

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**MARCH 7, 1991**

**JIMMY JENKINS  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808  
For more information call (504) 765-2806

**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**MARCH 7, 1991**

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**MINUTES OF MEETING**

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MARCH 7, 1991**

Chairman James H. Jenkins presiding:

Thursday, March 7, 1991

Houston Foret  
Bert Jones  
Norman McCall  
Warren Pol  
Jeff Schneider  
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called the Thursday, March 7, 1991, Commission meeting to order. A motion was made by Mr. Pol for adoption of the February 7, 1991, **Commission Minutes**. The motion was seconded by Mr. Foret and passed unanimously.

At Thursday's meeting a resolution was presented by Mr. Hugh Bateman for adoption of the **Notice of Intent for the 1991-92 Resident Game Hunting Seasons**. Copies of the hunting season recommendations were passed out to the Commissioners. Mr. Bateman reported that last month at the Commission meeting a packet of hunting seasons rules and regulations on resident game for the 1991-92 hunting seasons was presented. Subsequent to the Commission meeting a news release was put out indicating to the public that these were staff recommendations, would be available for comment over the next thirty days and a notice of intent to initiate administrative procedure would be given at the March Commission meeting. A notice of intent has been prepared advised Mr. Bateman, the Fiscal Statement has been prepared and was approved by the Fiscal Office. Over the last thirty days numerous letters of comments have been received by the department from citizens across the state about the original proposal. These letters cover a number of items in regard to the proposal. Most of the letters pertain to deer hunting season dates, various opinions from hunting clubs, sportsmen groups, etc. in terms of what these rules and regulations should be in their opinion. Today the notice of intent is being presented to the Commission so that the administrative procedure can be initiated and final action taken at the July Commission meeting. This will provide around one hundred and twenty days of additional comment period on the notice of intent. Anyone will have the opportunity to comment in writing on the notice of intent or to appear personally at a Commission

meeting to make public comments on these rules and regulations advised Mr. Bateman. Mr. Bateman stated that he believes it is the Commission's wish that any of the regular scheduled Commission meetings between now and July will provide a public comment period for anyone who wishes to appear personally. Mr. Jenkins stated that this was correct and if for some reason before the time period expires if the Commission decides that it may be necessary to have other meetings in addition to the Commission meetings, they will consider doing so. At this time Mr. Bateman read the summary of the the Game Division recommendations that were presented to the Commission at the February meeting. Upon conclusion of the reading of the summary Mr. Bateman indicated that in the notice of intent package there were federal regulations pertaining to the national forests and to the Fish and Wildlife Service refuges. The department has met with these people and in the package that the Commission will act on there are special regulations for the federal refuges and national forest lands as well as some other special areas like the munitions plant at Minden and Barksdale Air Force Base. Mr. Bateman asked if there were any questions of the Commissioners.

Mr. Foret asked if there were going to be any problem with the opening of squirrel and rabbit seasons on election day this year like they had last year. Acting Secretary McInnis addressed this and advised that there was a request from one of the District Attorneys last year to make a modification to the season. This was submitted in the form of a bill during the Legislative Session and was not successful in passing. This is something that has been discussed and the committee has made a recommendation because of the historical nature of the opening of these seasons not to make such an adjustment. There is nothing that prohibits this from being done but the general public is aware that from year to year these small game seasons for the last twenty something years have always been on the same opening weekends and from that it is felt that people have an opportunity to absentee vote or to vote on that day. Rather than change it without a public outcry from the citizens this would be left alone but it is the Commission's prerogative to take a look at any season adjustment and make recommendations stated Acting Secretary McInnis. Mr. Foret advised that he just wanted to bring this up at the beginning instead of in the last month. If some kind of change is going to be made let's do it now or leave it like it is. Mr. Bateman stated that it is his opinion that there were a lot of people that actually responded unfavorably to change this and most people are going to find the time to vote in a major election.

Chairman Jenkins advised that there were two Commission members that were part of the Deer Season Advisory Committee, Mr. Jones and Mr. Schneider, and asked Mr. Jones to give a report on the study committee.

Mr. Jones complimented everyone that was involved with the Deer Season Advisory Committee which included Mr. Hugh Bateman and the Game Division staff helping out. The participants on the Deer Season Advisory Committee were truly a cross segment of both user groups. Others serving on the committee were Dr. Don Hines, Senator Joe McPherson, Representative Rodney Alexander, Gordon Hutchinson, Jim Dunlop, Jessie Fontenot, Randy Lanoux, Charles Womack, Warren King, Paul Dickson, Cotton Fairchild, and Dr. Bill Wall. Mr. Jones stated that since he has been on the Commission this was the first time that the two user groups got together and laid out what the problems were as they perceived them on both sides of the coin. They came up with what they feel and the committee feels will resolve a lot of the conflict. Mr. Wade Byrd needs to have special recognition because he basically put this together and has been carrying the caravan around the state meeting with both user groups and getting all the input possible commented Mr. Jones. Mr. Byrd did a fine job in defining the problems or helping the user groups define their problems. Mr. Jones at this time read the recommendations that the group came up with at the last meeting. The following recommendations were made by the Deer Season Advisory Committee:

1. The removal of retrieving a hunting dog as an acceptable defense to violating state trespass laws.
2. Require that dogs used for deer hunting during the open deer hunting season to run deer have a collar with the owner's name and driver's license.
3. Establish a system of civil penalties for intentional unwanted trespass by deer dogs.
4. Take whatever action necessary to curb road hunting violations.
5. Institute a formal public input process when considering opening or closing areas within the state to the use of dogs.
6. Fairly and equitably allocate deer hunting days between dog hunters and still hunters.

The last recommendation encompassed "putting down the days and the dates for the hunting seasons" stated Mr. Jones. As the Chairman of the hunting rules sub-committee Mr. Jones stated that these regulations have been brought before the Game Division and does not think there is a whole lot of biological conflict in these season dates as the committee has requested. Mr. Bateman advised that this was correct. At this time Mr. Jones gave the recommended changes and presented a map showing the new areas.

Area 1 has been divided into two areas which creates a new area which will be called Area 6. Area 6 comprises the area below

Interstate 12 to the Mississippi line, the Atchafalaya Basin down to the Gulf.

Old Area 1 has been subdivided with Area 6 removed from it and basically Area 1 will now be the old Area 1 with the subtraction of Area 6. Mississippi River delta and south into the corridor above Interstate 12 and north. Basically from the Mississippi River east up to the Mississippi line.

Area 1 - November 23-December 1. Nine days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 2. Twenty seven days with or without dogs.  
January 3-20. Eighteen days still hunt only.

Area 2 - November 2-December 1. Thirty days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 5. Thirty days with or without dogs.

Area 6 - November 23-December 1. Nine days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 19. Forty four days with or without dogs.

Areas 3, 4, and 5 are still hunt areas only and no changes have been proposed for these areas.

Mr. Schneider added that the complete task force agreed to support these changes and to help since legislation is involved. This is a two prong effort. One is on the part of the Commission to change the season days and a new area, and a second part of the equation is to get some legislation passed through the Legislature this session. Everyone agreed that they would help support it and get their local representatives and senators to help support the needed legislation. This was a cooperative effort and it will require further cooperation in the future. Knowing full well that not everyone in the whole state is going to be happy this was the best compromise that the Advisory Committee could come up with and felt like everybody there who was representing the user groups could live with this stated Mr. Schneider.

Mr. Jones asked Senator Joe McPherson if he had anything to add. Senator McPherson advised that it was a difficult task trying to get two groups that have appeared to be diametrically at odds to come up with what could possibly be a workable proposal. Senator McPherson stated that he is not sure that either group was satisfied and knows that they did not completely satisfy either group but it is very possible that this is something that is workable. Senator McPherson has been asked to author whatever legislation would be deemed necessary to put this proposal into effect and he is willing to do this but wants the Commission to understand that the area that he represents probably sees no

benefit to this proposal. There are many parts of this proposal especially those aspects of it that require legislation that is viewed as onerous by many of the individuals that he represents. Senator McPherson stated that he wanted the Commission to appreciate the fact that he is willing to do this and feels comfortable enough with the proposal and believes it is the proper thing to do. The last time Senator McPherson had the opportunity to appear before the Commission he was expressing his displeasure with part of what is causing his problems in Rapides Parish and that is the fact that a major portion of the parish was either limited or closed to dog hunting. One area being the Kisatchie National Forest where the number of days were severely limited for both still and dog hunters based upon a joint recommendation of the department's biologists and the U.S. Forest Service's biologists. Senator McPherson advised that one of the things he was going to ask the Commission to consider is whatever the number of days that can be allowed on the Kisatchie National Forest for deer hunting, in keeping with the plans recommendation that dog hunters and still hunters be giving equal days in Area 2, that you treat the Kisatchie National Forest in the same manner. Senator McPherson also pointed out the area of southeast Rapides Parish that was closed to dog hunting all together because the landowners requested this and it was a sound thing to do because of a biological standpoint of the lessen carrying capacity of the area in the lack of escape cover. Senator McPherson stated that he had asked that the department consider a compromise on this area and was presenting this for their review simply on the basis that a bill has been pre-filed in the Legislature, by one of his representatives that represents that total area, that this area be reopened. This legislation has a good chance of being successful pointed out Senator McPherson and commented there again it puts him in a hard position where he is willing to support the Deer Task Study and sponsor legislation, that will not benefit his people, to effect it whereas this legislation that has been pre-filed will solve what his people feel is their problem. Senator McPherson had hoped that what would be a proposal was to move back to a more defined boundary on the southern end of that area which lets out a significant portion of it that has been utilized for deer hunting with dogs which has escape cover in the Cocodrie Lake Basin which is a fairly large swamp area where almost two-thirds of the total acreage is owned by two major land companies that are not in objection to the hunting with dogs on deer. One of the companies was kind enough to provide a letter saying that they have no position, that they lease their lands and allow the individual clubs to hunt with dogs or without dogs and on the lands that they leave open to the public they have no desires or wishes on that. The other major company that Senator McPherson contacted said they would be happy to provide him with a letter but would prefer not to because their position is and has been that their lands are opened to the public for recreation in whatever manner that the public will properly utilize them and not damage the timber resources on the property. Senator McPherson pointed out that this

is sixty five percent of the area or more that is owned by these two companies with very little residential in the area and it has escape cover which would negate the biological end and he would hope that this would be a compromise that would possibly preclude that legislative battle. Senator McPherson reiterated his long standing position that he does have faith in the Commission and the biologists in the department and feels like these issues should not be a matter for legislative purview. Senator McPherson gave the Commission a copy of the letter and a map showing the area to which he was referring. Senator McPherson stated that he was not asking the Commission to rule on this today but just in the understanding that it is a fact that they have to compromise on many of these issues, the fact that the legislation has been introduced and what he does not want to see is Legislators getting in arguments with biologists over these issues. Concluding Senator McPherson commented that he does support the proposal and wishes that some of these things can be worked out to let him have a little bit stronger hand as far as his local politics go and will be happy to cooperate with the Commission on whatever their desires are on this matter.

Chairman Jenkins asked if the Commission had any questions of Mr. Bateman. Mr. Bateman stated one point of clarification; Area 3 which Mr. Jones mentioned would remain the same does have the same additional four days added on to January 1st to January 5th and if you look at the recommendations while all of the rest of that season remains the same the ending date does increase by four days. In view of Senator McPherson's comments Mr. Bateman stated that the Kisatchie National Forest biological staff requested the department to consider reducing either-sex days. When the department met with them a couple of weeks ago there was a general agreement that this would be done and it is reflected in the proposed regulations. Either-sex hunting has been reduced from six days on the Kisatchie Forest to three days. Another thing is under the existing structure the department has proposed still hunting would occur on twelve days and dog hunting would occur on seven days which is a five day difference between still hunting and dog hunting opportunity on the Kisatchie National Forest. There were no indications from the Kisatchie Forest staff they desired to change this. Mr. Pol asked Mr. Bateman if he would come back with further recommendations on Senator McPherson's presentation. Mr. Bateman stated no not at this time. The possibility of looking at legislation that might come from central Louisiana was discussed and also the possibility that there would continue to be some disagreement as to where the boundaries were. Mr. Bateman stated that he guessed he was in the position of having already made the department's recommendations and it would be up to the Regulations Committee and the Board to consider his comments and act accordingly and Mr. Bateman would not offer any different opinion from what he has stated previously in regard to the Rapides Parish issue. Chairman Jenkins asked Mr. Bateman if the Commission passes a notice of intent when would the regulation be passed. Mr.

Bateman answered that the notice of intent would initiate administrative procedure and final action would be taken by the Commission on the notice at the July Commission meeting. Mr. Bateman advised that as he understands the procedure unless you make substantial changes in the rules and regulations a minor boundary change, an adjustment in days, would not require issuing another starting notice of intent. Chairman Jenkins added that was going to be his next questions because if we started over we would be out of time again. Mr. Bateman commented that is correct and in order for the department to do everything that has to be done from a legal standpoint and get the pamphlet published in the fall this action has to be taken by the Commission this morning. Mr. Bateman believes that any adjustments are acceptable between now and July and the major issue before the Commission this morning would be the acceptance and change that the Advisory Committee group is making and any additional changes that come in the way of comments after this the Commission would have to act on those independently between now and July.

Mr. Jones stated that in Area 2 deer hunting, Region 1, there has been quite a significant change in the number of either-sex hunting days with an increase from thirteen days to twenty two days in the proposed biological framework which is up in Jackson-Bienville and asked Mr. Bateman if he wanted to comment on this. Mr. Bateman advised that he had left this out of his initial presentation in terms to getting into the exact number of either-sex days and ran through them for Mr. Jones' benefit. Area 1, seven days of either-sex hunting had been proposed; Area 2 seven days generally of either-sex hunting had been proposed with the exception that in the eight parishes of District I there would be twenty two days of either-sex hunting. The other areas also have the consistent and same seven days of either-sex hunting. Mr. Jones stated that he thought it was up thirteen days from last year and it would be his latest suggestions that more information be gathered and take advantage of the opening weekend being either-sex certainly in Jackson-Bienville. The landowner is interested in seeing this as well as the biological staff and it is recommended to lower that number a little bit to keep it in line with the rest of the state. Mr. Bateman advised that if there was a specific change they can certainly make that appropriate change in the regulations and the notice before it is submitted.

Chairman Jenkins stated that he guessed what needed to be done was to have a motion on the notice of intent. Mr. Bateman commented that once you get the notice as presented seconded, then you can have discussion, amendments and make changes.

Chairman Jenkins called for a motion on the notice of intent. Mr. Jones advised that the Hunting Rules Sub-committee of the Wildlife and Fisheries Commission has reviewed this and in cooperation with the Game Division and the Deer Season Advisory group all the above together has been married as well as they could and Mr. Jones

thinks they need to try and take advantage of the conflict resolution so that they will not have to walk down this street again. Mr. Jones made the following motion. "I am going to make a motion that we set the hunting days basically in conjunction with the resolution committee which establishes a new area, Area 6, one, the dates that he spoke, Area 2 same as before and the new Area 6, that way with an additional subtraction from biological recommendation coming in the northwest section of Louisiana to bring it back down to the same number of either-sex hunting days it was last year to thirteen days and in Jackson-Bienville I think they would like to take advantage of either-sex hunting day on opening weekend to manage the harvest a little better so that would be up to fifteen days in Jackson-Bienville but bring it back with the rest of the state and where it was and let's collect a little more information before we make quite a radical change". Mr. Jones asked Chairman Jenkins if this was formal enough for him. Chairman Jenkins stated that he thought they could just make a motion on the notice of intent with the dates attached as modified by Mr. Jones. After consultation with Mr. Puckett Chairman Jenkins advised that the motion is to move on the notice of intent as read by Mr. Bateman with the dates modified by Mr. Jones. The motion was seconded by Mr. Schneider. Chairman Jenkins asked for discussion from the Commissioners. There being no comments from the Commissioners Chairman Jenkins called for public comments.

Mr. C. B. Gurney from Baker addressed the Commission and stated that he supports the new Area 6 and presented a petition with seventeen hundred signatures supporting this new area. Mr. Jones thanked Mr. Gurney for the support and advised that there was a lot of support in favor of this. There being no other comments Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

Mr. Bateman advised that the final thing would be for the Commission to approve the resolution to formalize the notice of intent and read the "Therefore Be It Resolved" part of the resolution. Mr. Jones made a motion to adopt the notice of intent and was seconded by Mr. Schneider. The motion passed unanimously

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

RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
March 7, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA March 7, 1991.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for resident game birds and quadrupeds, and

WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information and requests from sportsmen of the state, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission.

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James A. Jenkins, Jr.  
Chairman, LA Wildlife and  
Fisheries Commission

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A. Kell McInnis III  
Acting Secretary, LA Dept. of  
Wildlife and Fisheries

(The full text of the notice of  
intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is attached to and made part of this notice of intent. (A more detailed copy of the rule is available upon request from the address listed below).

Public hearings will be regularly scheduled Wildlife and Fisheries Commission meeting from April-July. Additionally, interested persons may submit written comments relative to the proposed rule until May 31, 1991 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

CITATION: None - Changes Annually.  
AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 17: ( 1991).

James H. Jenkins, Jr.  
Chairman

SUMMARY OF 1991-92 RESIDENT GAME HUNTING SEASON  
RECOMMENDATION, DATES AND BAG LIMITS  
GAME DIVISION

Quail: Nov. 28-Feb. 29 - Daily Bag Limit 10, Possession 20  
Pheasant: Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4  
Squirrel: Oct. 5-Jan. 26 - Daily Bag Limit 8, Possession 16  
Rabbit: Oct. 5-Feb. 29 - Daily Bag Limit 8, Possession 16  
\*Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season  
Archery: Oct. 1-Jan. 20  
Muzzleloader: Dec. 2-6

<u>Area 1 - 59 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzle-loader only)	Dec. 5, 6
Dec. 7-Jan. 2	27 (with/without dogs)	Dec. 7, 8
Jan. 3-20	18 (still hunt only)	
	59	

<u>Area 2 - 65 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	30 (with/without dogs)	Dec. 7, 8
	65	(Additional days in some parishes)

<u>Area 3 - 65 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	30 (still hunt only)	Dec. 7, 8
	65	

<u>Area 4 - 44 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	30 (still hunt only)	Dec. 7, 8
	44	

<u>Area 5 - 14 days</u>	<u>Days</u>	
Nov. 23-Dec. 1	9 (still hunt only)	BUCKS ONLY



Louisiana Wildlife and Fisheries Commission

WHEREAS, the Legislature of Louisiana during the 1990 regular session enacted Act 334 authorizing the Department Secretary to sell a certain parcel of land in Vermilion Parish with frontage on the Intracoastal Coastal Canal; and

WHEREAS, this parcel of land consists of approximately seven-tenths of an acre and is not suitable for the Department's current need for a safe haven and docking facility for Department boats and equipment; and

WHEREAS, the Department has located another tract of similar size nearby which also has water access and is suited for the purpose of safe haven for Department boats and equipment; and

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the LA Department of Wildlife and Fisheries to take all necessary steps to acquire the suitable tract of land in conformance with all state policies governing the acquisition of real property.

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Jimmy Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

March 7, 1991

Mr. Tommy Prickett, at Thursday's meeting, reported on an **Extension for Fur Trapping in Southeast LA**. This material was presented for information only. Mr. Prickett explained why the season was extended. Under previous Commission action the Secretary is authorized to extend the trapping season if the biological conditions are right and the market dictates that it should be extended. It was recommended to Acting Secretary McInnis that the season be extended through March 31. The resources out there are trying to be salvaged, what otherwise may be the most disastrous fur trapping season ever. There are some buyers and dealers that want to purchase an additional fifty thousand nutria and the department believes that the resources are there to provide this and also the trappers may be able to make a few dollars advised Mr. Prickett. Chairman Jenkins asked if any action was needed. Mr. Prickett stated no this was just a courtesy to the Commission to let them know why the Secretary extended the season. Chairman Jenkins asked if anyone had any questions on this. There being none he went on to the next item on the agenda.

At Thursday's meeting the **Rule on Black Bass Regulations of Daily Take and Size Limits** was presented for ratification by Dr. Jerry Clark. Dr. Clark reported that today he is standing before the Commission with something that is going to make a difference in a fishery in the state for a long time. People in the state have been involved with this for a long time and Dr. Clark proceeded to go through the history of this issue. In October of 1988 a group of bass fishermen got together with members of the department and decided that they would like to try to do something good for bass fishing in Louisiana. The first task force meeting was held in October of 1988. Over the following months they got together and worked with the department. The department started working on its first ever management plan and to date the Bass Plan is complete but has not been published yet. In December a year later the final recommendations for the plan were put together by the biological staff of the department and presented to the task force. At that time the task force voted unanimously to support that plan. The plan was taken to public hearings at eight different places throughout Louisiana: Shreveport, Monroe, Alexandria, Lake Charles, Baton Rouge, New Orleans, Houma and Lafayette. A lot of good comments were received for the first plan. The staff and task force got together again and came forward with a second version based on all the public comments that had been taken over a six month or more period.

