was in the River and Major Broussard said it was in the Gulf of Mexico. The Chairman said he did not like this report and stressed the importance of reinforcing safety with constituents.

On the next agenda item, **Office of Fisheries: Rigs to Reefs Program**, Mr. Doug Peter stated he would give a brief overview of inshore and offshore projects. Offshore there are 9 planning areas for developing reefs and currently there are 65 offshore artificial reefs. Right now there are 43 planning area reefs, 15 special artificial reef sites developed outside of the planning areas. Two structures in greater than 400 feet of water were added this year and 1 was in 625 feet of water but was only 130 feet from the surface and has been a known fishing spot for quite a while. In 2010, the Department received 26 oil and gas structures and that was in part due to hurricanes and ramping of decommissioning of offshore oil and gas structures. There are currently about 3,000 structures off the Louisiana coast and a total of approximately 3,500 coastwide in the Gulf of Mexico. Chairman Crews felt this number was down from 5,000, but Mr. Peter stated that it has held steady around 4,000 for a while. Chairman Crews then wondered what was the total number of structures in the specially designated artificial reef area. Mr. Peter stated roughly Louisiana has 263 and Texas has 130. Mr. Carpenter asked Mr. Peter if he knew the number of artificial reefs off Alabama's coast and he was told that Alabama classifies their reefs differently than Louisiana. But Mr. Peter did note he did not think Alabama had any oil and gas

structures. Then the Council was told Louisiana has 28 inshore reefs composed mainly of low profile materials plus there are reef balls (domed shaped objects that have holes in them made of concrete) in Lake Pontchartrain. Also, staff has been involved with decommissioning the I-10 bridges. Phase 1, called the South Twin Span Reef, used 60 bridge spans that were crushed and put in the bottom of the lake in about a 4 acre area. Demolition of Phase 2 should begin the summer of 2011. Chairman Crews then asked what would be the proposed reef. The Department has been working with CCA on a reef on Independence Island which is a submerged island with hard bottom and ridges and valleys. There is a permitted 55 acre site over the island and this summer 10 acres would be developed with limestone material. Mr. Peter stated they are becoming more active with inshore reefs and has been working on 63 permits for oil and gas structures and another 17 for consideration has showed up over the last 3 weeks. Chairman Crews asked what consideration meant and Mr. Peter stated it was consideration for the reef program and noted that there was a moratorium on the special artificial reefs outside the planning reefs. Then Chairman Crews asked who made the decision on the moratorium and Mr. Peter answered it was a combination of the Artificial Reef Council and the re-evaluation of the Special Artificial Reef's BOEMRE. Mr. Peter added the incidents that occurred following Hurricanes Katrina, Rita, Ike and Gustav with unprepared decks going down. He noted there were a lot of different issues. Chairman Crews asked if the GPS coordinates for the artificial reefs were on the Department's website and he was told yes, there was a pdf file for inshore and one for offshore. Mr. Carpenter stated that there are reef planning areas between Venice and Grand Isle, but not much past that. As a user, Mr. Carpenter stated they would like to see much more toppled in place. Chairman Crews asked if the deepwater sites fell within the moratorium and he was told no, they were outside the moratorium. Mr. Carpenter asked what has kept Louisiana with the planning areas that have been in place since the 1980's. Mr. Peter stated that was the way the Louisiana plan was developed and the planning areas were developed based on user groups getting together and deciding on areas appropriate for artificial reefs. He thought it may be time to revisit the issue with there being more user groups in the Gulf of Mexico than in the 1980's.

Chairman Crews noted that Mr. Daryl Carpenter was in attendance for the meeting.

The next agenda item, **Office of Management and Finance: Conservation Fund Update** was handled by Ms. Wynnette Kees. She began stating that the Conservation Fund was the Department's main operating account and in 2009-2010, this account funded 42 percent of the total budget. Average revenues range from \$55 million per year with the major sources being mineral revenue from land, recreational licenses, commercial licenses and other items. License sales have been stable over the last several years but it was not known what the long term impacts would be from the oil spill. There was a slight decline in recreational license sales from April 2010 up to now. Mineral revenue fluctuates depending on a number of reasons. The next graph discussed showed annual revenues would be less than annual expenditures. This first occurred in fiscal year 2009-2010 and continues. The increase in expenditures was not due to new programs, but was due to the state's share of related benefits. To address this situation, Secretary Barham has implemented some internal reductions (travel, acquisitions, use of other means of financing). The next graphs discussed were taken from the 2009-2010 Annual Report which included information on the Conservation Fund and the Department's budget and expenditures. Chairman Crews asked if any of the fund balance was being tapped for the State General Fund and Ms. Kees stated that in fiscal years 2006 (\$2.4 million) and 2009 (\$3.3 million), under certain provisions the Governor was authorized to take 5 percent of the appropriated statutory dedications. Chairman Crews then asked if the fund balance reduction of \$8 million between FY 2011-12 and FY 2012-13 was projected short falls and Ms. Kees answered yes. Mr. Windham asked if the projections anticipate another 5 percent from the Conservation Fund and he was told no, but would probably happen. She added that there was a Federal law that prohibits the State from taking any license fees and it has to be proved that the money that may be taken was from mineral revenue. Chairman Crews stated that the Department has faced fiscal problems for a long time.

Mr. DeBlieux stated he heard that the Corps of Engineers will stop spraying water hyacinths by the summer. Mr. Perret stated the Corps program may end, but the Department will continue spraying. Mr. DeBlieux asked if the spraying will continue in the Corps' area and Mr. Perret stated they did not know what may happen with the areas sprayed by the Corps. Chairman Crews asked Mr. Perret what information could be provided. He stated that the information on the Corps was not official and they were waiting to hear from Mr. Mike Saucier. Chairman Crews asked

that Mr. Saucier come and speak to the Council on the changes that may occur. Mr. Perret stated he would try to get more information from the Corps.

Chairman Crews then noted that at the last meeting **Sector Separation** was discussed with Mr. Carpenter and the Chairman making comments. The Chairman provided to Council members the position CCA has taken on it which was pretty clear. He thought this may be an issue that would ram another regulation down the throats of recreational fishermen but it did not appear the "ramming" had begun. Another thought was that the Council did not have any authority to take action, but it did allow the members to put their noses anywhere if the issue was addressed at any time. The Chairman then stated there was no cause for action personally on sector separation. Mr. Carpenter stated, from the charter boat side, this was a very controversial "plan" but was just a concept. The biggest problem was the politics being played at the federal level and if opposition does not continue, Mr. Carpenter felt a deal would be cut in a back room. Chairman Crews stated he was tired of being told what he can do with our own resources. Mr. Roth stated he could provide information he has to the Council. The federal group was not for the fishermen, they are out to make sure fish were being sold. Chairman Crews asked the Council to stand firm on these issues. Mr. Carpenter stated there has been a lot of discussion by the Gulf Council especially after the oil spill due to the ways it affected the different economies to split the Gulf into zones. If this split occurs, he felt it would negate the sector separation talk. Then Mr. Carpenter added that it may split further along state boundary lines which would allow for more localized management. Chairman Crews felt it was important but also dangerous since it could allow people that sell fish to further draw resources from specific areas.

The next agenda item, **Coastal and Nongame Resources Division: NRDA - Natural Resource Damage Assessment** was presented by Mr. Jon Wiebe. He stated that the Natural Resource Damage Assessment (NRDA) program was ramped up in response to the MC252 oil spill. There are two main components in this program. The first was response and how to document effects on habitat and wildlife. This has been occurring since the day of the spill. The other component was assessment. As far as the response on the 4.9 millions of barrels of oil released, there have been greater than 13 million feet of boom deployed and almost 2 million gallons of dispersants. A map with the magnitude of the