There were three principle changes in the second plan from the first plan. The first plan recommended a statewide slot limit for all the waters of the state. The second plan does not include this and only includes a slot limit on nine lakes statewide. Dr. Clark pointed out at this time that there were almost five hundred lakes in Louisiana that are over twenty five acres and there are more than two hundred and fifty lakes in Louisiana that are a hundred acres or more with approximately fifty thousand miles of streams in the state. This plan is basically asking for special slot limits on only nine of these water bodies so one can see the tremendous change that was made from version one of the plan to version two advised Dr. Clark. The biological staff proposed a slot statewide believing and still believing that it would be beneficial for bass fishing in the state. One of the principle sources of complaint for those slot limits came from the marsh bass fishermen. In the paper Sunday the State of Mississippi has instituted slot limits on bass only for coastal counties noted Dr. Clark.

The second major change in version two of the plan was to reduce the number of trophy lakes proposed in the first plan from four to only two.

The third major change was that in the first plan a statewide bag limit of ten fish was proposed and in the second plan there is a statewide bag limit of eight fish. This principle change is because of the reduced slot limit on lakes which was really the

principle tool and if anything was going to be done to try and make a difference, everywhere else in the state, it was control over the bag limit. Thus the bag limit was reduced by two fish in the second version of the plan to make up for, in some sense, that which was thought to be lost by giving up on the slot limit. The removal of the slot limit statewide is the principle change.

Version two of the plan was taken back to the task force. The sense of the meeting was it was too bad we were not able to do version one of the plan but they were much in favor of version two of the plan which they supported unanimously. A notice of intent was brought before the Commission and published in the state register and since that time significant public comment has been received. Dr. Clark summarized the public comment for the Commissioners. In one form or another the department has been contacted by almost one thousand people since the notice of intent has been published. This does not include all the public hearings that took place in version one; this is just since the second version of the plan has been published as a notice of intent. The department has received a petition in support of the plan in its entirety; received a hundred and fifty eight individual signed letters from people in support of the plan. The department is considering any letters that are multiple copies of the same letter as a petition. There were thirty eight letters received against the plan. Two petitions have been received by the department asking to change the limit from eight back to ten and the Louisiana Wildlife Federation Saturday passed a resolution asking the bag limit be changed from eight back to ten everywhere in the state except on the quality and trophy lakes and the reciprocal agreement with Texas. On a single issue, with respect to the plan, thirty seven letters were received supporting False River as a trophy lake. The department has also participated in the oversight process since publication of the notice of intent. Dr. Clark stated that the oversight process that the department went through was almost of historic proportions. Dr. Clark explained that oversight is both the House of Representatives and Senate with sub-committees of the Senate and House Natural Resources Committees. The Senate chose not to do oversight on the plan but the House chose to have an oversight hearing and notices were sent to every member of the House Natural Resources Committee which was a technical error. The notices should have only been sent to the sub-committee. Oversight was held with all members of the committee who chose to attend and the plan was defeated. The Chairman of the Natural Resources Committee subsequently talked to the Speaker of the House and decided that the vote was technically incorrect because not every member of the House Natural Resources Committee should have been sitting at the oversight hearing. Only the sub-committee on oversight should have been heard. A second notice was sent out, the plan was heard for a second time and it passed. This is the process that the department, Commission, fishermen and task force has participated in for almost two and half years advised Dr. Clark and are here today before the

Commission asking for final adoption of the proposed bass rules. Chairman Jenkins asked Dr. Clark to read the full rule into the record. Dr. Clark concurred. Chairman Jenkins called for a motion for adoption of the rule. A motion was made by Mr. Schneider and seconded by Mr. Jones. Chairman Jenkins asked if any of the Commissioners had any questions.

Mr. Schneider stated that he thinks they have all received a lot of mail on the bringing of filets back to the camps and asked Dr. Clark, for the record, to explain the situation so everybody can understand it. A lot of people are operating under a misconception. For the record, Dr. Clark explained that number one, the filet rule, although it would be beneficial to the bass plan, is not tied to the bass plan in any way. Some people have achieved this misconception. Number two, information has been provided to the public that was incorrect. The principle information that was provided to the public that has been incorrect was that it was stated that it was the intention of the department to stop anyone from fileting the species that were listed which were principally bass, striped bass, crappie, etc. at their camps, on their houseboats if they wish to eat them. This piece of information ignited an uproar that is still being heard and the department is still receiving letters principally from the Atchafalaya Basin which makes sense stated Dr. Clark. Letters have also been received from representatives and senators throughout the state who were also against this misconception. The intent of the filet rule is relatively simple and is identical to the saltwater statute that currently exists which is when you land those species at your final destination they need to be head and tail intact. They may be eviscerated and that is it stated Dr. Clark. Giving an example Dr. Clark pointed out that if you have a camp in the basin or a houseboat in the basin you can fish all day, you can go back to your houseboat and clean as many fish as you legally took that day or have in legal possession on the houseboat, cook them, put in packages and leave them in the houseboat or camp as long as you want but if you catch fish, take them back to your camp and your camp is not accessible by a road and you have to get back in your boat and go back to land to get to your final destination, at the point in time which you arrive on land the fish you wish to take home then must be head and tail intact. Dr. Clark stated that he believes that the principle difficulty people have had with this rule is that they thought they were out of business of eating fish at their camp and that is not true. This was never the department's intent nor was it part of the original rule. The person who provided the incorrect information has subsequently made a mailing to all the original people that the incorrect mailing was made to and hopefully the problem will die down somewhat.

Chairman Jenkins asked if the Commissioners had any more questions. Mr. Pol asked if the Commission and department plans to take into consideration the recommendation made by the Louisiana Wildlife Federation on the increase from eight to ten. Dr. Clark stated

that it is not the department's recommendation to do this. Chairman Jenkins asked if there were any other questions from the Commission. There being none he called for public comment.

Mr. Gary Risponi, Greenwell Spring, lifetime member of Louisiana Wildlife Federation, Atchafalaya Basin Council, Baton Rouge Sportsmen's League, Ducks Unlimited Greenwing Chairman for the state and employed by the Baton Rouge Mayor's Office as a Citizen's Service Director addressed the Commission. Mr. Risponi advised that he realizes the hard work that was put into this by Dr. Clark and everyone concerned with the Bass Management Plan. Mr. Risponi's basic reason for coming today is not to oppose the plan but to bring to the Commission a plea to make a public promise to up the limit back to ten. If this change is not made it is going to hurt implementation of any bills, proposals or task force in the future. Mr. Risponi stated that he is not going to oppose the plan and urged the Commission to pass it today but wants a public promise that this Commission will support, in the near future, to up the limit to ten fish.

Mr. Bob Mitchem, State President of Louisiana Black Bass Unlimited, addressed the Commission. Mr. Mitchem advised that he was also reflecting the views of the Association of Louisiana Bass Clubs and Bass Research. These three organizations comprise eight thousand bass fishermen in some type of structure organization in Louisiana. At some time during this two and a half year process we have all been involved advised Mr. Mitchem and all three organizations have fully supported what the department has tried to do. This has been a long time coming and will be a hard battle to get passed. Mr. Mitchem stated that in response to the limit he thinks if any member of the Commission would like to check with the Department of Wildlife they will find that right now that you average catch rate in Louisiana is about five fish for the average fishermen. The eight fish that is proposed is three in excess of what the average fisherman can go out and catch. Every year the pressures on Louisiana's waters are growing. There are more people fishing and there are more people who are knowledgeable in fishing. Mr. Mitchem thinks the eight fish limit that has been proposed is a good limit and is backed by research. On behalf of all three organizations Mr. Mitchem urged the Commission to pass the management plan as it has been presented by the department.

Mr. Randy Lanctot, Executive Director, Louisiana Wildlife Federation, addressed the Commission. Mr. Lanctot advised that the Commissioners have gotten a copy of the Federation's statement and they would like the Commission to consider increasing the proposed limit to ten fish daily. There are also some other comments in the statement related to the inadequate economic assessment of the impact of the plan and hopefully in the future this will be addressed; also the Federation feels that the plan should address habitat considerations more than it has. Mr. Lanctot stated that all of these comments have been made previously and unfortunately

if they were considered they certainly were not reflected in the final recommendation. The Federation does not want to delay the implementation of the plan but would like the Commissioners to seriously consider immediately beginning the process to bring the limit back up to ten fish at the earliest possible date. Mr. Lanctot stated that one gentleman said this eight fish proposal is backed by research but he has not seen any of this otherwise the Federation would not be here opposing it. The best explanation that Mr. Lanctot has heard is that it is closer to the average. The Federation urges the Commission at this point in time to examine the plan and to consider seriously increasing the limit to ten fish. In the future if biological information, which has not been seen up to this point, shows that it is necessary to reduce the limit nobody would be opposed to that stated Mr. Lanctot. There is a danger in instituting regulations that are not based on good biological information and sound research that does not take in adequately the consideration of the public concluded Mr. Lanctot.

Mr. Gary Risponi addressed the Commission again and stated that he does not think the biological data has been presented to say that limiting it to two more fish would hurt and he agrees with Mr. Lanctot. Some of the waters that this is going to effect, and even thought in numbers it is not that many bodies of water, in areas and miles it is.

Chairman Jenkins called for a vote on the motion made by Mr. Schneider earlier and seconded by Mr. Jones for adoption. The motion passed unanimously.

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

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

Section 123. Chicot Lake Black Bass Harvest Restriction

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S.  
56:325(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991), Repromulgated in S. 149 of this Chapter.

Section 149. Black Bass Regulations-Daily Take and Size Limits

The Louisiana Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of 8 fish for black bass (Micropterus spp.). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the Commission establishes special size and daily take regulations for black bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee' Parish):

Size Limit: 15 inch - 19 inch slot  
Daily Take: 8 fish - of which no more than 2 fish may exceed 19 inches maximum total length.\*  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Bossier Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake Vernon Parish):

Size Limit: 14 - 17 inch slot  
Daily Take: 8 fish - of which no more than 4 fish may exceed 17 inches maximum total length.  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

\* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25) (a), 325 (c), 326.3

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991).

James H. Jenkins  
Chairman

Acting Secretary McInnis addressed the Commission and asked if they could step aside from the agenda at the moment and advised that this morning Dr. Rouse Caffey, Chancellor, Louisiana Agricultural Center, LSU is attending the meeting. Acting Secretary McInnis stated that Dr. Caffey cannot stay for the afternoon meeting and asked that he be allowed to address the Commission on some of the concerns that deal with the property at the Wildlife and Fisheries office before he has to leave. Dr. Caffey addressed the Commission and advised that the Agricultural Center has a state involvement in research and extension involving not only agricultural commodities but forestry and wildlife and fisheries and have had the opportunity to work with the Commission over many years. The Wildlife and Fisheries Unit on the campus is supported by the federal government, Department of Wildlife and Fisheries and by the Louisiana State University Agricultural Center. Dr. Caffey advised that Acting Secretary McInnis had talked to him briefly about some of the land which is on this side of the creek that could be used by the department for conservation measures and wildlife. Dr. Caffey stated that he does not believe that this would interfere with the Pennington Center. Some of the land has been leased to Christian Life on a long term basis and about six acres to the 4-H Club Foundation. Dr. Caffey is in the process of having his engineers draw up the plat to determine which land is not under lease. The area that the department occupies was leased from the LSU Agricultural Center many, many years ago on a ninety nine year lease. Dr. Caffey will present to the board a recommendation that the department gets the land to be used for which they plan. Concluding, Dr. Caffey stated that because they are statewide in agricultural research extension they work with various statewide groups and he tries to attend the meetings of these various groups. Dr. Caffey looks forward to attending the Commission's meeting so that lines of communication can be maintained better in the future and he thanked Mr. Warren Pol for his leadership in this area. Acting Secretary McInnis has done a very good job in communicating and working with the LSU Agricultural Center advised Dr. Caffey and he looks forward to getting to know everyone a lot better.

Chairman Jenkins thanked Dr. Caffey for his comments and proceeded with the agenda.

At Thursday's meeting Dr. Jerry Clark presented the **Rule on Toledo Bend Reciprocal Agreement with Texas** for ratification. Dr. Clark reported that they begun putting the Bass Plan together without much thinking about the border region with Texas. This opportunity emerged because of the Commission's actions. At the joint Commission meeting at the San Marcos facility with the Texas Parks and Wildlife there was discussion about how they could communicate better in things that they shared interest in. At the direction of the Commission the department met with the Texas Parks and Wildlife Department biological and administrative staff in the office of their fisheries and discussed what could be done to make fishing better on the boarder areas, principally Caddo and Toledo Bend. An agreement and proposal was reached to managed bass on the border waters. This proposed rule for the reciprocal agreement also went through oversight. At the first meeting of oversight it was ruled technically illegal and was voted down. At the second meeting it was also voted down. Dr. Clark stated that through the efforts of many people the Governor was influenced to overturn oversight, at some risk, in support of what he was convinced was in the interest of bass fishermen, the local economies of that area, and an attempt to bring especially Toledo Bend back to the fishery it once was. The proposal for final adoption of the reciprocal agreement before the Commission today will do this and the department recommends it. This rule, perhaps even more than the plan, has the unique feature of having the Governor overrule an oversight hearing which Dr. Clark thinks is a strong endorsement of the plan. Dr. Clark pointed out that the Commissioners have the agenda item in their packet, however he needed to give them a substitute. Because Louisiana was unable to be timely Texas essentially stopped in the middle of their process waiting for Louisiana to get its act together and they now are unable to meet the agreed deadline. The change is a very trivial technical change. The last sentence has been replaced and says instead of "April 1", " May 1". Dr. Clark advised that he talked with the Texas people yesterday and was assured by their Division Director, as much as he can assure Dr. Clark, that he anticipates no difficulty in their passing this rule and having it in place by May 1. But because it is a reciprocal rule, which requires joint action, the departments would be unable to put it in place by April 1. Chairman Jenkins asked Dr. Clark to read the rule for the record. Dr. Clark concurred. Chairman Jenkins called for a motion to adopt the rule. Mr. Pol made a motion that the Commission accept the Toledo Bend Reciprocal agreement as amended by Dr. Clark and presented to the Commission. The motion was seconded by Mr. Vujnovich. Chairman Jenkins called for discussion from the Commission. There being none he called for public comment.

Mr. Warren Founds, Deputy Director, representing the Sabine River Authority addressed the Commission. Mr. Founds stated that he was

representing the Sabine River Authority, all the different business organizations and fishing groups on Toledo Bend who were in favor of the plan. There is a need for this fishery in their area and it is felt like this fishery plan will bring the boaters back to Toledo Bend and encouraged the Commission's favorable support of the plan stated Mr. Founds.

Chairman Jenkins asked if there were any more comments. There being none he called for a vote on the motion. The motion passed unanimously.

Mr. Jones recommended that the Commission and department publicly thank the Governor for his help. Chairman Jenkins stated that was a good idea and asked Acting Secretary McInnis to draw up the resolution. This was truly a statesman's approach to a political hot seat commented Mr. Jones and personally thanked the Governor for doing this. Chairman Jenkins advised that they agree with Mr. Jones and a resolution will be drawn up thanking him.

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

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

Section 110. Toledo Bend Reciprocal Agreement

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (Micropterus spp.) is set at 8 fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at 5 fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective Monday, May 1, 1991, provided that the State of Texas also agrees to amend the existing Reciprocal Agreement and adopts the same regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6  
(25) (a), 325 (c), 326.3, 673

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission L.R. 14:548 (August 1988), Amended L.R. 17: (March 1991).

James H. Jenkins  
Chairman

Continuing, Dr. Jerry Clark presented the Proposed Rules and Regulations on Introduction of Triploid Grass Carp in Commercial Catfish Culture Ponds and Proposed Rules and Regulations on Importation, Culture, Possession and Disposal of Tilapia in Louisiana at Thursday's meeting. Dr. Clark advised that at the last two Commission meetings tilapia and grass carp have been discussed and a resolution was introduced to "domesticate" grass carp and tilapia in order that they may be reared in aquacultural settings in the state. The Commission did domesticate these two species at the February Commission meeting contingent upon acceptance of the department's proposed rules. Dr. Clark pointed out that in the Commissioner's packet there are the rules and regulations governing this. All that is needed is a vote in support of the rules if that is the Commission's choice advice Dr. Clark and asked if there were any questions about the proposed rules.

Mr. Schneider asked if catfish farmers were the only ones that could procure the fish and would the rule preclude any private pond owner, country club, housing development, farmer, etc. who had a private pond that had a grass problem and wanted to use these carp. Dr. Clark answered that was correct and there has been discussion over the last three or four years. Out of this discussion a task force was put together of fishermen (recreational, catfish and others who were interested in the grass carp for uses that Mr. Schneider is talking about and they came out with a recommended set of uses and the department has abided by that set of agreements. That agreement is basically as it is seen in this set of rules pointed out Dr. Clark.

Chairman Jenkins asked Dr. Clark if he needed a motion to adopt the permanent regulations. Dr. Clark explained that was not it at all, the department by law has to promulgate these rules. If the Commission agrees with the rules the department will begin with the process of the Administrative Procedure Act (notice of intent, etc.). The department is not involved with the Commission at all with the APA other than the domestication of the species. The Commission had told the department that they did not agree with the domestication unless they saw the rules so the department is providing them with the opportunity to see the rules advised Dr. Clark. A simple motion in favor of the rules is all that is needed then the department will proceed with adoption of the formal rules.

Mr. Pol moved that the Commission accept the recommendation of the rules by Dr. Clark. The motion was seconded by Mr. McCall.

Chairman Jenkins called for discussion by the Commission. Mr. Jones asked about the department personnel that will recommend to the administrator if the applicant's request should be approved or disapproved and how this would be handled. Dr. Clark explained that the department has a proposed form which will be mailed to the department by the applicant. A biologist will be sent to the site and if they don't meet the rules a permit will not be issued. Every application will have a on-site inspection. Mr. Jones asked about the "all catfish cultural ponds that will contain triploid grass carp must have levees at least one foot above the one hundred year flood elevation" and does this take into account the Mississippi River levee. Dr. Clark advised that this is a standard clarification, within a watershed the one hundred year flood plain, whatever the source of flood waters, is identified and this standard classification will be used. Mr. Jones stated disregarding the fact of the Mississippi River levee. Dr. Clark stated that he believes that the classification of the possibility of a one hundred year flood takes into account all factors including wherever you are, whatever the source of the flood water is, etc. Chairman Jenkins asked for public comments. There be none Chairman Jenkins called for a vote on the motion. The motion passed unanimously

(The full text of the proposed rule is made a part of the record)

#### RULES AND REGULATIONS ON INTRODUCTION OF TRIPLOID GRASS CARP IN COMMERCIAL CATFISH CULTURE PONDS

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana. The following terms shall have the following meaning in this document:

- Catfish Culture - all activities associated with raising catfish from eggs to adult size.
- Commercial catfish farmer - any commercial catfish operator whose ponds are stocked with a minimum of 1500 catfish per acre and who markets 85 percent of his catfish.
- Triploid grass carp culture - all activities associated with raising triploid grass carp from fingerlings (not less than 6 inches in length) to adult size.

Culture system - shall be a system used for catfish culture and designed such that all triploid grass carp are prevented from escaping.

Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.

Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.

Triploid grass carp culture permit - the official document that identifies the terms of, and allows for the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana as approved by the Secretary.

Triploid grass carp - refers to Ctenopharyngodon idella fingerlings, and larger individuals that are certified as triploid (3N chromosomes) by the U.S. Fish and Wildlife Service or an agency or contractor approved by the department.

Permittee - the individual, business, corporation or organization that possess a valid Louisiana triploid grass carp culture permit.

Disposal - the business of processing, selling, eradicating or purposely removing triploid grass carp from a culture system.

#### TRIPLOID GRASS CARP CULTURE PERMIT REQUEST PROCEDURES

Catfish farmers wishing to import, transport, culture, possess, dispose, or sell live triploid grass carp in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the

application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.

3. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for triploid grass carp culture permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may reapply after correcting specified deficiencies noted in the Secretary's letter of denial.

#### RULES ON TRANSPORT OF TRIPLOID GRASS CARP FOR CULTURE

1. For each occurrence when the permittee wished to import, transport, possess, or sell live triploid grass carp, the permittee must obtain, in writing, approval from the department. Procedures and necessary information for obtaining approval are:
  - a. Requests shall be made to the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
  - b. Requests shall include:
    - (1) Louisiana triploid grass carp permit number, or a copy of the permit.
    - (2) Route of transport.
    - (3) Date of transport.
    - (4) Time(s) of transport.
    - (5) Destination.
    - (6) Owner of transport vehicle.
    - (7) Total number of fish.
    - (8) Identification of seller and buyer.
2. A bill of lading must accompany those individuals in possession of live triploid grass carp during transportation and shall include:

- a. Copy of the permittee's written approval as described in one above.
- b. Date and approximate time of shipment.
- c. Route of shipment.
- d. Source of triploid grass carp (hatchery, culture pond, etc.).
- e. Name, address and phone number of seller.
- f. Name, address and phone number of buyer.
- g. Copy of triploid certification.
- h. Total number of fish.
- i. Destination.
- j. Display the words "TRIPLOID GRASS CARP" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than six inches high.

#### RULES OF TRIPLOID GRASS CARP CULTURE SITE

1. A legal description of the catfish culture property that shows ownership must be submitted along with the permit request.
2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove and take fish samples for analysis and/or inspection.
3. All catfish culture ponds that will contain triploid grass carp must have levees at least one foot above the 100-year flood elevation.
4. Triploid grass carp will be permitted only in commercial catfish culture ponds.

#### GENERAL RULES FOR TRIPLOID GRASS CARP CULTURE

1. The cost of a Triploid Grass Carp Culture Permit shall be \$50, plus the actual cost of the on-site inspection. Qualified

universities conducting research approved by the department shall be exempt from the fee charge.