oil was shown. Since the spill, there have been 11 manned response units to identify and document any habitat or wildlife issues. There was greater than 87 percent efficiency in responding to oiled wildlife calls at the height of the spill. The principal wildlife species affected was Avian and staff and trustees were responsible for the rehabilitation of greater than 1,200 birds and recovering a significant number of sea turtles and mammals. Mr. Wiebe stated there was still a significant portion of oil that was unaccounted with suggestions that it was in the water column, on beaches and marshes. The Department will continue to respond by going out and document the incidences that are occurring, monitor the clean-ups, provide clean-up recommendations in order to increase impacts to the environment, and monitor wildlife. Before going further, Chairman Crews asked Mr. Wiebe who he meant when he was saying "we". Mr. Wiebe stated the NRDA program was 17 members, and they collaborated with a number of agencies, federal trustees and the responsible party members. Then Chairman Crews asked if NRDA was federally sanctioned. Mr. Wiebe stated NRDA are national guidelines which were going toward litigation. Then Mr. Wiebe continued stating they would continue to monitor and implement wildlife hazing operations and continue to monitor environmental impacts. Through the Oil Pollution Act of 1990 came the framework for NRDA which consists of a group of state, federal trustees, responsible party members and various scientists to identify potential injuries to the natural resources in Louisiana and throughout the Gulf. NRDA was composed of pre-assessment screening to determine injury and extent of injury; restoration and planning to evaluate potential injuries and determine scale of restoration followed by restoration implementation which was paid for the responsible party. The projects would be implemented by the state and federal trustees. Two critical periods were looked at to get an idea of assessment plans; the first was at the height of the spill to evaluate habitat degradation and mortality and the other was to evaluate current and long term impacts on environments and wildlife species. Mr. Wiebe explained how a bird colony would document reproductive impairment, using modeling, could project a potential decrease in population. If that occurs, they would go to the responsible party and ask for additional dollars toward helping the natural resources get back to the ultimate goal of what it would have been if the spill had never occurred. The assessment plans were currently focused on avian models (colonial birds, waterfowl, marsh birds, shorebirds, raptors and species of special concern). This plan

will also include aquatic models such as diamondback terrapins, river otter and mink. This process would be long, not only for the state but the federal agencies and responsible party as well, commented Mr. Wiebe. Chairman Crews asked what kinds of reports have been received on waterfowl. Mr. Wiebe stated there have been reports that showed the waterfowl had no more concentrations than what would normally be found in Louisiana. Mr. Gordon stated the Secretary has indicated that there is still oil in the marsh and accompanying dead and oiled wildlife. He then asked if the state of Louisiana was being pushed to finish the clean-up while being provided funds, but those funds would have to be justified. Mr. Wiebe stated that every dollar utilized has to be accounted for. Ms. Kees added that all of the money spent has to go through the Office of Public Safety where there are layers of reviews. Mr. Gordon did not think the state was responsible for all of the clean-up and Mr. Wiebe stated that BP was responsible for the clean-up that has been ongoing, but it was up to the state and federal people to prove our case on the assessment. Ms. Kees noted there were quite a few federal regulations that sets up the trustees and who was responsible for what. Mr. DeBlieux asked if there was a timeline on when NRDA would be completed. Mr. Wiebe stated the projections are quite lengthy, the assessments could take another couple of years and restoration could take longer. The effect on wildlife species tends to not be immediate, but can usually take 5 to 7 years before impacts are seen. Mr. DeBlieux asked who were the 8 responsible parties and Mr. Wiebe could not name them. Mr. Carpenter asked if the autopsies had come in on the dolphins and Mr. Wiebe did not know. Mr. Snoop felt 7 to 8 years was a long time from the time of the event to when something may happen. Mr. Windham, having worked on NRDA processes, stated there generally have been 2 paths to take, the first was to document and then the second was the negotiated settlement. He then asked if there was anything going on in regard to negotiated settlements. Mr. Wiebe has been told that they need to prepare for litigation but with the assumption that a settlement would occur. Chairman Crews asked for data that has been obtained on an area that he fishes offshore and Mr. Wiebe stated he could not provide the data which was under strict confidentiality due to the possibility of litigation. Mr. Carpenter asked about work plans and he was told that the lawyers would have to be asked about those.

There were no **Public Comments** heard.

Mr. Bo Boehringer explained to Chairman Crews and the Council that anyone can go to the home page of the Department's website and sign up for LDWF News.

The Council set the **Next Meeting Date** for Tuesday, June 14, 2011 beginning at 1:30 PM.

Chairman Crews **Adjourned** the meeting.