2. In order for a permit to be valid, a Fish Farming License from the department is required.
3. Permits are valid for 12 months.
4. Permits are not transferable from person to person or property to property.
5. Live triploid grass carp may be sold only to a commercial catfish farmer permitted to possess triploid grass carp.
6. No person may release live triploid grass carp into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of triploid grass carp to the department or a department approved contractor upon request to verify triploidy; at the permittee's expense.
8. No eggs, fry or fingerlings under six inches in total length shall be transported, shipped, possessed, stocked or sold in Louisiana.
9. Water discharge from all culture systems stocked with triploid grass carp must have appropriate barriers designed to prevent escapement of triploid grass carp and constructed with rigid, sturdy screens of a size no larger than 1/2 inch square mesh.
10. The department may employ whatever means it deems necessary to prevent the release of escapement of triploid grass carp or their eggs into the environment. The permittee shall agree to reimburse the department for all cost including, but not limited to, man hours and materials utilized during these corrective actions.
11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions.
12. If a permittee terminates the use of triploid grass carp in catfish culture ponds, the permittee shall notify the Secretary immediately and dispose of the triploid grass carp according to methods approved by the department.

13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke, the permittee's permit. All triploid grass carp shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.
14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five days.

(The full text of the proposed rule is made a part of the record)

#### RULES AND REGULATIONS ON IMPORTATION, CULTURE, POSSESSION AND DISPOSAL OF TILAPIA IN LOUISIANA

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia and, or their hybrids in Louisiana. The following terms shall have the following meaning in this document:

- Culture - all activities associated with the propagation and nurturing of tilapia.
- Culture system - shall be a closed system and designed such that all water containing, or that at any time might contain, tilapia (adult fish, juvenile fish, or fish eggs) is filtered, recirculated and prevented from any discharge.
- Disposal - the business of processing, selling, or purposely removing tilapia from the culture system.
- Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.
- Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.
- Tilapia permit - official document that identifies the terms of, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana as approved by the Secretary.

- Tilapia - eggs, fish, or body parts belonging to the genera Tilapia, Sarotherdon, or Oreochromis and their hybrids.
- Permittee - the individual or organization that possess a valid Louisiana tilapia permit.

#### TILAPIA PERMIT REQUEST PROCEDURES

Individuals or organizations wishing to import, export, transport, culture, possess, dispose, transfer or sell live tilapia in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.
3. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a tilapia permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may re-apply after correcting specified deficiencies noted in the Secretary's letter of denial.

Individuals or organizations wishing to import or buy processed (dead) tilapia for the sole purpose of retail sales must first obtain written permission from the Secretary. Requests should be addressed as in one above. Please include your name, phone number, intentions, and wholesale-retail dealers license number.

#### RULES ON TRANSPORT OF LIVE TILAPIA

1. For each occurrence when the permittee wishes to import, export, transport, possess, transfer, or sell tilapia, the

permittee must obtain, in writing, approval from the department. In addition, if live tilapia are transported into or within the State of Louisiana, anyone taking possession of these live tilapia must also have a tilapia permit. Live tilapia showing signs of diseases shall not be transported into or within the State of Louisiana. Procedures and necessary information for obtaining approval are:

- a. Requests shall be made to: Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
  - b. Request shall include:
    - (1) Louisiana tilapia permit number, or a copy of the permit.
    - (2) Route of transport.
    - (3) Date of transport.
    - (4) Time(s) of transport.
    - (5) Destination.
    - (6) Owner of transport vehicle.
    - (7) Electrophoretic certification which must identify stocks) to species.
    - (8) Total number of each species.
    - (9) Identification of seller and buyer.
2. A bill of lading must accompany those individuals in possession of live tilapia during import, export, transport, transfer or sale and shall include:
- a. Copy of the permittee's written approval as described in one above.
  - b. Date and approximate time of shipment.
  - c. Route of shipment.
  - d. Source of tilapia (culture facility).
  - e. Name, address and phone number of seller.
  - f. Name, address and phone number of buyer.
  - g. Identification and certification as to species.

- h. Total number of each species.
- i. Destination.
- j. Letter from source stating that tilapia are not showing signs of diseases.
- k. Display the work "TILAPIA" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than six inches high.

#### RULES FOR SECURITY OF TILAPIA CULTURE FACILITY

1. Applicant must demonstrate to the satisfaction of department officials that adequate security measures are in place at the culture facility that will guard against vandalism and theft of tilapia.
2. Any changes or modification of a permitted security system must first have the approval of department officials.
3. The department will have just cause to revoke a tilapia permit for lapses in security if: 1) the permittee is found to be in non-compliance with numbers one and two above; 2) the permittee is determined to be derelict in maintaining the security measures that were approved for the permit; 3) failure to take appropriate measures when vandalism, theft, or accidental release of fish occurs.
4. It shall be the responsibility of the permittee to immediately notify the Secretary of any tilapia that leave the facility for any reason, including but not limited to accidental releases, theft, etc.
5. It shall be the responsibility of the permittee to have at least one individual who is familiar with the culture system readily available for emergencies, inspections, etc.

#### RULES OF TILAPIA CULTURE SITE

1. A legal description of the tilapia culture facility site that shows ownership must be submitted along with the permit request.
2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Additionally, department officials may request other officials to accompany

them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

3. All aspects of the tilapia culture facility must be at least one foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at permittee's expense.

#### RULES FOR THE TILAPIA CULTURE SYSTEM

1. Applicant must provide a detailed narrative description, including scale drawings, of the tilapia culture system.
2. The tilapia culture system shall be a closed system designed such that tilapia eggs, larvae, juveniles or adults cannot escape.
3. All water utilized in the culture of tilapia shall be accounted for and shall not leave the permittee's property.
4. All aspects of tilapia culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

#### RULES FOR THE PROCESSING OF TILAPIA

1. All processing of tilapia shall only occur at a department approved permitted processing facility, and in such a manner that will prevent escapement of eggs, larvae, juveniles and/or adults.
2. Records shall be kept of all processed tilapia and include the following information:
  - a. Species.
  - b. Processed pounds.
  - c. Date processed.
  - d. Name of processor.
  - e. Buyer of processed fish.

A copy of this information shall be sent to the department's Baton Rouge office at the end of each year, or at anytime upon the request of department officials.

## GENERAL RULES FOR TILAPIA

1. The cost of a Tilapia Permit shall be \$50, plus the actual cost of the on-site inspection. Qualified universities conducting research approved by the department shall be exempt from the fee charge.
2. In order for the permit to be valid, a Fish Farming License from the department is required.
3. Permits are valid for 12 months.
4. Permits are not transferable from person to person, or property to property.
5. Live tilapia, fish or eggs, may be sold only to a holder of a valid tilapia permit.
6. No person may release live tilapia, fish or eggs, into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of tilapia to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.
8. Only those persons or organizations with valid tilapia permits may propagate, culture or possess the following species and/or hybrids produced from their crosses.

Tilapia aurea

Tilapia nilotica

Tilapia mossambica

Tilapia hornorum

9. The permittee shall be required to submit an annual report to the Secretary on a form provided by the department.
10. The department may employ whatever means it deems necessary to prevent the release or escapement of tilapia or their eggs into the environment. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during corrective actions.
11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the Secretary that the permittee will fulfill

their financial obligation, the permittee shall post a \$25,000 bond.

12. If a permittee terminates tilapia production, the permittee shall notify the Secretary immediately and dispose of the tilapia according to methods approved by the department.
13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All tilapia shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.
14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five days.

Mr. Don Puckett reported to the Commission on the **Shell Dredging Bid Package** at Thursday's meeting. Mr. Puckett advised the Commissioners that they have before them a package consisting of a proposed resolution for the Commission, a timetable which sets out the shell dredging procedures, an addendum to the notice of publication, amendments to the lease and the bid package; and the bid package which contains special instructions, notice of publication, bid form, bid bond and a proposed lease. At yesterday's meeting of the Minerals Committee the bid package along with the amendments to the bid package and the addendum to the notice of publication were all adopted by the Minerals Committee. The only change to this package which has arisen since the meeting of the committee would be a one day change, which Mr. Puckett advised he was going to personally recommend, on the date for accepting bids and would be changing it from June 30th to July 1. June 30th was a Sunday and Mr. Puckett recommends to the full Commission that this date be changed to July 1 which is a Monday. Mr. Puckett briefly went through the amendments that were approved yesterday by the Minerals Committee. These were: To require the winning bidder to report the posted barge price, any changes in the posted barge price and any sales that occur from the barge. The bid that would be submitted would be basically two part and would not only consist of a fractional bid but would also state a minimum selling price from the barge. The department's minimum selling price is \$7.50 and can only go up from that. The minimum bid altogether would be one eighth of \$7.50. Another requirement that would give the Commission the authority to waive all or part of the bid bond of a bona fide or good faith bidder who has attempted to secure certain permits from other agencies, Corps, DNR, DEQ, and has been unable to do so. As a fundamental requirement of this would be that the bidder had attempted to secure all those permits that he knew or should have known he should have received. In other words a bidder would not have the luxury of simply ignoring one of the permits and then claiming the benefit of this provision.

A technical amendment stating that the Commission would authorize legal counsel and staff to make minor modification to the lease form and the bid package contingent upon prior notification to the Chairman was also added. Another technical change that was added as a result of Act 282 is that the Commissioner of Administration after this is executed would be a signatory on the lease document. Mr. Puckett commented that the resolution the Commission has before them would encompass this entire package and passage of the resolution as worded would put this process in motion. Mr. Puckett asked if the Commissioner had any questions. Chairman Jenkins asked Mr. Puckett to read the resolution for the record. Mr. Puckett concurred.

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

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MARCH 7, 1991  
RESOLUTION

WHEREAS, The recommendations of the Mineral Committee, Counsel and staff have been considered,

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the recommendations of the Minerals Committee with regard to the lease form and bid package with the amendments approved by the Minerals Committee, and specifically adopts one tract which is described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED, that the Commission does hereby adopt and approve the guaranteed annual minimum royalty, performance bond and bid bond amounts as set out in the proposed lease and bid documents.

BE IT FURTHER RESOLVED, that this Commission does hereby set July 1 as the last date for accepting bids for the lease tract.

BE IT FURTHER RESOLVED, that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the soliciting of bids and execution of the lease including, but not limited to: 1) submission of the lease form to the Mineral Board, 2) submission of a Notice of Publication to State Lands for advertisement, and 3) submission of the Notice of Publication to the three known dredging companies, the Wall Street Journal, The Journal of Commerce, The Dodge Report.

BE IT FURTHER RESOLVED, that legal counsel and staff are hereby

authorized to make minor modifications to the lease document and bid package contingent upon notification to the Chairman.

I HEREBY CERTIFY, that the above and foregoing resolution was duly passed by the Louisiana Wildlife and Fisheries Commission on the 7th day of March, 1991.

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James H. Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

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March 7, 1991  
Date

Chairman Jenkins called for a motion on the resolution. Mr. Pol stated that on behalf of the Minerals Committee he would like to recommend that the Chairman and the Commission accept the resolution. The motion was seconded by Mr. Schneider. Chairman Jenkins called for questions from the Commission. Mr. Foret asked if this was the Cote Blanche area. Mr. Puckett advised yes it was, and proceeded to put some maps up showing the area and explained the boundaries. Mr. Foret asked if these reefs were above water at certain times of the year. Mr. Puckett advised that any reef that is above the mud line will be excluded. Mr. Foret advised that he feels like they have exposed to many reefs in that area already, it was the best hurricane protection they have ever had and it did stop a lot of erosion. He would not have any objection if it was a bottom reef. Mr. Puckett pointed out other restricted areas on the map. Chairman Jenkins asked if anyone else on the Commission had any comments. There being none he asked for comments from the public.

Mr. Donald Lirette, President of the Terrebonne Fishermen's Organization, addressed the Commission. Mr. Lirette advised that his organization sent a letter to the Corps of Engineers pertaining to a permit that the shell dredgers had requested in this particular area. The Terrebonne Fishermen's Organization opposes shell dredging in this area. Mr. Lirette met with Mr. Pelmore from the shell dredging company who has a lease in the Cote Blanche area. Several points were made when they opposed the permit to dredge shell on the east side of the Atchafalaya River and the biggest concern was that this is the only active Delta building that is occurring in the State of Louisiana. The Atchafalaya Delta is being built on outside of the reefs and if any shell dredging activity takes place in this area it is going to take place under the silt that is being deposited by the Atchafalaya River. If the shells are taken out from under the silt those barrier reefs

are going to cave in under the silt. The shell dredgers have been after those barrier reefs for years and by law and court order right now they are prohibited from taking those reefs advised Mr. Lirette. If a big enough hole is dug on the outside of those reefs they will cave in and the shell dredgers will get those reefs commented Mr. Lirette. The fishermen that fish in the area use those barrier reefs not only for protection for their boats at night from the heavy seas but they also use these reefs to fish around. It is a habitat for the fisheries and the fishermen do not want them destroyed concluded Mr. Lirette.

Chairman Jenkins asked if there were any other questions. Mr. Jones asked Mr. Puckett for an update on the mitigation shell. Mr. Puckett advised that discussions have taken place both in person, telephone and letter between this department and Dravo. A letter has gone out from Dravo concerning the department's designated areas which begin with Queen Bess Island and the pelican habitat, some five fishing reefs, and some mitigation of Marsh Island. At this point Mr. Puckett advised that he was awaiting a response from Dravo on the letter. There has been some movement towards a resolution but cannot speak with certainty that it will be resolved. Chairman Jenkins asked if there were any other questions. There being none Chairman Jenkins called for a vote on the motion. The motion passed six for and one against. Mr. Foret opposed the motion.

Chairman Jenkins adjourned the meeting until 1:30 p.m. Chairman Jenkins reconvened the Thursday, March 7, 1991, Commission meeting.

**An Update on the New Orleans Buildings** was given by Ms. Bettsie Baker at Thursday's meeting. Ms. Baker reported that the property in New Orleans was not sold. The property went up in July for sale at auction but did not sale. There were some problems with asbestos in the building and the department worked with Facility Planning to have the asbestos removed. Once this was out of the way a time and place was reestablished for re-advertising and re-sale of the building. It went up for sale on February 14, 1991, but did not sale commented Ms. Baker. Ms. Baker advised that she has talked with people at the State Land Office and they have made a couple of recommendations. 1) Change some of the financing terms of the sale. Some of the interested buyers had some problems from this perspective. 2) Reduce the minimum bid price. Approval from the Commission will be needed. Ms. Baker has spoken with Mr. Carl Morgan from the State Land Office and the lowest appraised value for the Chartres Street property was \$600,000. In conformity with the public bid law the department can go as low as ninety percent of appraised value advised Ms. Baker. The minimum bid can be reduced from \$570,000 to \$540,000. Ms. Baker stated that she was looking for guidance from the Commission on whether or not they think this would be a wise move to take and also rather than going with an auction through the Sheriff's Office whether we should sale the property through sealed bid through the State Land Office.

Chairman Jenkins asked Ms. Baker if she got any comments from anybody on why they did not bid, was it because of the minimum price, etc. Ms. Baker answered there was only one person that showed up at the auction who was interested in bidding on the building and he could not get his financing together in the time frame that was established. Ms. Baker believes that financing for many people was an issue. Ms. Baker informed the Commissioners that she has not personally spoken to any of the bidders but Mr. Bernell Boudreaux of the State Land Office had and it was his opinion that the terms "ten percent at auction day, balance to be paid in fifteen days" was a little bit stringent. Mr. Boudreaux recommended potentially that the department extend this in conformity with other types of sales that are not conducted by state entities, giving them thirty or forty five days to come up with the balance. Ms. Baker deferred to the Commission to determine whether they thought this was an appropriate course of action. Ms. Baker stated that she thinks the war had something to do with bidding on the property as it was a time of uncertainty economically etc. Now that things have turned the corner with the Iraq situation it may make a difference and Ms. Baker thinks just a little more sense of stability and expectations may help.

Chairman Jenkins advised that all the purchase agreements and contracts that he is familiar with none of them ever require you to complete the sale in less than thirty days, sometimes forty five. If this would help any, Chairman Jenkins stated that he does not see anything wrong with doing it and since the department did not receive any bids he would see anything wrong with lowering the minimum price a little bit unless somebody thinks differently. There being no objection Chairman Jenkins advised Ms. Baker to go ahead and do this. Ms. Baker stated she will work with the State Land Office. The department will have to go through the re-advertising process and it will be six to eight weeks before everything will be ready. Chairman Jenkins asked if the last sale was sealed bid. Ms. Baker advised it was at auction through the Sheriff's Office in New Orleans and thinks there is a bit of reluctance on the part of many buyers to buy at auction and there is generally a preference for the sealed bid process. Maybe by changing tactics and lowering the initial price the department may have a little more luck at selling the property.

Ms. Baker advised that as a second point there is a piece of property that has been located to relocate the New Orleans office staff. There is no purchase agreement and at this time Ms. Baker asked for permission from the Commission to move forward with the acquisition of the property so that negotiations can start with the owners. Hopefully by the end of this fiscal year the people will move out of 400 Royal Street concluded Ms. Baker. There being no objection from the Commission Chairman Jenkins advised Ms. Baker to go ahead.

The Monthly Law Enforcement Report for February was given at Thursday's meeting by Lt. Colonel Charlie Clark. Lt. Colonel Clark advised that Colonel Vidrine was out today and he was going to give the report to the Commission. The following number of cases were made.

Region I, Minden - 96 (95 Enforcement, 1 Other)  
Region II, Monroe - 89 (All Enforcement)  
Region III, Alexandria - 130 (128 Enforcement, 2 Other)  
Region IV, Ferriday - 51 (43 Enforcement, 8 Other)  
Region V, Lake Charles - 164 (155 Enforcement, 9 Other)  
Region VI, Opelousas - 123 (All Enforcement)  
Region VII, Baton Rouge - 193 (All Enforcement)  
Region VIII, New Orleans - 241 (212 Enforcement , 29 Other)  
Region IX, Gray - 376 (375 Enforcement, 1 Other)

The Oyster Task Force made 118 cases. The task force also writes up other types of violations and this month they wrote up some hunting cases advised Lt. Colonel Clark.

SWEP, the Delta Tide and Rip Tide had a total of 223 hours during the month of February. They checked 62 boats and 12 cases were made. Two weeks were spent in the Gulf with the opening of the Gulf waters for shrimping checking size and this was the reason for the low number of cases made advised Lt. Colonel Clark.

There was a grand total of 1,593 cases for the month of February concluded Lt. Colonel Clark.

Mr. McCall asked about the shrimp cases and if they were undersized. Lt. Colonel Clark advised that Region V made four undersized shrimp cases. Three of these cases being on boats and one being dockside.

Chairman Jenkins asked what was an Australian Crawfish. Lt. Colonel Clark answered that he was told it was a freshwater crawfish that grows up to three pounds and is very blue. Dr. Clark advised that not to many years ago our crawfish were taken to Europe and they carried a fungus that decimated the crawfish fishery in Europe. Louisiana is trying to keep the same thing from potentially happening to its crawfish industry. The crawfish in question is supposedly an Australian Crawfish. We have been able to identify it down to the genus level through the experts at LSU and they are saying it is a southern hemisphere crawfish which is as close as they will get advised Dr. Clark. This is exotic enough for Louisiana to worry about and really do not know if it has a disease. The department does not want to take the risk and have the same thing happen to our crawfish industry that happened in Europe. Chairman Jenkins asked if these people were importing them. Dr. Clark answered yes without permits, etc. and it is illegal. Mr. Jones asked where was this happening. Dr. Clark answered all over the state. Mr. Jones asked who was doing this.

Dr. Clark answered the companies that sell aquarium fish are carrying this crawfish. The department found out from the wife of a D.A. who bought one and happens to be a news media person. She called and brought it to the department's attention. Dr. Clark stated that he believes that there is one wholesaler who has been importing the crawfish and shipping it all over the state and the department thinks they have a handle on it. Mr. Jones asked if the department knew who this was. Dr. Clark advised yes. Mr. McCall asked how many has he imported. Dr. Clark asked Enforcement to address this. Lt. Colonel Clark answered that there is one distributor that put the crawfish on the market. The department has since gone back to him and has gotten all the records. The distributor is working with the department and the bulk has been returned. Unfortunately what happens is that the people who were selling them in the stores don't keep records of who buys them. There was publicity on this (t.v., paper) and the department is pretty confident that no more will get out. Mr. McCall asked if there was an estimate of how many of them were out there. Lt. Colonel Clark advised in the neighborhood of about one hundred and fifty and the department has recovered in the neighborhood of one hundred and twenty five. This has not only happened in New Orleans but it has also happened in Minden stated Lt. Colonel Clark.

Mr. Schneider commended the Oyster Strike Force and advised that Louisiana was getting some national publicity on their efforts. There was a feature article that was printed in the National Fisherman Magazine recently which speaks very highly of the Oyster Strike Force's efforts advised Mr. Schneider. Lt. Colonel Clark stated that they appreciated the comments and that Major Inspector Candies should get the bulk of this credit because he heads up that section and does a good job.

Mr. McCall asked what was Blue Australian Lobster. Lt. Colonel Clark advised that it was the same thing.

A discussion was held at Thursday's meeting on the **Opening of the Remaining Offshore Territorial Waters to Shrimping**. Chairman Jenkins asked if anyone from the audience would like to speak on this.

Mr. Donald Lirette, President of the Terrebonne Fisherman's Organization and member of the Governor's Shrimp Task Force, addressed the Commission on the possibility of opening the beach off of Zone 2 in the area that was kept closed at the last Commission meeting. Mr. Lirette pointed out that he had a copy of a ticket for a vessel arrested for shrimping in the closed area off of Zone 2 and the smallest shrimp the man had on board was a 70/80 white shrimp. He also had three thousand pounds of seabobs but he was pulling a small mesh net in that area and was caught for violating the three mile zone in a closed area. Shrimping for seabob and winding up with 70/80 white shrimp conflicts with Wildlife and Fisheries data. Mr. Lirette thanked Mr. Pol for

voting with the recommendation of the Governor's Shrimp Task Force at a previous meeting. Speaking as a member of the task force and not for the task force Mr. Lirette stated that the beach opening was discussed at length. It was discussed how the beach openings and closings had originated. It originated when three people went to Senator Chabert's house one day and wanted to try something as an experiment. One of these people now seats on the task force and that is Mr. Fox Cheramie. They wanted to try an experiment to see if they could help the shrimp grow to a larger size. At the Shrimp Task Force meeting it was concluded that because of enforcement problems the shrimp were not growing to a larger size and the only people who were benefiting from a closure were those who went out and outlawed. The honest fisherman stayed home and worked on his boat because it was not economically feasible for him to go out. Most of the shrimpers in Zone 2 feel that if methods of sampling shrimp were changed it would give a comparison of what is in the water and what could be harvested in the water. There is no scientific data that tells what happens to a shrimp after it passes through mesh, there is only supposition and we cannot open and close zones without fact stated Mr. Lirette. The fishermen who have sampled in this area and using the commercial gear that they use to make their living with are coming up with a different size shrimp than what Wildlife and Fisheries says is on the bottom. Mr. Lirette stated that he had made an observation today by reading the minutes of the last Commission meeting and we are getting two different opinions of some of the people on the Wildlife and Fisheries staff who come to the Shrimp Task Force meeting and try and promote mesh sizes and then they come to the Commission and give a different opinion. Mr. Lirette stated that the task force adopted going to a larger mesh size as a recommendation for the Legislature to help the white shrimp grow out to a larger size allowing more escapement and at the last Commission he believes someone contradicted that. The task force did not knuckle under political pressure to recommend that the beach be opened statewide and realized that keeping the beach closed was not a success but a failure. It was a failure mainly on the part of not enforcing a count law. The task force was trying to find other alternatives that could be enforceable. Mesh sizes was one of them, allow a harvest or whatever is captured in the mesh size, and forget the count law if it cannot be enforced. We are looking for options that can be used to try and bring the white shrimp to a harvestable size commented Mr. Lirette. Mr. Lirette stated that they would like to see the area off of Zone 2, which is presently closed, opened and abandon the three mile closure. Traditionally, Mr. Lirette has learned from fishing that before there was the three mile closing there were more white shrimp at the beginning of the May season in inside waters. Mr. Lirette feels that the effort that is expended in the three mile closure more shrimp are caught in that one or two day period than if it just remained opened. More shrimp were escaping to the inside waters, to sanctuaries, before the three mile closure. The fishermen know where the shrimp are concentrated and if you give them an opening they will harvest

it in two days advised Mr. Lirette. If the season is left open all winter they don't bother going out, they stay in and work on their boats and not as many fishermen went out in the winter time as what is going out now commented Mr. Lirette and said this is the justification for abandoning it. Mr. Lirette stated that he thinks there was a consensus of the task force that the experiment of a three mile closure is a failure. Concluding, Mr. Lirette stated that he thinks that the fishermen that are attending the meeting today would all agree that the Shrimp Task Force is trying to develop a Shrimp Management Plan where everybody can make more dollars and get the maximum use out of the resource, this is their goal. Beach closing was tried at the first meeting of the task force and it was recommended that it stay closed until the opening of the May season. The Commission saw to it to open it early. Hopefully this year with the help of LSU and the department there will be steps taken in developing a Shrimp Management Plan that the State of Louisiana can adopt and try to help the resource get the most dollar for what mother nature has given us stated Mr. Lirette.

Mr. Foret asked Mr. Lirette if he had any specific date as to when they would like the area opened. Mr. Lirette stated as soon as possible but if not he would like for the recommended date by Wildlife and Fisheries of March 18th be considered. Mr. Foret asked Dr. Clark if he would like to make a comment on this date. Dr. Clark advised that the biologists got together and talked about the times that they would like to open the season and that he was not with them that day and deferred to Mr. Phil Bowman. Mr. Bowman commented that in some of the earlier staff discussions they went through a scenario and talked to the staff of district biologists along the coast and asked them when, based on their knowledge and experience in the area and historical data that was available, they thought various areas of the coast offshore might open under a "normal" circumstance. The areas around Grand Isle and off of Cameron they felt like the middle of March time frame would probably be the time that those areas would probably open. However, in the areas that are currently closed today, which is heavily influenced by the Atchafalaya River, the shrimp normally run a little bit smaller there during the March time frame than they do off Grand Isle or Cameron and the date went into about the first or second week of April. This is what the staff of district biologists from that area told Mr. Bowman when he met with them six weeks ago. This is just based on historical data and very recent data has been collected from this area this week advised Mr. Bowman. Mr. Bowman asked the Commissioners if they wanted him to go into this data. Chairman Jenkins asked Mr. Foret. Mr. Foret stated that it was up to the fishermen and ask Mr. Lirette if he had anything to say on this.

Mr. Lirette stated that they were made aware, today, that between the area off of Zone 3 which is now open, between the area of the beach and one mile out that the shrimp there average 120 to the pound but no one is harvesting those shrimp. Boats are working a

mile off the beach and the commercial fishermen are respecting the small shrimp and they are harvesting shrimp that are more profitable a mile off of the beach. In Zone 2 where the man was caught and ticketed, he was a little over two miles off the beach, was harvesting 70/80, 40/50 and 36/40 pointed out Mr. Lirette. This was February 8. Mr. Lirette said that if a man is going to outlaw he is going to outlaw whether it is opened or not. The honest hard working fishermen wants to go out there and make a living and they are not going to try and destroy the resources. Enforcement of the 100 count law last year came from the Shrimp Take Force and came from him pointed out Mr. Lirette. Because of a technically the whole thing came tumbling down and now mesh sizes are being looked at. Mr. Lirette feels that if they had a mandatory inch and a half mesh size they would not have the problems. Mr. Foret stated that he agrees with Mr. Lirette one hundred percent and asked Mr. Lirette if his organization would go along with what Mr. Bowman presented, would April 1st be to late? Mr. Lirette stated that he felt it was not fair for their area because there is harvestable shrimp. The same thing that is off of Zone 2 is happening off of Zone 3 and the fishermen are only harvesting the shrimp they can market and get a good price for. Mr. Foret asked Mr. Lirette if what he sees right now is that it would be suitable to open the season as soon as possible. Mr. Lirette answered that is right, the shrimp are there and are marketable size and the fishermen should be allowed to go to work.

Chairman Jenkins asked if anyone else had any comments. Mr. Perry Martin, commercial fisherman addressed the Commission. Mr. Martin stated that he just had a few questions to ask. He would like to know what stops the shrimp from leaving the beaches. After a norther you are going to go six, eight miles out and still catch 120/130 to the pound shrimp. The thing is that the weather controls the shrimp, not the people. If a norther comes in the shrimp are moving out no matter what count they are. Mr. Martin would like someone to explain to him how to keep the shrimp inside of the three miles. The big boats can work while the small boats have to shut down and they cannot compete against the seventy footers that are working right along the three mile limit. The bigger boats are guarding that side and whatever goes out will not be coming back in and whatever comes in will not be going back out because they will catch it before it gets to the beach. Mr. Martin asked where are the shrimp coming from, the inside or the outside. The smaller boats are the ones that are hurting. They cannot work six miles out and take the rough seas. Before, the fishermen use to make a living with small boats and everybody was staggering themselves to where they were not all out at one time to destroy the whole crop in one or two days. What keeps the weather from pushing the shrimp out or back in. A south wind will bring them in and a north wind will bring them out. Mr. Martin stated that he cannot understand what the purpose of the three mile law is. Mr. Martin stated that he would like to see the three mile line abolished.

Chairman Jenkins asked if there were any more comments. There being none he asked what was the pleasure of the Commission. Mr. Foret made a motion that the Commission open whatever is left that is not opened of the three mile limit, not immediately but within the next couple of weeks if possible. Chairman Jenkins called for a second to Mr. Foret's motion. The motion died for a lack of a second.

Acting Secretary McInnis gave the **Secretary's Report** to the Commission at Thursday's meeting. Acting Secretary McInnis reported that the department has been very active since the last meeting in all facets and brought the Commission up to date.

The Fish Hatchery Program was set into motion last year with some of the bond money set aside for its development. About a week or so ago the department staff, Arthur Williams and others, met to review some of the people that were bidding on the rights to build the hatchery. The professional engineering consultant in conjunction with KCM of Seattle, Washington, was the successful applicant. It is Acting Secretary's McInnis understanding that KCM probably is the best known top of the line hatchery construction company in the world. The department is very pleased and excited that this group was the successful applicant. The contract has already been received and signed. They will be working with the department very shortly in reviewing the sites that have been identified for consideration. Once the site is chosen the department will try to move forward to begin the construction of the facility.

The permit was received from the Corps of Engineers for the construction of the shell pads. The permit was received by the department last week and all that is needed is the shell at this point. Acting Secretary McInnis stated that he was going to let Chairman Jenkins review the permit.

The Fisheries Division has been quite busy with the bass plan, reciprocal agreement, grass carp and tilapia. The red drum and spotted sea trout plans have been sent to the technical committee of the Finfish Advisory group for the peer review that is necessary before the department can go forward with it. By the time the Commission meets again this will be available for their review and public consumption. Members of the Fisheries Division, Research Division, have been working closely with Acting Secretary McInnis on the Oil Spill Task Force. The departments of DEQ, DNR, Emergency Preparedness, Wildlife and Fisheries, etc. are working together to come up with a bill for the Legislature to consider for putting an oil spill plan into place. This is predominately for major spills but will overlook all spills.

The Game Division has been very busy working on the hunting regulations and along with that they have considered a number of

other things. The department hosted last week the Southeast Deer Advisory Group. There were about three hundred persons participating in this meeting. Mr. Hugh Bateman, Mr. Danny Timmer, Turkey Study Leader, and Acting Secretary McInnis attended the technical meetings of the National Turkey Federation. People from all over the United States gathered in Little Rock, Arkansas, for this meeting. Commissioner Jones attended the banquet, etc. The meeting was a success and it was announced that only Alaska at this point does not have turkeys sufficient enough to have a spring turkey season. There is a meeting of the Turkey Federation tonight at the Sheraton in Baton Rouge announced Acting Secretary McInnis. The state meeting this year will take place in St. Joseph, Louisiana, advised Acting Secretary McInnis. Those who are interested are encouraged to participate.

There will be a meeting of the 2003 Refuge Review Committee in the Louisiana Room next Wednesday night. The Fish and Wildlife Service will attend and the meeting is being held to gather input on utilization of the refuge facilities around the United States. Anyone who is interested is encouraged to participate.

Over the weekend there were some distinguished visitors to the State of Louisiana in the form of Secretary Lujan, Department of the Interior. Secretary Lujan was in New Orleans for a briefing and met with Dr. Clark, Acting Secretary McInnis and other members of the Fish and Wildlife staff. Secretary Lujan had the opportunity to see some of the state's wetlands and get a better appreciation of why money is needed for protection. Senator Chaffey, Chairman of the committee that oversees the Corps of Engineers was in the state for a briefing and the department briefed him on some of the wetlands. The weather did not permit him to visit the wetlands but the briefing was appreciated advised Acting Secretary McInnis.

This coming Monday there will be a meeting in New Orleans with the Louisiana Land and Exploration Corporation. The department recently entered into continuation of the Pointe-au-Chien free lease of six hundred acres with LL&E and formal exchanges will take place Monday. Also, in conjunction with this, along with the Heritage Program, there has been a registry of a number of eagle nests and other important properties. There are twelve thousand three hundred fifty eight acres of Louisiana Land and Exploration holdings in Terrebonne, Lafourche, and St. Charles parishes that are in the natural areas registry and will be finalized on Monday as well pointed Acting Secretary McInnis.

The Fur and Refuge Division finished working with Texaco, Fish and Wildlife Service, DEQ, etc. on the Lake Salvador oil spill. This turned out to be a fifty barrel spill and there was some one thousand and fifty waterfowl that were killed as a result of the spill including some one thousand coots and approximately fifty ducks. This happened about February 4th and the cleanup was

completed by the 17th. The damages for this spill are being assessed in conjunction with Wildlife and Fisheries, DEQ and the Fish and Wildlife Service. The department will keep the Commissioners informed as to how this goes.

The Heritage Section completed the bald eagle nest survey. Louisiana has some fifty active nests at this time. The statewide survey of the Piping Plover which is an endangered shorebird and there were some seven hundred and fifty birds located which per mile of available habitat is the largest winter concentration of any state in the United States. A conservation easement was finalized between International Paper and the Louisiana Nature Conservancy on a four hundred forty acre tract in Caldwell Parish.

The Habitat Section is extremely busy also and has reviewed a number of public notices and requests. Meetings were attended dealing with Federal Aid to scenic rivers. There are hundreds of permit applications that comes through each month and the staff of this section stay very busy working on those advised Acting Secretary McInnis.

A subject that was requested that the department give some attention to at this meeting is the discussion of the status of the Louisiana black bear advised Acting Secretary McInnis and brought the Commission up to date on this issue. Last year the listing for threatened status with Fish and Wildlife Service had a public hearing in Louisiana and the process is still being formalized. It has gone from Baton Rouge to the Vicksburg office, Vicksburg to the Atlanta office, and Atlanta to the Washington office. Exactly where it is now Acting Secretary McInnis advised that he did not know but that there will be a response back from the Fish and Wildlife by June. The Black Bear Conservation Committee was established prior to the time the public hearing took place. This group is a real conservation orientated organization and is about as diverse group of people that could be put together to work on a single project. Groups represented are the American Forest Resource Alliance, Anderson-Tully Company, Bangle and Crawford, Inc., Delta Environmental Land Trust and Association, Wildlife Technical Services, International Paper Company, James River Corporation, Louisiana Cooperative Fish and Wildlife Research Unit from LSU, Department of Wildlife and Fisheries, Louisiana Farm Bureau, Louisiana Forestry Association, The Nature Conservancy, The Office of Forestry, Louisiana Tech University, Louisiana Wildlife Federation, Mississippi Delta Council, Mississippi Forestry Association, Mississippi Forestry Commission, Mississippi Nature Conservancy, Mississippi State University, Mississippi Department of Wildlife, Fisheries and Parks, The National Coalition for Air and Stream Improvement, The Sierra Club, Temple Island Corporation out of Texas, Texas Department of Wildlife and Fisheries, University of Tennessee, U.S. Forest Service, Kisatchie National Forest, U.S. Forest Service Southern Hardwoods Lab, U.S. Soil Conservation Service and Willimette Industries. This group was

formed not only to discuss habitat but also for education and information as well. There are a lot of people working on a regular basis to go forward and this is very similar to a recovery term that would be put together should the Fish and Wildlife Service come back with a formal listing of the bear in June advised Acting Secretary McInnis. Hopefully the information that is being gathered and the steps being taken will be of great benefit, whether or not they come with the listing.

The disposition report program that the department has been working on with the District Attorney's Association was revised to a six month time frame. The first grouping has come in which covers the time period of April 1, 1990 to September 30, 1990. This request was sent out in January and the District Attorney's offices were asked to have the information back to the department by March 1, 1991. There has been a good response. There were some confused District Attorneys who did not know exactly what to do that had not been involved in the program before. Acting Secretary McInnis explained that he has compiled for the Commissioners a history of compliance with the department's requests beginning with the July 1989 request, then October 1989 request, and again the most recent request that was made to September of 1990. They have not all been received but most everybody has either indicated that they will have it to the department shortly or that it has already been received. One particular report that was received, Morehouse and Ouachita, was extremely good. It had all the information that the department could ask for and will probably be used as a sample to send out to other District Attorneys to use as a format advised Acting Secretary McInnis. In the very near future the department will be working with the Computer Section to formalize a better system to account for the information that is being received from the disposition report. It is hoped to be able to present to the Commission and other interested members of the public the information that the department has as far as not only compliance but any types of trends that are found to be in place throughout the state. The District Attorney's Association has been very cooperative with the department in getting this program in order.

Before the next meeting staff personnel and Acting Secretary McInnis will be attending the North American Conference to address some issues such as pro-active strategies. Mr. George Lapointe will be attending the next Commission meeting to discuss this issue.

Acting Secretary McInnis stated that the Governor had been in Mexico this past week trying to develop better relationships between Mexico and the State of Louisiana who historically have a real close relationship. The equivalent of the Secretary of Interior from Mexico has been invited to join Louisiana next week on March 15th in New Orleans in conjunction with a major outdoor trade show. This will give the opportunity to discuss some game management and fishery management plans. Acting Secretary McInnis

advised that they were very excited that someone of that stature will be traveling to Louisiana to meet with them on this and hopes it will be beneficial to both Mexico and Louisiana.

Chairman Jenkins asked Acting Secretary's McInnis when did he think a comprehensive report could be produced from the District Attorney's reports. Acting Secretary McInnis advised that by the next Commission meeting he would have a comprehensive report of everyone who has complied and how they have complied. Acting Secretary McInnis stated that he did not know the extent to which Chairman Jenkins' question refers and did not know exactly what he was looking for in a format. Chairman Jenkins stated "with whatever the appropriate information is that can be produced and used" and would the report be forthcoming in the next couple of months. Acting Secretary McInnis gave an example of a report at this point using Concordia Parish. It shows the total number of cases, total number of guilty pleas, the total number of dismiss, outstanding warrants, how many are pending, and what they have no record of. You can see from this particular time frame there are a number of them that have no record and the reason for this is that if you will recall last session Class 1 violations were transferred from the criminal system to the civil system which are still on the record and a certain percentage of these citations that are Class 1 violations are indicated they did not get sent to the District Attorney which is correct pointed out Acting Secretary McInnis and were handled in-house. This is the type of information that the department will have for each parish. Major Tommy Candies has been working with Mr. Al Brown in the Computer Section to come up with the types of information that will be useful to Enforcement as a result of these reports.

Chairman Jenkins stated that his question was when would the Commission be able to look at a comprehensive report involving as many District Attorney's districts as are going to comply. It is going to be semi-annually and this should be ready May 1st advised Acting Secretary McInnis. Mr. Vujnovich asked how St. Bernard Parish was doing in reporting. St. Bernard responded to the first two. They did not initially respond to the first one but when requested the second time they sent both reports in. Today the department has not received the report but contact has been made with the office and the department is expecting to have the report shortly. St. Bernard has responded to each of the previous reports advised Acting Secretary McInnis.

Concluding, Acting Secretary McInnis turned the meeting over to Ms. Bettsie Baker to give a presentation on the Budget.

Ms. Baker stated that Chairman Jenkins had requested that Acting Secretary McInnis bring invited guests to discuss some particular topic of interest to the Commission or to the Department of Wildlife and Fisheries. Ms. Baker suggested that Mr. Steve Winham, State Budget Director, come and make a presentation which

he made several weeks ago to the Joint Legislative Committee on the Budget. It is of interest to Wildlife and Fisheries because we have declining revenues stated Ms. Baker and suffer from financial problems like every other agency of state government does. The department has turned to the General Fund of state government to help with some of the problems this year. Ms. Baker stated that as we seek new directions where to go she wanted to present and hopefully dispel some of the myths that may exist as what the condition of the State of Louisiana budget and not just Wildlife and Fisheries budget. Mr. Winham was meeting with the Governor today and was not able to get away to make this presentation advised Ms. Baker. Ms. Baker proceeded to give the presentation and explained that the presentation will be both historical in nature to explain how we got where we are as well as future looking so we can look at some of the problems that we have to deal with, particularly relevant to Wildlife and Fisheries because in the fiscal year 91-92 we went to the state budget looking for ten million dollars in General Fund money to make up for the short fall between the department's revenue projects and what it takes at continuation level to operate this department at the level it is being operated today. Ms. Baker gave a slide presentation on the FY 92 Budget.

The State of Louisiana mineral revenues have dropped from approximately 1.6 billion dollars to the current predicted level which is approximately eight hundred and seven million from 1979 to 1991. Dependence on mineral income has declined. From 1982 to 1991 thirty seven percent of the budget was dependent on mineral income and now the dependence on the mineral income has reduced to thirteen percent.

From 1982 through 1988 the General Fund operating balance reflects the difference between expected revenue and revenue that was actually received. Only in one year of the seven year period was there a surplus which was in 1984 when Governor Edwards got a seven hundred million dollar tax increase. These were actual deficits between expected revenue and what actually came in. This created some problems in term of trying to balance the budget. One of the things that have helped was the creation of the Revenue Estimating Committee which was created by Act 814 of the 1987 Legislature and became effective in Governor Roemer's first year. This has subsequently been constitutionally adopted which makes the Revenue Consensus Conference the official forecaster of state revenues. This has been significant in bringing the state's budget picture into control and very important in enhancing the state's bond ratings. Louisiana has gone from a "Junk Bond" rating category to the "A" category. This has helped the department from the land acquisition perspective because the money has come from bonds.

Since the Revenue Estimating Conference has come about there has not been a projected deficit in operating activity. A portion of this is due to Mr. Winham and his staff at the Budget Office having

much better control of the budget picture and how the budget process takes place. There was only one year where there was surplus in the budget and since Governor Roemer has been in office every year there has been an operating surplus. For the last three years there has been a balanced budget with a slight surplus.

One of the big changes that has been made was with the disposition of mineral revenues. Before they were allocated in not a particular fashion and now there is a very standard format of where the mineral revenues go. The first five million dollars that comes in goes to the Wetland Fund. The next money that comes in goes to the General Fund, then it is incremented upward depending on how much revenue the state has. Another thing that has been very positive is the creation of the "Rainy Day Fund", that if mineral revenues are in excess of seven hundred and fifty million all of the surplus money goes into a rainy day fund which is to be set aside for particular types of projects and to help the state budget in years when there may be some problem or economic adversity. Mineral income this year has been projected less than the seven hundred and fifty million dollars so there will be no contribution to the rainy day fund even though this is the first year that it is going into effect.

Other things that have happened that have contributed to the state's General Fund problem have been dedications of monies that may have already existed. There is a tax on gasoline and prior to recent history the tax was sixteen cents on a gallon of gas and of that approximately 10.4 cents went to transportation. The balance was dissipated through various other agencies in state government and was not dedicated to transportation. With the creation of the Transportation Trust Fund all of the sixteen cents now goes into the fund and is not available for general expenditure throughout the rest of the state budget. This is good for the Transportation Fund but it has its impact in other areas of the state particularly because that 5.6 cents which used to be available to fund general activity of state government is no longer available thus creating a problem. This year it is projected to remove one hundred and twenty two million dollars from that General Fund category.

The state has a significant unfunded retirement liability. There is approximately a seven billion dollar deficit for state employees. The retirement system is totally unfunded. One of the commitments and obligations that this Administration has made is to address the seven billion dollar problem. One of the things that it is taken away from other sources or other available General Fund money is funding this retirement system. In 1992 the projection is a hundred and thirty seven million dollars going into this which is approximately eighty seven more million than has been contributed in the past.

Another thing that has taken place is pay raises for school teachers. For a long time school teachers did not get regular

increases in income. Louisiana teachers were the 49th lowest paid teachers in the whole United States. Governor Roemer has come forward with the Children First Act where he has put in programs to enhance teacher pay as well as the other side of commitment of having qualified teachers in the school system. This is the Review and Evaluation system and eliminating the permanent tenure for teachers. The Children First Act has not gone without cost and additional cost is being anticipated in 1992 of two hundred and seventy million dollars. At the higher university level there is the same problem. There have been increases in funds projected for the university faculty. This cost is approximately ninety seven million dollars.

When money is short expenditures are deferred on ordinary operating maintenance. As a result eventually you have to pay the piper. It is estimated having to come forward with doing some repairs and maintenance. Fifteen million dollars was originally projected, this number is actually four million in the 1992 budget which is good news but in 1993 it is projected to be twenty million which is bad news.

Since 1988 there have been some significant changes in federal mandates which have severely affected the state's expenditure stream. These have been federal mandates for prisons, changes in mandate of medicaid, medicare expenses, and mandated changes in the social service delivery sector. The state has had to respond to these changes and the cost is projected to be an additional one hundred and ninety one million dollars.

The state is looking at new costs since 1988. They have had the benefits associated with them. For the first time there is real money set aside for the state to improve its roads, bridges, etc. through the Transportation Trust Fund. This is something that the state needed to do and if it was not done the federal money would have been lost for the road construction. Things have been setup to protect the infrastructure of the state but there has been a cost associated with it. With retirement systems, teacher pay raises, wetland preservation, transportation trust, etc. the state is looking at eight hundred and fifty seven million dollars projected in expenditures for next fiscal year.

Ms. Baker gave a brief description of continuation level. This is the stand still budget activity. If one additional person or one additional program was not added yet inflation was fractured in which we know is going to be in place, what does it cost to run the state government. The continuation level budget is projected at four billion seven hundred and seventy nine million dollars. Of this a portion is considered in continuation but a portion of the hundred and forty four million is not in continuation level budget. This does affect Wildlife and Fisheries but from a bigger perspective it affects us in state government just in general and as citizens of the State of Louisiana. If you look at coming up

to make a cut, how do you adjust your budget if you have got planned expenditures in excess of revenues. You have to figure out a way to adjust your expenditure level to meet you revenue needs. In state government there are some expenditure that are non-discretionary. Of the state's 4.8 billion dollar budget sixty five percent of it is considered non-discretionary which means there is no control over it and those expenditures have to be incurred. The balance, thirty five percent, is considered discretionary. Wildlife and Fisheries is one of those agencies and programs that is totally discretionary. Nobody mandates the department to do what they do and have lived quite comfortably with the fishermen and hunters supporting the activities of Wildlife and Fisheries. Ms. Baker pointed out what comprises the non-discretionary expenses. Eighty million to the Legislature and Judiciary; twenty one million in general debts service; sixty nine million in contracts; thirty four million in unavoidable obligations; 2.2 billion dollars for constitutional; four hundred and forty two million are federal mandates; and two hundred and eighty nine million are living up to consent decrees. The non-discretionary programs cannot take a budget cut so you have to go to the discretionary programs. The discretionary portion is where the department finds itself. When you look at the rundown and trying to decided how cuts are to be made it is a very difficult issue and you are dealing with public policy issues stated Ms. Baker.

Ms. Baker commented that many people perceive that there is a surplus and in fact year to year there has been operating surpluses. The undesignated fund balance as it is called is what Ms. Baker calls your checkbook carry forward balance. Last year this amounted to seven hundred and two million dollars but three hundred and fifty million was used for on-going requirements even though it came from a one year surplus. In this new year to come as a part of continuation, in addition to the add-on, the three hundred and fifty million dollars will have to be funded that was obligated last year plus the inflation factor associated with financing that activity. This would have left a surplus of three hundred and fifty two million, with net off supplemental expenditure needs of sixty two millions with a balance of two hundred and ninety million. If in this fiscal year we are looking at enhance revenue collections of a hundred million this gives us a carry forward balance of three hundred and ninety million and reversions which are expenditure that are allowed in the budget but do not get spent and goes back to the General Fund you can project an ending balance at the end of this fiscal year of four hundred and forty million dollars advised Ms. Baker. In the next year to come we know that three hundred and fifty million is already obligated to come out of the four hundred and forty million so moving into fiscal year 1992 there is not a lot of carry forward balance.

Going over 1990-91 and 1991-92 expenditures, revenues and carry forward balance Ms. Baker advised that the state is looking at a

net shortfall of nine hundred and eleven million dollars. Ms. Baker pointed out that the 3.8 billion dollar projected revenue is excluding the three cents sale tax. For executive budget purposes the Fiscal Office is not allowed to include this income in the revenue picture because it is not currently a part of the budget. It is anticipated that in the coming fiscal year the three cents sale tax will be renewed and so the benefits from that is a possible solution and would help out by turning the nine hundred and eleven million problem into a six hundred and one million dollar problem. If we go forward and then use a portion of the four hundred and forty million ending balance then there would be a two hundred and fifty one million dollar short fall for this coming fiscal year.

Wildlife and Fisheries submitted a portion of this continuation level budget (4.8 billion) approximately a thirty nine million dollar budget. Of the thirty nine million dollar budget a request was made for ten million dollars in General Fund. Without the renewal of the sales tax the department cannot project any General Fund income into next year's budget thus the budget that the Joint Legislative Committee on the Budget will see for Wildlife and Fisheries is a twenty nine million dollar budget. It is net of General Fund income to the department and a twenty five percent reduction over the department's base and is a very serious problem particularly if the three cents sales tax is not renewed explained Ms. Baker. It is not just a problem for the department and we are lucky in the sense that we do have other resources of revenues. Most other agencies have some sort of income which they produce and the department is not totally dependent upon the General Fund money but none the less it will comprise approximately twenty five percent of the department's budget request and at this point it is being funded at the zero level. There are some serious issues to look out for as an agency and as a state concluded Ms. Baker and stated that she just wanted to make this presentation so that the Commission could get a feel for the state budget picture.

Mr. Pol asked what was the estimated tax on the three cents. Mr. Baker answered the projection for next year was three hundred and ten million. Chairman Jenkins asked if there were anymore questions. There being none Chairman Jenkins asked Dr. Clark if there was any news on the speckled trout quota.

Dr. Clark answered yes. The January landings reported as of now for this year are two hundred sixty two thousand and eighty six pounds. Surprisingly to a lot of people this is the third highest in the last six years. It elevates reported landings to date to six hundred twelve thousand eight hundred fifty pounds which is in the middle of reported landings for the last six years. Chairman Jenkins asked if we were ready to forecast a closure date. Dr. Clark advised that the computer program has been run and because of the nature of the season this year it looks like the end of April. Chairman Jenkins asked if we could take action on it at the

next meeting. Dr. Clark advised that the department would be in a lot better shape to make a recommendation at the next meeting. A gentleman from the audience asked if this was not going to be at the beginning of trawling season and asked about by-catch. Dr. Clark stated that the department does not have any authority to account for by-catch, when the estimate is that the catch has been made it has to be closed.

Acting Secretary McInnis stated that historically the Commission has been looking at the first Thursday of the month to have their meetings and in June the Legislative Session will be going on and suggested that since the Senate Natural Resources Committee and House Natural Resources Committee traditionally meet on Thursday mornings he asked the Commission to take into consideration that the staff could be tied up at least until noon on Thursday mornings. **The June Commission Meeting Date** was set at Thursday's meeting for June 6, 1991, at the Wildlife and Fisheries Building, Louisiana Room, Baton Rouge.

Chairman Jenkins, at Thursday's meeting, called for **Public Comments**.

Mr. George Barrisger addressed the Commission. Mr. Barrister advised that he appeared before the Commission at the last meeting to inform the Commission of the problems and ramifications of the premature **Closing of the 1990-91 Oyster Season** and asked for an immediate reopening. Mr. Barrisger stated that he left the meeting with a promise from Acting Secretary McInnis that he would look further into the matter and a recommendation that Mr. Barrisger take the matter up with the Oyster Task Force. Acting Secretary McInnis sent Mr. Barrisger a letter saying basically that the season was closed last year for the same reason, there is not enough resource, and the Commission would allow the approximate same number of days this year to manage a seed production. Personally, Mr. Barrisger did not agree with the closures in the 1989-90 season and no one can tell him with any certainty that the closure was the best thing for the industry. There was a good spat catch this year and if the season would have remained open there might have been double or triple spat catch on the work reefs. The answer to this debate is unknown and will remain unknown because mother nature cannot be duplicated. Consequently, if Mr. Barrisger lost money in the 1989-90 season because of closure what makes the Commission thinks he is happy about losing more this year. Just because Mr. Barrisger did not fight the closure in 1989-90 does not mean he can stand the closures in 1990-91. This is paramount to varifying one mistake, that is 1990-91 with which may or may not have been another mistake that is the 1989-90 closure.

Mr. Barrisger advised Acting Secretary McInnis that there are some big differences that must be brought to the surface. With the 1990-91 closures there were still enough oysters in the South Point area to makes a day's work. Lake Borgne and surrounding areas were

also opened where a man could scratch out a day's work. Furthermore, there was the Lake Pontchartrain project to harvest oysters. This year with this closure there is nothing on the east side of the river with which to work. As far as taking the matter up with the task force Mr. Barrisger advised that most of the members of the task force are members of the Louisiana Oyster Growers Association who for the most part would like to see it remain closed so that they can bed them next season. Mr. Barrisger came away from the task force feeling like the whole matter was sort of sweep under the carpet. Knowing that he would not get anywhere up against such a bias vote Mr. Barrisger decided to seek out his legislators as well as come back to the Commission to appeal for their help. Mr. Barrisger advised that he asked Captain Pete how to get on the agenda and was informed he was not sure and told him to contact Mr. Ron Dugas. By the time Mr. Dugas and Mr. Barrisger were able to talk it was too late to be put on the agenda, therefore, Mr. Barrisger took the liberty of supplying each one of the Commission members with a copy of the two presentations he made so that there will be no mistake on what he was there for. Basically, Mr. Barrisger is trying to get the season reopened as well as try to make the Commission see the need for a set season. What a fisherman makes and does not make is predicated on two things. One is if the resource, whether it be shrimp, fish, or oysters is out there and two, the ability to go after the resource at the time it is there. Here we have the resource but the closure is stopping the fishermen from harvesting them now. With all the reasons previously outlined, we need to be allowed to harvest the oysters now stated Mr. Barrisger. The potential good greatly outweighs any potential harm. If the Commission cannot see their way clear to reopen the whole east side which the fishermen need would they please consider opening Lake Borgne and the area north of the Ship Channel where the good, hard working oyster fishermen can go back to work requested Mr. Barrisger.

Mr. Barrisger informed the Commissioners that this problem is really going to hurt the people of St. Bernard and the Police Jury there passed a resolution trying to get the fishermen a little help. Mr. Barrisger is at this meeting today to try and get a little help and asked the Commission how they felt about this.

Mr. Vujnovich commented that not all the task force is from the Louisiana Oyster Association, there is only one. Number two there is a law that when the reefs are depleted and if it is presented to the Commission, which it was, that it be closed for the future of the seed for next year. The way Mr. Barrisger is asking for the season to be opened and closed can only be done through the Legislature and would take away the powers from the Commission and biologists to have this a set season. Mr. Barrisger stated that is what they are attempting to do but are left with a matter of time here. Mr. Vujnovich stated that they can wait until next year and like Mr. Barrisger just stated that they are suffering on the east side of the river, they are also suffering on the west side

of the river because the water killed the oysters last year, there are no big oysters, only little oysters. Mr. Barrisger stated that you will not be destroying them you will be bedding them and the process from what he was told by Mr. Dugas was to produce a seed crop. The seed crop is out commented Mr. Barrisger and asked that they be able to get them. If these oyster are left out there, next year there is not going to be a seed crop, there is going to be sack crop. All these oysters that are two and three inches now are going to be four and five inch sack oysters. The fishermen need to know what they can depend on or not depend on. With this opening and closing fiasco you cannot plan a year stated Mr. Barrisger. Set an opening date, not necessarily September, and let it run to April 1st where a man can work his whole year and plan his whole year. Mr. Barrisger advised that he cannot make it in two months, they steal everything out of his beds and he has got to rely on the wild reef. He is here today not just to fight the closure but to fight the system which is holding people down and passing laws which benefits themselves. Mr. Vujnovich advised that the law has been on the books since he can remember, that the Commission has the power to open the season and when the reefs are depleted to close it, and in the past it has been done many times. If Mr. Barrisger thinks the Commission today and the Commission in the past are not doing their right job just go before the Legislature, introduce your bill, and if it passes, take away the Commission's powers then you can set whatever you want to do. If you want to destroy the industry go ahead and destroy it stated Mr. Vujnovich. Mr. Barrisger stated that the problem is that if he does not have enough power and money or clout to convince people who know what is really going on in the industry how is he going to.....Mr. Vujnovich stated that it is very simple, you get enough numbers in the Louisiana oyster industry to go before the Natural Resources Committee and explain and show them that you are right and Mr. Vujnovich thinks he could get it. Mr. Barrisger informed the Commission that he talked with Mr. Dugas and he said he would not be objectional to opening Lake Borgne. It is obvious that the fishermen are not going to get Black Bay opened but if Lake Borgne is opened the responsible fishermen can make a day's work. The oysters in Lake Borgne are not a seed crop. Mr. Vujnovich asked Mr. Barrisger if he knew about Lake Borgne when they had the task force meeting and about having oysters. Mr. Barrisger stated that he had asked Mr. Dugas personally why they had closed the whole east side of the river. Mr. Vujnovich stated that it is impossible to go out there and check the area in two days and reopen. Mr. Barrisger stated that they didn't even check the wild reef before they closed it, they checked it prematurely. Mr. Vujnovich stated that they checked it. Mr. Barrisger stated that Mr. Dugas told him they checked it and estimated it would go thirty days.

Chairman Jenkins asked Mr. Barrisger to go ahead and make his comment. Mr. Barrisger asked the Commission if they would really consider this, the oyster fishermen need help. Mr. Foret asked if these oysters that they are talking about harvesting would they be

harvested to sale or plant in their own reefs. Mr. Barrisger stated either one the Commission would let them do. Mr. Foret stated if it is for planting then the fishermen will still have to wait till next year to harvest them and asked what was the difference leaving them on the state reef or bringing them to your own reef. Mr. Barrisger stated because they are not going to be there, they are going to be stolen, it happens every year. Mr. Foret advised that Mr. Barrisger should go talk to Enforcement. Mr. Barrisger stated you know what Enforcement is about, there is no enforcement, you cannot enforce it.

Chairman Jenkins thanked Mr. Barrisger for his comments and asked if there was anyone else who wanted to make a comment.

Mr. Randy Lanctot, Louisiana Wildlife Federation, addressed the Commission. Mr. Lanctot thanked Acting Secretary McInnis for his report on the case disposition records and the Federation is anxious to work with Acting Secretary McInnis and the rest of the Commissioners to enhance the enforcement effort both within the agency and at the District Attorney's level for prosecutions and also judgments for the benefit of the natural resources of the state. Mr. Lanctot also thanked Acting Secretary McInnis for participating in their annual meeting that was held this last weekend which was a tremendous success by all accounts. The Federation was disappointed that the Commissioners were unable to attend and hopefully next year they will be able to. The meeting next year will be February 14, 15, and 16 in Alexandria, Louisiana, at the Hilton Hotel. Another disappointment at the meeting was not being able to have the benefit of having any information on the trout or the redfish which put the Federation at a disadvantage but fortunately they were able to deal with it as best they could. The Federation is looking forward to hearing about the plan next week at the Finfish Task Force meeting. One thing relative to Ms. Baker's report the Federation is very concerned about the financial status of this agency. Last year they went to the Legislature and tried to get a ten million dollar allocation from sales tax for the operating budget of this agency advised Mr. Lanctot and are willing to do this one way or the other this year with the support of the Commission, the department and other organizations. Everybody needs to get together and try and get some money for the department. The last thing Mr. Lanctot advised the Commission of was a request to put on the agenda for the next Commission meeting consideration of beginning the rule making process to increase the black bass daily creel limit to ten fish from eight fish.

Mr. Jones stated that he was sorry that he was unable to attend the Federation meeting and asked Mr. Lanctot about the resolutions and how many were written by the Federation staff. Mr. Lanctot advised that he wrote, as a member and as a member of the Board of Directors of Louisiana Wildlife Federation, seven or eight of those resolutions. Mr. Jones asked if he knew which ones they were that he drafted. Mr. Lanctot advised that he would be happy to go over

a list with Mr. Jones at some point and advised that the black bass was not one and was introduced by the East Ascension Sportsmen's League at the last minute. Mr. Jones stated that there were a few of them unusually slanted. Mr. Lanctot stated that some of those probably came from other parties. Mr. Lanctot advised that he would be happy to provide the Commission with all the resolutions that were adopted once he got it in final form and it will probably be available the first part of next week.

Mr. John Roussel addressed the Commission and informed Mr. Jenkins that he just wanted to enter into the record that he does have the trout report on the trout teeth and sexing of trout by teeth. Mr. Roussel reported that his finding basically stated that there is no data that exist that suggest that you can sex trout by their teeth.

Mr. Foret asked if there was any way they could discuss the Barataria and Caminada Pass line. It was suggested that this be put on the agenda for next month. Dr. Clark stated that by statute that line has been changed about three times in the last four years. We try to straighten out the line but it depends whether Senator Chabert is at the meeting or not. If he is not at the meeting we pass a straight line, when he comes they curve the line, then we come back and straighten it out again advised Dr. Clark. Dr. Clark does not think it should be put on the agenda, everybody knows what the issue is and what needs to be done, it is just how to get it done. Mr. Foret stated that he agreed with Dr. Clark.

There being no other business or public comments Chairman Jenkins called for a motion for Adjournment the meeting. A motion was made by Mr. Jones for adjournment of the March 7, 1991, Commission meeting and seconded by Mr. Schneider. The motion passed unanimously

  
\_\_\_\_\_  
A. Kell McInnis III  
Acting Secretary

AKM:sb

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MARCH 7, 1991

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of February 7, 1991.
- ✓ 3. Notice of Intent - 1991-92 Resident Game Hunting Seasons - Hugh Bateman
- ✓ 4. Approval to Acquire Intracoastal City Boat Dock Property - Tommy Prickett
- ✓ 5. Extension for Fur Trapping in Southeast LA - Information Only - Tommy Prickett
- ✓ 6. Ratification of Rule on Black Bass Regulations of Daily Take and Size Limits/Statwide Black Bass Management Plan - Dr. Jerry Clark
- ✓ 7. Ratification of Rule on Toledo Bend Reciprocal Agreement - Dr. Jerry Clark
- ✓ 8. Commission Approval of Tilapia and Triploid Grass Carp Permanent Regulations - Dr. Jerry Clark
- ✓ 9. Shell Dredging Lease Bid Package, Central Coast - Don Puckett
- ✓ 10. New Orleans Buildings - Bettsie Baker
- ✓ 11. Monthly Law Enforcement Report/February - Winton Vidrine
- ✓ 12. Acting Secretary's Report to the Commission - A. Kell McInnis III
- ✓ 13. Set June Commission Meeting Date
- ✓ 14. Discussion of Opening the Remaining Offshore Territorial Waters to Shrimping
- ✓ 15. Public Comments

**COMMISSION MEETING**  
**ROLL CALL**  
Thursday, March 7, 1991  
Baton Rouge, LA

	Attended	Absent
Jimmy Jenkins (Chairman)	<u>✓</u>	---
Houston Foret	<u>✓</u>	---
Bert Jones	<u>✓</u>	---
Norman McCall	<u>✓</u>	---
Warren Pol	<u>✓</u>	---
John Schneider	<u>✓</u>	---
Peter Vujnovich	<u>✓</u>	---

Mr. Chairman:

There are 7 Commissioners in attendance and we have a quorum.  
Acting Secretary Kell McInnis is also present.

Resolution

Louisiana Wildlife and Fisheries Commission

WHEREAS, the Legislature of Louisiana during the 1990 regular session enacted Act 334 authorizing the Department Secretary to sell a certain parcel of land in Vermilion Parish with frontage on the Intercoastal Canal; and

WHEREAS, this parcel of land consists of approximately seven-tenths of an acre and is not suited for the Department's current need for a safe haven and docking facility for Department boats and equipment; and

WHEREAS, the Department has located another tract of similar size nearby which also has water access and is suited for the purpose of safe haven for Department boats and equipment; and

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the La. Dept. of Wildlife and Fisheries to take all necessary steps to acquire the suitable tract of land in conformance with all state policies governing the acquisition of real property.

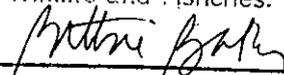
  
\_\_\_\_\_  
Jimmy Jenkins  
Chairman

  
\_\_\_\_\_  
A. Kell McInnis, III  
Acting Secretary

March 7, 1991

I hereby certify that this is a true and correct copy of the original document on file in the office of the Louisiana Department of Wildlife and Fisheries.

\_\_\_\_\_  
I hereby certify that this is a true and correct copy of the original document on file in the office of the Louisiana Department of Wildlife and Fisheries.

 7/16/91  
\_\_\_\_\_  
Patricia Baker

RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
March 7, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA, March 7, 1990.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting season for resident game birds and quadrupeds, and

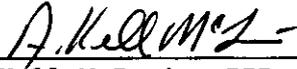
WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information and requests from sportsmen of the state, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission.

  
\_\_\_\_\_  
James Jenkins, Jr. Chairman  
La. Wildlife and Fisheries  
Commission

  
\_\_\_\_\_  
A. Kell McInnis, III  
Acting Secretary, La. Dept. of  
Wildlife and Fisheries

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BATON ROUGE, LOUISIANA

MARCH 7, 1991

RESOLUTION

WHEREAS the recommendations of the Minerals Committee, Counsel and staff having been considered,

THEREFORE BE IT RESOLVED that this Commission does hereby adopt the recommendations of the Minerals Committee with regard to the lease form and bid package with the amendments approved by the Minerals Committee, and specifically adopts one tract which is described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED that the Commission does hereby adopt and approve the guaranteed annual minimum royalty, performance bond and bid bond amounts as set out in the proposed lease and bid documents.

BE IT FURTHER RESOLVED that this Commission does hereby set July 1 as the last date for accepting bids for the lease tract.

BE IT FURTHER RESOLVED that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the soliciting of bids and execution of the lease including, but not limited to: 1) submission of the lease form to the Mineral Board, 2) submission of a Notice of Publication to State Lands for advertisement, and 3) submission of the Notice of Publication to the three known dredging companies, the Wall Street Journal, The Journal of Commerce, The Dodge Report.

BE IT FURTHER RESOLVED that legal counsel and staff are hereby authorized to make minor modifications to the lease document and bid package contingent upon notification to the Chairman.

I HEREBY CERTIFY that the above and foregoing resolution was duly passed by the Louisiana Wildlife and Fisheries Commission on the 7th day of March, 1991.

  
\_\_\_\_\_  
CHAIRMAN  
James H. Jenkins Jr.

  
\_\_\_\_\_  
ACTING SECRETARY  
A. Kell McInnis III

March 7, 1991  
\_\_\_\_\_  
DATE

RULES AND REGULATIONS ON INTRODUCTION OF TRIPLOID  
GRASS CARP IN COMMERCIAL CATFISH CULTURE PONDS

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana. The following terms shall have the following meaning in this document:

- Catfish culture - all activities associated with raising catfish from eggs to adult size.
- Commercial catfish farmer - Any commercial catfish operator whose ponds are stocked with a minimum of 1500 catfish per acre and who markets 85% of his catfish.
- Triploid grass carp culture - all activities associated with raising triploid grass carp from fingerling (not less than 6 inches in length) to adult size.
- Culture system - shall be a system used for catfish culture and designed such that all triploid grass carp are prevented from escaping.
- Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the Department.
- Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.
- Triploid grass carp culture permit - the official document that identifies the terms of, and allows for the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana as approved by the Secretary.
- Triploid grass carp - refers to Ctenopharyngodon idella fingerlings, and larger individuals that are certified as triploid (3N chromosomes) by the U.S. Fish and Wildlife Service or an agency or contractor approved by the Department.

**DRAFT**

**SUBJECT TO PERMIT**

- Permittee - the individual, business, corporation or organization that possess a valid Louisiana triploid grass carp culture permit.
- Disposal - the business of processing, selling, eradicating or purposely removing triploid grass carp from a culture system.

### **TRIPLOID GRASS CARP CULTURE PERMIT REQUEST PROCEDURES**

Catfish farmers wishing to import, transport, culture, possess, dispose, or sell live triploid grass carp in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the application. Department personnel or a Department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.
3. After the on-site inspection has been completed, Department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a triploid grass carp culture permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may re-apply after correcting specified deficiencies noted in the Secretary's letter of denial.

RULES ON TRANSPORT OF TRIPLOID GRASS CARP FOR CULTURE

1. For each occurrence when the permittee wishes to import, transport, possess, or sell live triploid grass carp, the permittee must obtain, in writing, approval from the Department. Procedures and necessary information for obtaining approval are:
  - a. Requests shall be made to the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.
  - b. Requests shall include:
    - (1). Louisiana triploid grass carp permit number, or a copy of the permit.
    - (2). Route of transport
    - (3). Date of transport
    - (4). Time(s) of transport
    - (5). Destination
    - (6). Owner of transport vehicle
    - (7). Total number of fish
    - (8). Identification of seller and buyer
2. A bill of lading must accompany those individuals in possession of live triploid grass carp during transportation and shall include:
  - a. Copy of the permittee's written approval as described in 1 above
  - b. Date and approximate time of shipment
  - c. Route of shipment
  - d. Source of triploid grass carp (hatchery, culture pond, etc.)
  - e. Name, address and phone number of seller
  - f. Name, address and phone number of buyer
  - g. Copy of triploid certification

- h. Total number of fish
- i. Destination
- j. Display the words "TRIPLOID GRASS CARP" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than 6 inches high.

**RULES OF TRIPLOID GRASS CARP CULTURE SITE**

- 1. A legal description of the catfish culture property that shows ownership must be submitted along with the permit request.
- 2. The applicant must agree to allow Department officials or a Department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove and take fish samples for analysis and/or inspection.
- 3. All catfish culture ponds that will contain triploid grass carp must have levees at least one foot above the 100-year flood elevation.
- 4. Triploid grass carp will be permitted only in commercial catfish culture ponds.

**GENERAL RULES FOR TRIPLOID GRASS CARP CULTURE**

- 1. The cost of a Triploid Grass Carp Culture Permit shall be \$50.00, plus the actual cost of the on-site inspection. Qualified universities conducting research approved by the Department shall be exempt from the fee charge.
- 2. In order for the permit to be valid, a Fish Farming License from the Department is required.

3. Permits are valid for 12 months.
4. Permits are not transferable from person to person or property to property.
5. Live triploid grass carp may be sold only to a commercial catfish farmer permitted to possess triploid grass carp.
6. No person may release live triploid grass carp into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of triploid grass carp to the Department or a Department approved contractor upon request to verify triploidy, at the permittee's expense.
8. No eggs, fry or fingerlings under 6 inches in total length shall be transported, shipped, possessed, stocked or sold in Louisiana.
9. Water discharge from all culture systems stocked with triploid grass carp must have appropriate barriers designed to prevent escapement of triploid grass carp and constructed with rigid, sturdy screens of a size no larger than 1/2 inch square mesh.
10. The Department may employ whatever means it deems necessary to prevent the release or escapement of triploid grass carp or their eggs into the environment. The permittee shall agree to reimburse the Department for all costs including, but not limited to, man hours and materials utilized during these corrective actions.
11. The Department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all Department costs including, but not limited to, man hours and materials utilized during these corrective actions.
12. If a permittee terminates the use of triploid grass carp in catfish culture ponds, the permittee shall notify the Secretary immediately and dispose of the triploid grass carp according to methods approved by the Department.

13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All triploid grass carp shall be destroyed at permittee's expense under the Department's supervision within 30 days of permit revocation.
14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five (5) days.

**APPLICATION FOR TRIPLOID GRASS CARP PERMIT**

Permit No. (For Dept. Use Only) \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_
2. Agent, officer or representative (if applicable): \_\_\_\_\_
3. Address: \_\_\_\_\_
4. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
5. Telephone No.: ( ) \_\_\_\_\_ Contact Person: \_\_\_\_\_
6. Name(s), address, and telephone number of owner(s) (attach list).
7. Parish where fish are to be stocked: \_\_\_\_\_
8. Name and/or location of area to be stocked: \_\_\_\_\_  
Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_
9. Total acres to be stocked: \_\_\_\_\_
10. Elevation of waterbody (msl): \_\_\_\_\_
11. Elevation of 100 year flood plain in area (msl): \_\_\_\_\_
12. Present use of area: \_\_\_\_\_
13. Purpose of stocking: \_\_\_\_\_
14. Specifications on fish to be stocked: Size \_\_\_\_\_ No. \_\_\_\_\_
15. Name of closest river or stream: \_\_\_\_\_
16. Describe containment structure to prevent fish from escaping (attach).
17. Planned stocking date: \_\_\_\_\_
18. Source of fish: Name of supplier: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: ( ) \_\_\_\_\_

**DRAFT**  
**SUBJECT TO REVISION**

19. How are fish to be transported? Truck \_\_\_\_\_ Air \_\_\_\_\_  
Other (specify) \_\_\_\_\_

20. Do you plan to sell the fish? Yes \_\_\_\_\_ No \_\_\_\_\_

Your signature on this application indicates that you will abide by all rules and regulations concerning triploid grass carp.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Mail completed application to: Administrator  
Inland Fish Division  
La. Department of Wildlife and Fisheries  
P. O. Box 98000  
Baton Rouge, LA 70898-9000

For Department Use Only: To be filled out by District Fisheries Biologist and/or Regional Aquatic Biologist based on field interview.

1. Describe problem and justification for stocking this fish: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe water outlet: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Checked by: \_\_\_\_\_ and \_\_\_\_\_ Date: \_\_\_\_\_

5. Approved by:  
District Fisheries Biologist: \_\_\_\_\_ Date: \_\_\_\_\_  
Regional Aquatic Biologist: \_\_\_\_\_ Date: \_\_\_\_\_  
Administrator, Inland Fish Div: \_\_\_\_\_ Date: \_\_\_\_\_  
Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

RULES AND REGULATIONS ON IMPORTATION, CULTURE, POSSESSION  
AND DISPOSAL OF TILAPIA IN LOUISIANA

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia and, or their hybrids in Louisiana. The following terms shall have the following meaning in this document.

- Culture - all activities associated with the propagation and nurturing of tilapia.
- Culture system - shall be a closed system and designed such that all water containing, or that at any time might contain, tilapia (adult fish, juvenile fish, or fish eggs) is filtered, recirculated and prevented from any discharge.
- Disposal - the business of processing, selling, or purposely removing tilapia from the culture system.
- Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the Department.
- Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.
- Tilapia permit - official document that identifies the terms of, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana as approved by the Secretary.
- Tilapia - eggs, fish, or body parts belonging to the genera Tilapia, Sarotherdon, or Oreochromis and their hybrids.

Permittee - the individual or organization that possess a valid Louisiana tilapia permit.

#### TILAPIA PERMIT REQUEST PROCEDURES

Individuals or organizations wishing to import, export, transport, culture, possess, dispose, transfer or sell live tilapia in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division; Louisiana Department of Wildlife and Fisheries; P.O. Box 98000; Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the application. Department personnel or a Department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.
3. After the on-site inspection has been completed, Department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a tilapia permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may re-apply after correcting specified deficiencies noted in the Secretary's letter of denial.

Individuals or organizations wishing to import or buy processed (dead) tilapia for the sole purpose of retail sales must first obtain written permission from the Secretary. Requests should be addressed as in 1 above. Please include your name, phone number, intentions, and wholesale-retail dealers license number.

RULES ON TRANSPORT OF LIVE TILAPIA

1. For each occurrence when the permittee wishes to import, export, transport, possess, transfer, or sell live tilapia, the permittee must obtain, in writing, approval from the Department. In addition, if live tilapia are transported into or within the state of Louisiana, anyone taking possession of these live tilapia must also have a tilapia permit. Live tilapia showing signs of diseases shall not be transported into or within the State of Louisiana. Procedures and necessary information for obtaining approval are:
  - a. Requests shall be made to: Administrator, Inland Fish Division; Louisiana Department of Wildlife and Fisheries; P. O. Box 98000; Baton Rouge, Louisiana 70898-9000.
  - b. Request shall include:
    - (1) Louisiana tilapia permit number, or a copy of the permit
    - (2) Route of transport
    - (3) Date of transport
    - (4) Time(s) of transport
    - (5) Destination
    - (6) Owner of transport vehicle
    - (7) Electrophoretic certification which must identify stock(s) to species

- (8) Total number of each species
  - (9) Identification of seller and buyer
2. A bill of lading must accompany those individuals in possession of live tilapia during import, export, transport, transfer or sale and shall include:
- a. Copy of the permittee's written approval as described in 1 above.
  - b. Date and approximate time of shipment.
  - c. Route of shipment.
  - d. Source of tilapia (culture facility)
  - e. Name, address and phone number of seller.
  - f. Name, address and phone number of buyer.
  - g. Identification and certification as to species.
  - h. Total number of each species.
  - i. Destination
  - j. Letter from source stating that tilapia are not showing signs of diseases
  - k. Display the word "TILAPIA" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than 6 inches high.

#### RULES FOR SECURITY OF TILAPIA CULTURE FACILITY

1. Applicant must demonstrate to the satisfaction of Department officials that adequate security measures are in place at the culture facility that will guard against vandalism and theft of tilapia.

2. Any changes or modification of a permitted security system must first have the approval of Department officials.
3. The Department will have just cause to revoke a tilapia permit for lapses in security if: 1) the permittee is found to be in non-compliance with numbers 1 and 2 above; 2) the permittee is determined to be derelict in maintaining the security measures that were approved for the permit; 3) failure to take appropriate measures when vandalism, theft, or accidental release of fish occurs.
4. It shall be the responsibility of the permittee to immediately notify the Secretary of any tilapia that leave the facility for any reason, including but not limited to accidental releases, theft, etc.
5. It shall be the responsibility of the permittee to have at least one individual who is familiar with the culture system readily available for emergencies, inspections, etc.

#### RULES OF TILAPIA CULTURE SITE

1. A legal description of the tilapia culture facility site that shows ownership must be submitted along with the permit request.
2. The applicant must agree to allow Department officials or a Department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Additionally Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

3. All aspects of the tilapia culture facility must be at least one foot above the 100-year flood elevation. Additionally, the Department may require a surface hydrological assessment of the proposed site at permittee's expense.

#### RULES FOR THE TILAPIA CULTURE SYSTEM

1. Applicant must provide a detailed narrative description, including scale drawings, of the tilapia culture system.
2. The tilapia culture system shall be a closed system designed such that tilapia eggs, larvae, juveniles or adults cannot escape.
3. All water utilized in the culture of tilapia shall be accounted for and shall not leave the permittee's property.
4. All aspects of the tilapia culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

#### RULES FOR THE PROCESSING OF TILAPIA

1. All processing of tilapia shall only occur at a Department approved permitted processing facility, and in such a manner that will prevent escapement of eggs, larvae, juveniles and/or adults.
2. Records shall be kept of all processed tilapia and include the following information:
  - a. Species
  - b. Processed pounds
  - c. Date processed

- d. Name of processor
- e. Buyer of processed fish

A copy of this information shall be sent to the Department's Baton Rouge office at the end of each year, or at anytime upon the request of Department officials.

#### GENERAL RULES FOR TILAPIA

1. The cost of a Tilapia Permit shall be \$50.00, plus the actual cost of the on-site inspection. Qualified universities conducting research approved by the Department shall be exempt from the fee charge.
2. In order for the permit to be valid, a Fish Farming License from the Department is required.
3. Permits are valid for 12 months.
4. Permits are not transferable from person to person, or property to property.
5. Live tilapia, fish or eggs, may be sold only to a holder of a valid tilapia permit.
6. No person may release live tilapia, fish or eggs, into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of tilapia to the Department or a Department approved contractor upon request for identification and analysis, at the permittee's expense.
8. Only those persons or organizations with valid tilapia permits may propagate, culture or possess the following species and/or hybrids produced from their crosses.

Tilapia aurea

Tilapia nilotica

Tilapia mossambica

Tilapia hornorum

9. The permittee shall be required to submit an annual report to the Secretary on a form provided by the Department.
10. The Department may employ whatever means it deems necessary to prevent the release or escapement of tilapia or their eggs into the environment. The permittee shall agree to reimburse the Department for all costs including, but not limited to, man hours and materials utilized during corrective actions.
11. The Department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all Department costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the Secretary that the permittee will fulfill their financial obligation, the permittee shall post a \$25,000 bond.
12. If a permittee terminates tilapia production, the permittee shall notify the Secretary immediately and dispose of the tilapia according to methods approved by the Department.
13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All tilapia shall be destroyed at permittee's expense under the Department's supervision within 30 days of permit revocation.

14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five (5) days.

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MARCH 7, 1991

1. Roll Call
2. Approval of Minutes of February 7, 1991.
3. Notice of Intent - 1991-92 Resident Game Hunting Seasons - Hugh Bateman
4. Approval to Acquire Intracoastal City Boat Dock Property - Tommy Prickett
5. Extension for Fur Trapping in Southeast LA - Information Only - Tommy Prickett
6. Ratification of Rule on Black Bass Regulations of Daily Take and Size Limits/Statwide Black Bass Management Plan - Dr. Jerry Clark
7. Ratification of Rule on Toledo Bend Reciprocal Agreement - Dr. Jerry Clark
8. Commission Approval of Tilapia and Triploid Grass Carp Permanent Regulations - Dr. Jerry Clark
9. Shell Dredging Lease Bid Package, Central Coast - Don Puckett
10. New Orleans Buildings - Bettsie Baker
11. Monthly Law Enforcement Report/February - Winton Vidrine
12. Acting Secretary's Report to the Commission - A. Kell McInnis III
13. Set June Commission Meeting Date
14. Discussion of Opening the Remaining Offshore Territorial Waters to Shrimping - Houston Foret
15. Public Comments

1991-92  
DEER SEASON DATES

AREA 1: (59 days)	
Nov. 23-Dec. 1	9 days still hunt only
Dec. 2-6	5 days still hunt, muzzleloader only
Dec. 7-Jan. 2	27 days with or without dogs
Jan. 3-Jan. 20	18 days still hunt only
AREA 2: (65 days)	
Nov. 2-Dec. 1	30 days still hunt only
Dec. 2-6	5 days still hunt only, muzzleloader only
Dec. 7-Jan. 5	30 days with or without dogs
AREA 3: (65 days)	
Nov. 2-Dec. 1	30 days still hunt only
Dec. 2-6	5 days still hunt only, muzzleloader only
Dec. 7-Jan. 5	30 days still hunt only
AREA 4: (44 days)	
Nov. 23-Dec. 1	9 days still hunt only
Dec. 2-6	5 days still hunt only, muzzleloader only
Dec. 7-Jan. 5	30 days still hunt only
AREA 5: (14 days)	
Nov. 23-Dec. 1	9 days still hunt only
Dec. 2-6	5 days still hunt only, muzzleloader only
AREA 6: (58 days) NEW AREA	
Nov. 23-Dec. 1	9 days still hunt only
Dec. 2-6	5 days still hunt only, muzzleloader only
Dec. 7-Jan. 19	44 days with or without dogs

SUMMARY OF 1991-92 RESIDENT GAME HUNTING SEASON  
DATES AND BAG LIMITS

Quail: Nov. 28-Feb. 29 - Daily Bag Limit 10, Possession 20  
 Pheasant: Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4  
 Squirrel: Oct. 5-Jan. 26 - Daily Bag Limit 8, Possession 16  
 Rabbit: Oct. 5-Feb. 29 - Daily Bag Limit 8, Possession 16  
 Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season  
 Archery: Oct. 1-Jan. 20  
 Muzzleloader: Dec. 2-6

<u>Area 1</u> - 59 days	<u>Days</u>
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 2	27 (with or without dogs)
Jan. 3-20	<u>18</u> (still hunt only)
	59

<u>Area 2</u> - 65 days	<u>Days</u>
Nov. 2-Dec. 1	30 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	<u>30</u> (with or without dogs)
	65

<u>Area 3</u> - 65 days	<u>Days</u>
Nov. 2-Dec. 1	30 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	<u>30</u> (still hunt only)
	65

<u>Area 4</u> - 44 days	<u>Days</u>
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 5	<u>30</u> (still hunt only)
	44

<u>Area 5</u> - 14 days	<u>Days</u>
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	<u>5</u> (still hunt, muzzleloader only)
	14

<u>Area 6</u> - 58 days (NEW AREA)	<u>Days</u>
Nov. 23-Dec. 1	9 (still hunt only)
Dec. 2-6	5 (still hunt, muzzleloader only)
Dec. 7-Jan. 19	<u>44</u> (with or without dogs)
	58

Turkey - Season Dates Vary - See Schedule Below - Limit: One per day, 3 per season

<u>Area A</u> - 30 days	<u>Days</u>
March 28-April 26	30

<u>Area B</u> - 37 days	
March 21-April 26	37

<u>Area C</u> - 9 days	
April 18-April 26	9

<u>Area D</u> - 16 days	
April 11-April 26	16

RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
March 7, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA, March 7, 1990.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting season for resident game birds and quadrupeds, and

WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information and requests from sportsmen of the state, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission.

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James Jenkins, Jr. Chairman  
La. Wildlife and Fisheries  
Commission

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A. Kell McInnis, III  
Acting Secretary, La. Dept. of  
Wildlife and Fisheries

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is attached to and made part of this notice of intent. (A more detailed copy of the rule is available upon request from the address listed below.)

Public hearings will be held at regularly scheduled Louisiana Wildlife and Fisheries Commission meeting from April-July. Additionally, interested persons may submit written comments relative to the proposed rule until May 31, 1991 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

CITATION: None - changes annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,  
and Wildlife and Fisheries Commission LR 17: ( 1991).

James H. Jenkins, Jr.  
Chairman

SUMMARY OF 1991-92 RESIDENT GAME HUNTING SEASON  
RECOMMENDATION, DATES AND BAG LIMITS  
GAME DIVISION

Quail: Nov. 28-Feb. 29 - Daily Bag Limit 10, Possession 20  
 Pheasant: Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4  
 Squirrel: Oct. 5-Jan. 26 - Daily Bag Limit 8, Possession 16  
 Rabbit: Oct. 5-Feb. 29 - Daily Bag Limit 8, Possession 16  
 \*Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season  
 Archery: Oct. 1-Jan. 20  
 Muzzleloader: Dec. 2-6

<u>Area 1</u> - 58 days	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 12	37 (with or without dogs)	Dec. 7, 8
Jan. 13-19	<u>7</u> (still hunt only)	
	58	

<u>Area 2</u> - 61 days	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 1	<u>26</u> (with or without dogs)	Dec. 7, 8
	61	(Additional days in some parishes)

<u>Area 3</u> - 61 days	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 1	<u>26</u> (still hunt only)	Dec. 7, 8
	61	

<u>Area 4</u> - 44 days	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 5	<u>30</u> (still hunt only)	Dec. 7, 8
	44	

<u>Area 5</u> - 14 days	<u>Days</u>	
Nov. 23-Dec. 1	9 (still hunt only)	BUCKS ONLY
Dec. 2-6	<u>5</u> (still hunt, muzzleloader only)	BUCKS ONLY
	14	

\*Turkey - Season Dates Vary - See Schedule Below - Limit: One per day, 3 per season

Area A - 30 days	March 28-April 26
Area B - 37 days	March 21-April 26
Area C - 9 days	April 18-April 26
Area D - 16 days	April 11-April 26

Resolution

Louisiana Wildlife and Fisheries Commission

WHEREAS, the Legislature of Louisiana during the 1990 regular session enacted Act 334 authorizing the Department Secretary to sell a certain parcel of land in Vermilion Parish with frontage on the Intercoastal Canal; and

WHEREAS, this parcel of land consists of approximately seven-tenths of an acre and is not suited for the Department's current need for a safe haven and docking facility for Department boats and equipment; and

WHEREAS, the Department has located another tract of similar size nearby which also has water access and is suited for the purpose of safe haven for Department boats and equipment; and

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the La. Dept. of Wildlife and Fisheries to take all necessary steps to acquire the suitable tract of land in conformance with all state policies governing the acquisition of real property.

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Jimmy Jenkins  
Chairman

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A. Kell McInnis, III  
Acting Secretary

March 7, 1991

## Land Acquisition

Howard White Estate - Intracoastal City Vermillion Parish

### Description:

.74 acres in size  
230 feet of bulkhead  
1089 sq foot raised building which serves as a cover  
for in water boat storage  
900 sq foot storage building  
Highway frontage on State road and boat access to Vermillion  
River

### Status:

\$70,000 - appraisal value  
Offered \$60,000 - rejected  
Offered \$70,000 - accepted  
Purchase agreement executed by seller, but not by LDWF.  
Commission approval needed prior to Secretary signing  
agreement.

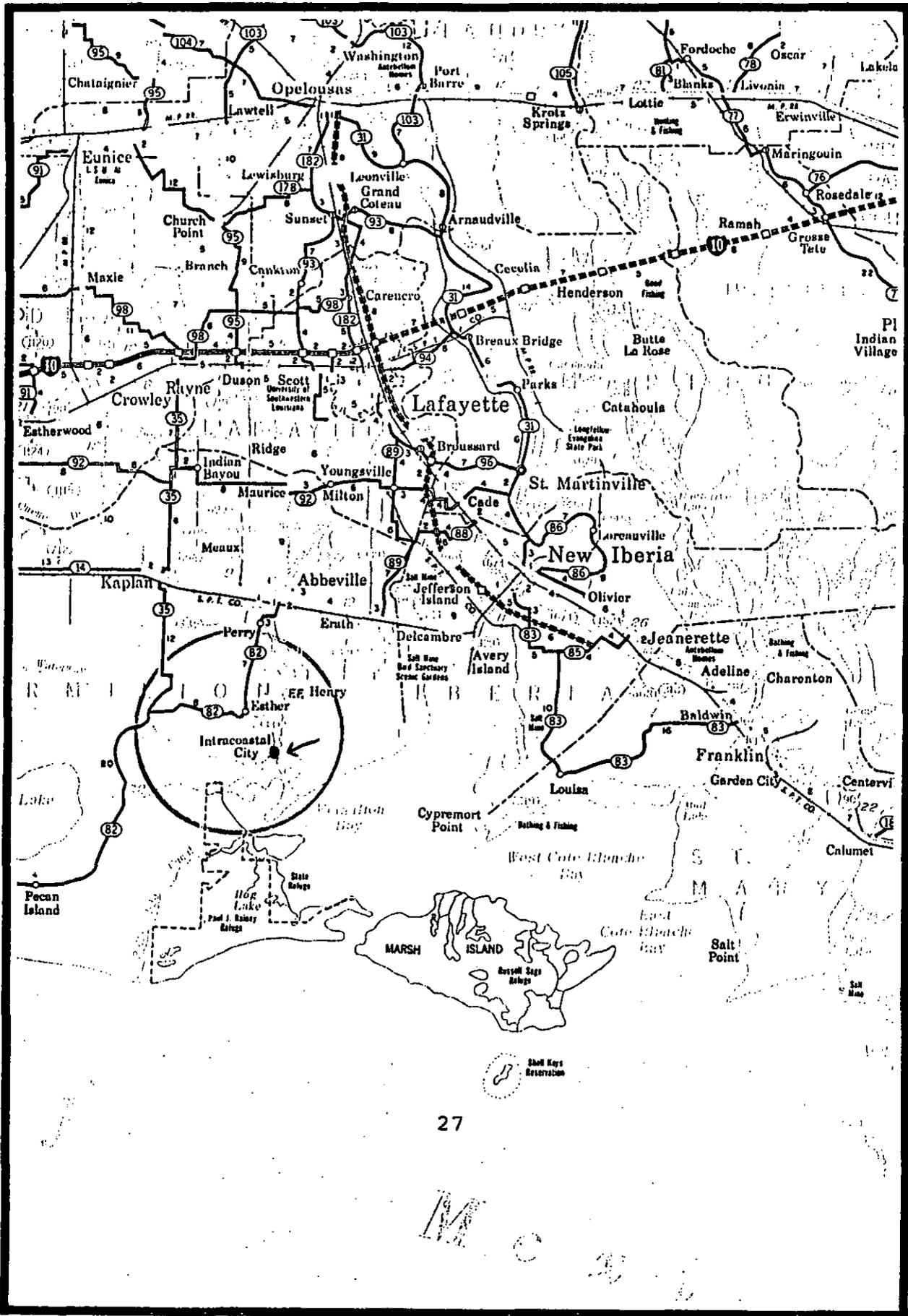
### Funding:

Conservation dollars will be used to purchase the White property. These funds will be more than replaced by selling a Department owned lot located on the Intercoastal canal in Vermillion parish authorized by the 1990 Legislature through Act 334.

### Purpose:

Currently Department owned property facing the Intercoastal canal is in an industrial area, the access channel silts in annually, and there is no docking facility. Upgrading this property to make it usable to the Department is more expensive than acquisition of the more suitable White property. Primary use of the White property will be boat and equipment storage for State Wildlife Refuge and for other Divisions as requested.

# General Area Map



M.C.

N E W S   R E L E A S E

TRAPPING SEASON EXTENDED IN SOUTHEAST LOUISIANA

A 31 day extension of the South Zone trapping season in southeast Louisiana was announced today by the Louisiana Department of Wildlife and Fisheries.

LDWF Acting Secretary, A. Kell McInnis III, said the season in the affected area would be extended from March 1, to March 31, 1991.

However, the normal February 28 closing date will be observed throughout the rest of the state's South Zone.

The area that will remain open is bounded by the Charenton Canal from West Cote Blanche Bay to U.S. Hwy. 90, then east on Hwy 90 to the intersection of U.S. Hwy. 90 and Wax Lake Outlet Channel, then north along the west guide levee of the Atchafalaya Basin to the junction with Interstate 10, then east on Interstate 10 to Baton Rouge, then east on Interstate 12 to Slidell and then east on Interstate 10 to the Louisiana state line.

McInnis said that demand for eastern nutria has remained low throughout the majority of the trapping season. Consequently a reduced nutria harvest is anticipated. He stated that the Department had received requests from fur buyers and a dealer to consider a trapping season extension to allow additional animals to be harvested in southeast Louisiana.

He noted that department biologists had contacted many landowners in southeast Louisiana to determine current trapper effort on their properties. These land companies felt that an extension would be a positive management tool and could allow for an increased harvest of nutria and could perhaps prevent overpopulation and subsequent marsh damage in some areas.



ENFORCEMENT DIVISION

CASE REPORT

FEBRUARY, 1991

ENFORCEMENT DIVISION CASE REPORT-FEBRUARY 1991

REGION I

TOTAL CASES-96

ENFORCEMENT-95

OTHER - 1

39-Boating

24-Angling W/O A License

19-Fish Without Resident Pole License

2-Take Game Fish Illegally

1-Possess Exotic Fish

2-Use Elevated Trotlines

1-Sell And/Or Purchase Game Fish

3-Hunting W/O Resident License

2-Hunting W/Unplugged Gun Or silencer

1-Poss. Of Live Wild Quadrupeds, Wild Birds W/O Permit

2-Operate ATV Vehicle On Public Road

CONFISCATIONS:

1 Chevrolet Pickup, 700 yards of gill nets, 12 1/2 pounds of buffalo fish, 26 pounds of catfish, 14 pounds of gar, 125 pounds of white perch, 1 wild turkey, 42 blue Australian lobsters and 4 red fish.

REGION 2

TOTAL CASES-89

ENFORCEMENT-89

OTHER - 0

29-Boating

14-Angling W/O A License

18-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

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REGION 2 CONT'D.

- 11-Hunting W/O Resident License
- 1-Hunting W/O Non-Resident License
- 1-Hunting W/Unplugged Gun Or Silencer
- 2-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 1-Hunt W/O Resident Big Game License
- 4-Hunt Or Take Deer Or Bear Illegal Hours
- 1-Hunt Or Take Illegal Deer O/S
- 1-Not Abiding By Rules And Regulations On WMA
- 1-DWI
- 2-Other Than Wildlife And Fisheries
- 2-Operate ATV Vehicle On Public Road

CONFISCATIONS:

1 rifle.

REGION 3

TOTAL CASES-130

ENFORCEMENT-128

OTHER - 2

- 48-Boating
- 45-Angling W/O A License
- 7-Fish Without Resident Pole License
- 4-Use Gear W/O Recreational Gear License
- 1-Hunt Or Take Deer From Public Road
- 2-Poss. Of Illegally Taken Deer Or Bear
- 1-Hunt Raccoons Or Opossums Illegally
- 1-Possessing F.B.A. W/O License
- 3-Taking Robins-No Season

REGION 3 CONT'D.

- 2-Taking Or Possession Of Other Non-Game Birds-No Season
- 1-Hunt MGB Without State Stamp
- 1-Not Abiding By Rules And Regs On WMA
- 4-Criminal Trespass On State Property
- 8-Criminal Trespass
- 1-Littering
- 1-Flight From An Officer

CONFISCATIONS:

2 deer, 1-25 h.p. outboard motor, 1 rifle, 1 hoop net, 1 raccoon,  
8 cedar waxwings, 25 robins.

REGION 4

TOTAL CASES-51

ENFORCEMENT-43

OTHER -8

12-Boating

- 1-Allow Another To Use Recreational License

15-Angling W/O A License

- 2-Fish Without Resident Pole License

- 1-Use Gear W/O Recreational Gear License

- 3-Take Game fish Illegally

- 1-Take Or Sell Commercial Fish Or Bait Species W/O Comm. License

- 1-Take Commercial Fish W/O Commercial Gear License

- 3-Use Lead Nets In Other Than Overflow Regions

- 2-Use Illegal Mesh Nets

- 4-Hunting From Moving Vehicle And/Or Aircraft

- 4-Hunt Or Take Deer Or Bear C/S

REGION 4 CONT'D.

2-Not Abiding By Rules And Regulations On WMA

CONFISCATIONS:

9 hoop nets with leads, 50 yards of 2 inch gill net, 100 yards of 2 1/2 inch gill net, 14 crappie, 2 bream, 3 catfish, 1 rifle.

REGION 5

TOTAL CASES-164

ENFORCEMENT- 155

OTHER - 9

30-Boating

15-Angling W/O A License

7-Fish Without Resident Pole License

1-Take Gamefish Illegally

4-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License

5-Take Commercial Fish W/O Commercial Gear License

5-Take Or Possess Commercial Fish Without A Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

7-Use Illegal Mesh Nets

3-Take Or Possess Undersize Commercial Fish

11-Possess Or Sell Undersized Crabs

4-Take Or Possess Undersize White Shrimp

6-Trawl State Waters Closed Season

1-Harvest Oysters Without Oyster Harvester License

11-Poss. Wild Birds Or Wild Quadrapeds W/O A License

6-Hunting From Moving Vehicle And/Or Aircraft

2-Hunting W/Unplugged Gun Or Silencer

REGION 5 CONT'D.

- 8-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours
- 3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way
- 2-Possession Of Wild Quadrupeds Or Wild Birds Without Permit
- 1-Hunt Raccoons Or Opossums Illegally
- 1-Poss. Of Untagged Deer Or Bear
- 2-Taking Or Possessing Alligators Closed Season
- 2-Not Abiding By Rules And Regulations
- 2-Take Alligators W/O A License
- 1-Hunting Ducks Closed Season
- 5-Taking Robins-No Season
- 3-Resisting Arrest
- 1-Criminal Trespass On State Property
- 3-Criminal Trespass
- 2-Illegal Spotlighting From Public Road
- 3-Other Than Wildlife And Fisheries
- 2-Poss. Wild Birds Or Wild Quadrupeds W/O A License
- 1-Hunting W/O Resident License
- 3-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

CONFISCATIONS:

1 deer, 1 canadian goose, 12 rabbits, 42 boxes of crabs, 10,840 lbs. of shrimp, 6 black drum, alligator skin, 4 trawls, 1 gill net, 2 owls, 1 deer shoulder and hind quarter, 7 robins and 6 crappie.

REGION 6

TOTAL CASES-123

ENFORCEMENT-123

OTHER - 0

39-Boating

40-Angling W/O A License

16-Fish Without Resident Pole License

3-Take Game Fish Illegally

2-Not Abiding By Commission Rules And Regulations

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

1-Fail To Maintain Records

2-Leave Nets Unattended

1-Take Or Possess Undersize Commercial Fish

1-Failure To Mark/Tag Nets

1-Take Or Possess Undersize White Shrimp

3-Hunting W/O Resident License

1-Hunting W/Unplugged Gun Or Silencer

1-Hunt Wild Quadrapeds And/Or Wild Birds Illegal Hours

1-Poss. Squirrels C/S

1-Taking Robins-No Season

2-Taking Or Possession Of Other Non-Game Birds-No Season

1-Littering

CONFISCATIONS:

6 robins, 11 lbs. of crabs undersized, returned to water, 4 rabbits, 3 squirrels, 1 rifle, 1 Forster's tern, 3 crappie, 7 striped bass, 1 black bass-returned to water, 170 lbs. of undersized shrimp, 4 catfish and 6 buffalo fish, 10 spoonbill

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REGION 6 CONT'D.

CONFISCATIONS CONT'D.

catfish, 16 (2"X4") monofilament gill nets

REGION 7

TOTAL CASES-193

ENFORCEMENT-193

OTHER - 0

26-Boating

113-Angling W/O A License

33-Fsh Without Resident Pole License

2-Use Gear W/O Recreational Gear License

4-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License

2-Hunting W/O Resident License

1-Failure To Abide By Commission Rules

3-Hunting W/Unplugged Gun Or Silencer

1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

1-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

2-Resisting Arrest

2-Illegal Spotlighting From Public Road

3-Littering

CONFISCATIONS:

1 squirrel.

REGION 8

TOTAL CASES-241

ENFORCEMENT-212

OTHER - 29

- 47-Boating
- 28-Angling W/O A License
  - 2-Angling W/O Saltwater License
  - 1-Taking/Poss. Over Limit Or Undersized Gamefish
  - 4-Poss. O/L Of Red Drum In Excess Of 27"
  - 6-Fail To Have Commercial License In Possession
- 12-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 12-Take Commercial Fish W/O Commercial Gear License
- 21-Take Or Possess Commercial Fish Without A Vessel License
  - 3-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
  - 2-Possess Exotic Fish
  - 1-Leave Nets Unattended
  - 2-Destroy Legal Crab Traps Or Removing Contents
  - 2-Angling W/O A Saltwater License
  - 2-Permit Unlicensed Person To Use Commercial Gear
- 12-Take/Possess Oysters Without Oyster Harvester License
  - 2-Use Illegal Length Nets
  - 1-Take/Possess Undersized Black Drum
  - 1-Failure To Have Written Permission
- 10-Unlawfully Take Oysters From State Water Bottoms
  - 6-Taking Oysters From Unapproved Area
  - 2-Unlawfully Take Oysters Off A Private Lease

REGION 8 CONT'D.

18-Harvest Oysters Without Oyster Harvester License

2-Fail To Cull Oysters In Proper Location

5-Hunting W/O Resident License

3-Hunting From Moving Vehicle And/Or Aircraft

7-Hunting W/Unplugged Gun Or Silencer

2-Illegal Poss. Of Wild Quadrupeds, Wild Birds Or Parts  
Thereof

5-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

2-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

1-Poss. Of Illegally Taken Deer Or Bear

2-Hunt Raccoons Or Opossums Illegally

2-Possession Of Live Alligators W/O Permit

2-Possessing F.B.A. W/O License

3-Take Non-Game Quadrupeds Illegally

2-Not Abiding By Rules And Regs. On WMA

2-Resisting Arrest

2-Illegal Spotighting From Public Road

2-Other Than Wildlife And Fisheries

CONFISCATIONS:

1 drivers license, 3 commercial licenses, 1 recreational license, 3 guns, 2 flashlights, 1 basket, 1 dredge, 4 gill nets, 169 1/2 sacks of oysters, 7 sacks of oysters destroyed, 4 rabbits, 141 lbs. of blue catfish sold for \$55.20, 2 opossum, 1/2 box of crabs returned to water, 1 pkg. of frozen crabs, 10 red drum, 10 flounder, 1 deer, 1 alligator, 171 lbs. of shrimp for \$234.10, 13 Australian crawfish

REGION 9

TOTAL CASES-376

ENFORCEMENT-375

OTHER - 1

76-Boating

55-Angling W/O A License

6-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

4-Angling W/O Saltwater License

1-Not Abiding By Rules And Regs On WMA

4-Taking/Poss. Over Limit Or Undersized Gamefish

6-Hunting W/O Resident License

3-Hunting From Moving Vehicle And/Or Aircraft

3-Hunting W/Unplugged Gun Or Silencer

5-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours

3-Hunt Or Discharge Firearm From Public Road Or Road Right-Of-Way

13-Take Or Sell Commercial Fish Or Bait Species W/O Commercial  
License

7-Take Commercial Fish W/O Commercial Gear License

17-Take Or Possess Commercial Fish Without A Vessel License

1-Fail To Maintain Records

4-Taking Fish Illegally

36-Take Or Possess Undersize Commercial Fish

2-Allow Another To Use Commercial License

11-Possess Or Sell Undersized Crabs

1-Commercial Truck Without Display Of Owner Name And Address

3-Trawl In Restricted Areas

REGION 9 CONT'D.

2-Trawl State Waters Closed Season

14-Failure To Have Written Permission

6-Unlawfully Take Oysters From State Water Bottoms

17-Taking Oysters From Unapproved Area

2-Unlawfully Take Oysters Off A Private Lease

1-Use Undersized Dredge Without Permit

4-Failure To Fill Out Oyster Tag Correctly

1-Failure To Hold Tags For 60 Days

4-Failure To Tag Sacked Or Containerized Oysters

1-Possession Of Untagged Oysters

23-Harvest Oysters Without Oyster Harvester License

3-Fail To Cull Oysters In Proper Location

2-Take Rabbits Illegal Methods

1-Take Squirrel Illegal Method

1-Hunt Or Take Deer Or Bear C/S

1-Hunt Or Take Deer Or Bear Illegal Hours

1-Hunt Raccoons Or Opossums Illegally

1-Possessing F.B.A. W/O License

13-Not Abiding By Rules And Regs. On WMA

1-Aggravated Assault On An Officer

5-Illegal Spotlighting From Public Road

1-Interfering With An Officer

1-Littering

1-Other Than Wildlife And Fisheries

2-Flight From An Officer

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REGION 9 CONT'D

1-Obstruction Of Justice

CONFISCATIONS:

37 Rabbits, 1 deer, 389 catfish, 96 1/2 crates of crabs, 769 lbs. of crabs, 40 lbs. of shrimp, 89 1/2 sacks of oysters, 5 gallons of oysters, 2 bushels of oysters, 1 mink, 1 paddlefish, 5 weapons, 1 set of purchase records, 2 raccoons, 1 squirrel trap, 1 spotlight and battery.

OYSTER STRIKE FORCE

TOTAL CASES-118

- 9-Take Oysters From Unapproved Area
- 2-Take Oysters From Private Lease
- 13-Take Oysters From State Water Bottom
- 4-Fail To Cull Oysters In Proper Location
- 20-Have No Written Permission
- 1-Unlawfully Stake Off Unleased Water Bottom
- 3-Fail To Fill Out Oyster Tags Correctly
- 1-Fail To Hold Oyster Tags For 60 Days
- 1-Failure To Keep Records Of Oyster Purchases
- 5-Possession Of Untagged Oysters
- 26-Have No Oyster Harvester License
- 7-Have No Commercial License In Possession
- 2-Allow Another To Use Commercial License
- 5-Have No Vessel License
- 10-Have No Commercial License
- 2-Hunt Without Resident License
- 1-Hunt With Unplugged Gun
- 2-Hunt Quadrupeds Illegal Hours
- 2-Hunt From Public Road
- 2-Hunt From Moving Vehicle

CONFISCATIONS:

100 sacks of oysters, 4 dredges, 2 boats.

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S.W.E.P

DELTA TIDE AND RIP TIDE

223 HOURS RUNNING TIME

62 BOATS CHECKED

TOTAL CASES-12

1-No Boat Numbers

1-No Boat Registration Certification In Possession

1-Trawling In Closed Season

2-Permit Unlicensed Person To Operate A Commercial Vessel

3-No Commercial License

2-Commercial Fishing Without Vessel License

2-Commercial Fishing Without Gear License

CONFISCATIONS:

44 lbs. of shrimp, 6000 feet of gill net.

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TOTAL CASES ENFORCEMENT=1413

TOTAL CASES OTHER = 50

TOTAL CASES OSF = 118

TOTAL CASES SWEP = 12

GRAND TOTAL =1593

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 123. CHICOT LAKE BLACK BASS HARVEST RESTRICTION

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,  
Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38  
(January 1990), Repealed L.R. 17: (March 1991), Repromulgated in S. 149  
of this Chapter.

SECTION 149. BLACK BASS REGULATIONS-DAILY TAKE AND SIZE LIMITS

The Louisiana Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of 8 fish for black bass (Micropterus spp.). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the Commission establishes special size and daily take regulations for black bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee Parish):

Size Limit:	15 inch - 19 inch slot
Daily Take:	8 fish - of which no more than 2 fish may exceed 19 inches maximum total length.*
Possession Limit:	On Water - Same as daily take Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Caddo Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

Size Limit: 14 - 17 inch slot  
Daily Take: 8 fish - of which no more than 4 fish may  
exceed 17 inches maximum total length.  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

\* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991).

James H. Jenkins  
Chairman

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

Title 76  
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1.        Freshwater Sport and Commercial Fishing

Section 110.     Toledo Bend Reciprocal Agreement

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (Micropterus spp.) is set at 8 fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at 5 fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective May 1, 1991, provided that the State of Texas also agrees to amend the existing Reciprocal Agreement and adopts the same regulations.

AUTHORITY NOTE:     Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3, 673

HISTORICAL NOTE:     Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission L.R. 14:548 (August 1988), Amended L.R. 17:     (March 1991).

James H. Jenkins  
Chairman

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 110. TOLEDO BEND RECIPROCAL AGREEMENT

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (Micropterus spp.) is set at 8 fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at 5 fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective Monday, April 1, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3, 673

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission L.R. 14:548 (August 1988), Amended L.R. 17: (March 1991).

PRESENTATION TO COMMISSION

MARCH 7, 1991

Gentlemen:

You have before you a package consisting of:

1. Resolution
2. Time Table
3. Addendum to Notice of Publication
4. Amendments to Lease/Bid Package
5. Bid Package
  - a. Special Instructions
  - b. Notice of Publication
  - c. Bid Form
  - d. Bid Bond
  - e. Lease

This package along with the Addendum to Notice of Publication has been approved by the Minerals Committee along with those items so indicated on the hand out marked Amendments to Lease/Bid Package.

There is one minor modification which I recommend, that is changing the last date for submitting bids one day, from June 30 to July 1, since the 30th falls on a Sunday. Your approval of the resolution and the package presented before you would put the wheels in motion for first step, namely submission of the lease form to the Minerals Committee and ultimately in a consummation of the lease. Thank you.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BATON ROUGE, LOUISIANA

MARCH 7, 1991

RESOLUTION

WHEREAS the recommendations of the Minerals Committee, Counsel and staff having been considered,

THEREFORE BE IT RESOLVED that this Commission does hereby adopt the recommendations of the Minerals Committee with regard to the lease form and bid package with the amendments approved by the Minerals Committee, and specifically adopts one tract which is described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED that the Commission does hereby adopt and approve the guaranteed annual minimum royalty, performance bond and bid bond amounts as set out in the proposed lease and bid documents.

BE IT FURTHER RESOLVED that this Commission does hereby set July 1 as the last date for accepting bids for the lease tract.

BE IT FURTHER RESOLVED that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the soliciting of bids and execution of the lease including, but not limited to: 1) submission of the lease form to the Mineral Board, 2) submission of a Notice of Publication to State Lands for advertisement, and 3) submission of the Notice of Publication to the three known dredging companies, the Wall Street Journal, The Journal of Commerce, The Dodge Report.

BE IT FURTHER RESOLVED that legal counsel and staff are hereby authorized to make minor modifications to the lease document and bid package contingent upon notification to the Chairman.

I HEREBY CERTIFY that the above and foregoing resolution was duly passed by the Louisiana Wildlife and Fisheries Commission on the 7th day of March, 1991.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
ACTING SECRETARY

\_\_\_\_\_  
DATE

TIME TABLE AFTER COMMISSION APPROVAL (MARCH 7):

1. Finalize documents - March 11
2. Final Plat - March 11
3. Send Lease form to Mineral Board - March 12
4. Last date for Mineral Board approval - May 12
5. Submit to State Lands for advertisement - May 13\*
6. Last date for submitting bids - July 1\*
7. Minerals Committee - Bid opening and recommendation to Commission - July 8\*
8. Commission - Award of Lease at next regularly scheduled meeting - July 11\*
9. Time for signing of Lease - July 31\* (within 20 days of award)
10. Final lease submitted to Mineral Board for countersignature August 1\*
11. First meeting of Mineral Board following submission- August 14
12. Second meeting of Mineral Board following submission (deemed approved if not acted upon by Mineral Board by this date)- September 11

\*Tentative

MARCH 7, 1991

ADDENDUM TO NOTICE OF PUBLICATION

At the time of the submission of their bids, all bidders are to contact Barney Barrett at 765-2372, to arrange for the submission of a geological and geophysical evaluation of the tract, prepared in accordance with the bidder's usual procedure, along with data relative to any exposed reefs (above the mud line). Any of the above information designated as proprietary by the bidder shall be treated in a confidential manner by the Department.

AMENDMENTS TO LEASE/BID PACKAGE

I. RECOMMENDED BY MINERALS COMMITTEE

- A. Require winning bidder/lessee to report posted barge price, any changes thereof, and all sales from the barge.
- B. Bidders will submit a bifurcated or two-part bid consisting of (a) the fractional portion of the selling price and (b) "the selling price" (amend Bid Form).

The minimum acceptable royalty is 1/8 of \$7.50 (it will be stipulated that that portion of the bid designated as "the selling price" shall never decrease).

- C. Commission may waive all or part of the bid bond of a bona fide bidder who has attempted to secure all applicable permits. This provision will not be available to any bidder who knew or should have known of the requirement of a particular permit, and who failed to seek or secure said permit.
- D. Commission authorizes Legal Counsel and staff to make minor modifications to the lease form and the bid package documents contingent upon prior notification to the Chairman.
- E. Designate Commissioner of Administration as a signatory on lease document.

II. RECOMMENDED BY COUNSEL

- A. Change last date for submitting bids from June 30 to July 1.

SHELL DREDGING LEASES  
SPECIAL INSTRUCTIONS

1. For general instructions, see Notice of Publication.
2. For tract description, see Notice of Publication and map attached to lease form.
3. Portion of tract bid:

If a lease is awarded based on a portion of the tract, the guaranteed annual minimum royalty and performance bond amounts will be reduced proportionally, based strictly on the number of acres in the tract. If, for example, a bid is submitted on a portion of the tract, which, for the sake of simplicity, contains exactly one-half the acreage of the whole of the tract, then the guaranteed annual minimum royalty and performance bond amounts shall be reduced in the lease to ~~\$360,000~~ \$421,875 and ~~\$1,700,000~~ \$1,265,625 respectively, rather than ~~\$720,000~~ \$843,750 and ~~\$2,160,000~~ \$2,531,250 which would be required if the whole tract were bid. (The performance bond amount represents three (3) times the guaranteed annual minimum royalty.)

This will, of course, necessarily affect the bid bond amount which is five percent (5%) of the performance bond amount. Thus, in the above example the bid bond for the portion would be ~~\$54,000~~ \$63,281, rather than ~~\$108,000~~ \$126,562 which would be required if the whole tract were bid.

An example of how this was computed, using the above hypothetical is as follows:

1. Entire tract:  
~~323,000~~ 287,702 acres - ~~\$720,000~~ \$843,750 guaranteed annual minimum royalty.
2. Portion bid submitted for ~~161,500~~ 143,851 acres, exactly half of the entire acreage of tract.
3. Thus, the guaranteed annual minimum royalty is reduced by one half, or ~~\$360,000~~ \$421,875.
4. This amount is multiplied by three (3) [the term of the lease in years] to arrive at ~~\$1,080,000~~ \$1,265,625, the amount of the performance bond.
5. This amount is then multiplied by five percent (5%) to arrive at ~~\$54,000~~ \$63,281 the amount of the bid bond (or cash payment).

The bidder should perform these computations before bidding, particularly as the bid bond or cash payment must be submitted with the bid. Obviously, the bidder should take great care in computing the correct acreage of any portion bid as this acreage figure will directly affect the amount of the bid bond required.

Bidders are required to indicate on the bid form the approximate number of acres in the portion of the tract bid upon. When portion bids are received, the Department will independently confirm the bidder's estimation of acreage, using the transparent plat submitted by the bidder. The Department will further confirm that the bid bond submitted is of a sufficient amount for the acreage bid upon.

ANY BID BOND SUBMITTED TOTALING LESS THAN NINETY PERCENT (90%) OF THE AMOUNT REQUIRED, BASED UPON THE DEPARTMENT'S ACREAGE DETERMINATION, WILL RESULT IN AUTOMATIC REJECTION OF THE BID.

When a portion bid has been accepted by the Commission as the successful bid, and there is a difference between the Department's acreage determination and the bidder's (which is not within the acceptable margin of error for such determinations), then the Department's acreage determination shall prevail for purposes of the lease, specifically the property description, guaranteed annual minimum royalty and performance bond.

#### 4. Bidding.

Each bid should be placed in a separate sealed envelope, which should then be placed into a larger envelope, addressed and forwarded to the Louisiana Department of Wildlife and Fisheries, Post Office Box 98000, Baton Rouge, Louisiana 70898-9000 ATTENTION: \_\_\_\_\_ by REGISTERED or CERTIFIED mail, or by hand delivery to the Department's offices at 2000 Quail Drive, Baton Rouge, Louisiana, Room \_\_\_\_\_, with a notation thereon to the effect that a sealed bid is enclosed. A bid may cover all or any portion of the tract advertised. The Commission has authority to accept the bid most advantageous to the State, may reject any and all bids, or may lease a lesser quantity of property than advertised and withdraw the rest. If a joint bid is submitted the UNDIVIDED INTEREST OF EACH PARTY should be designated on the bid in order that the proportionate interest of each bidder may be stipulated in the lease contract.

NOTE: For the convenience of the Commission and in order to eliminate errors, the address of each company should be designated on the Bid form for clarification in typing the lease contract.

The current minimum acceptable royalty is one-eighth royalty value-at-the-dredge-site-and-is-\$----- of the "selling price of the shell produced," which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for purposes of this lease, and throughout the term of this lease, the "selling price of the shell produced" shall be deemed to be never less than SEVEN DOLLARS AND FIFTY CENTS (\$7.50) per cubic yard.

The term of the lease shall be three (3) years.

The bidder must enclose an executed bid bond or CERTIFIED check, CASHIER'S check or BANK money order with the bid in an amount equal to five percent (5%) of the performance bond amount payable to the Louisiana Department of Wildlife and Fisheries.

The bid bond, certified check, cashier's check or bank money order for the amount of the cash payment is forfeited in the event the bid is accepted and the bidder or bidders fail to enter into a written contract within twenty (20) days after such lease is submitted to lessee for execution. In the event the bid is rejected, the said check shall be returned, or the bid bond shall be voided.

NOTICE OF PUBLICATION  
OFFICE OF MINERAL RESOURCES  
ON BEHALF OF THE WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA 70821

By virtue of and in conformity with the provisions of Subpart A of Chapter 2, Title 30 of the Louisiana Revised Statutes of 1950, as amended, R.S. 56:441 and 471, and other applicable laws, sealed bids will be received in the Louisiana Wildlife and Fisheries Commission office located at 2000 Quail Drive, Baton Rouge, Louisiana 70808 on or before the \_\_\_\_ day of \_\_\_\_\_, 1991 at \_\_\_\_\_ .m., for leases to explore, dredge for and produce fossil shells and fossil shell deposits on the following described tract at which time and date the bids will be opened publicly in the Louisiana Room, Louisiana Wildlife and Fisheries Commission, 2000 Quail Drive, Baton Rouge, Louisiana 70808. The successful bidder(s) will be formally selected by the Louisiana Wildlife and Fisheries Commission at its regularly scheduled \_\_\_\_\_, 1991 meeting.

All bids are to offer a royalty for leases having a primary term which shall not exceed three (3) years, which leases are to be granted without any warranty or recourse against lessor whatsoever, either expressed or implied, not even for return by lessor of any payments received under the lease or being otherwise responsible to LESSEE. The MINIMUM ROYALTY as set by the Louisiana Wildlife and Fisheries Commission is one-eighth (1/8) of the "selling price of the shell produced," which is

defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for purposes of this lease, and throughout the term of this lease, the "selling price of the shell produced" shall be deemed to be never less than SEVEN DOLLARS AND FIFTY CENTS (\$7.50) per cubic yard. A bid of a royalty less than the aforesaid minimum will be increased to said minimum by the Commission. All bidders are notified that the Commission does not obligate itself to accept a bid which offers the aforesaid minimum, but reserves the right to accept a bid which offers in excess of the minimum and is considered most advantageous to the State of Louisiana.

The provisions of this notice or advertisement and the relevant statutes establish the material considerations necessary for the formulation of proper bids, and this notice or advertisement shall not be deemed to be modified, enlarged or diminished by resolutions or policy expressions of the Commission not incorporated herein expressly or by reference.

Copies of the proposed lease are available to any interested bidders at the Office of the Undersecretary, Department of Wildlife and Fisheries prior to the opening of the bids on the tract, and prospective bidders should carefully examine the same prior to submitting any bid therefor.

The lease tract is situated in the Louisiana Coastal Zone as defined by Act 361 of 1978 (LSA R.S. 49:213), and as such is subject to the guidelines and regulations promulgated by the Coastal Management Section of the Department of Natural

Resources. Further, the tract is subject to review and permitting by the United States Army, Corps of Engineers, and may be subject to the review, guidelines, regulations and permits of other state and federal agencies.

All leases awarded shall be executed upon terms and conditions provided in the current State lease forms, including, but not limited to, provisions as follows: Should LESSEES fail to begin the actual dredging on the lease premises within ninety (90) days from the date of the lease, the lease may terminate as to both parties to the lease; provided, however that the Louisiana Wildlife and Fisheries Commission may extend this period if LESSEES' failure to begin dredging is due to delays in issuance of applicable permits which LESSEES have demonstrated a due and diligent effort to obtain. The lease shall contain provisions against the assignment or sublease of the lease unless approved by the Louisiana Department of Wildlife and Fisheries.

A bid bond in the amount of \$126,562 (or in a proportionately smaller amount if a portion bid is submitted) shall be submitted with each bid, which bid bond shall be written on forms prepared by the Commission and available to prospective bidders at the office of the Department of Wildlife and Fisheries, and shall ensure the commitment of each bidder to enter into and execute the leases, if selected as high bidder. Said bid bond shall be in favor of the Louisiana Department of Wildlife and Fisheries. In lieu of the bid bond and in the same

amount thereof, bidders may tender with their bid, cash payments in the form of a certified check, cashier's check, or bank money order payable to the Louisiana Department of Wildlife and Fisheries, and the certified check, cashiers check or bank money order accompanying the bid of the successful bidder shall be immediately negotiated by the Louisiana Department of Wildlife and Fisheries and the proceeds thereof deposited in the Conservation Fund. This cash payment shall be credited to the LESSEE and applied to the cubic yard royalties and/or guaranteed annual minimum royalties as the case may be.

No bid submitted with the above bid bond or cash payment may be thereafter withdrawn or cancelled. The successful bidders to whom the lease is awarded on the date of the lease shall return the written lease, duly executed, within TWENTY (20) DAYS after bidder's receipt of same under penalty of forfeiture of the lease and the aforesaid bid bond or cash payment previously tendered in the event of failure to do so.

Bids may be for the whole or any particularly described portion of the water bottoms advertised; however, bidders are advised that the Commission desires to lease the entirety of the water bottoms herein described and bidders are encouraged to submit bids for the whole tract. All bidders are hereby notified that bids on portions of tracts should be described by metes and bounds and be accompanied by a transparent plat outlining thereon the portion bid upon. The scale of the plat should be 1 inch = 4,000 feet.

The Louisiana Wildlife and Fisheries Commission reserves the right to reject any and all bids or to grant a lease on any portion of the tract advertised and to withdraw the remainder of the tract.

Any lease for shell dredging awarded by the Commission requires the approval and countersignature of the State Mineral Board.

Office of Mineral Resources  
On Behalf of the Louisiana  
Wildlife and Fisheries  
Commission

Published in the Baton Rouge "State Times" on \_\_\_\_\_, 1991, and the Official Journal of the Parishes in which the property is located.

## CENTRAL COAST, EAST

All water bottoms located in the Parishes of St. Mary, Iberia and Terrebonne which lie within an area beginning at a point on the shore of East Cote Blanche Bay at Longitude  $91^{\circ}37'$  West approximately two and three quarter miles east of Marone Point, thence easterly and southerly along the perimeter of East Cote Blanche Bay to Point Chevreuil, then continuing northeasterly along the perimeter of Atchafalaya Bay to Wax Lake Outlet, then southeasterly across Wax Lake Outlet to the western point of Belle Isle, then along the perimeter of Atchafalaya Bay to the mouth of the Atchafalaya River, thence southwesterly along the Atchafalaya River Channel through Atchafalaya Bay to a point in the Atchafalaya River channel located at Latitude  $29^{\circ}21'$  North, Longitude  $91^{\circ}24' 07''$  West, thence southeasterly to Pointe-au-Fer, thence in a southeasterly direction along the shore of Pointe-au-Fer Island to the mouth of Oyster Bayou, thence in a southeasterly direction from the mouth of Oyster Bayou along the shoreline of Terrebonne Parish to Longitude  $90^{\circ}50'$  West, thence south along Longitude  $90^{\circ}50'$  to the outer boundary of the State of Louisiana, thence in a northwesterly direction in the Gulf of Mexico along the outer boundary of the State of Louisiana to its intersection with Longitude  $91^{\circ}37'$ , thence north along Longitude  $91^{\circ}37'$  to the point of beginning; containing approximately 287,702 acres, as shown on the attached charts designated as Exhibit A which are made a part hereof, and subject to all restrictions reflected thereon.

LOUISIANA WILDLIFE AND FISHERIES COMMISSION BID FORM

\_\_\_\_\_, 1991

Entire Tract - Approximately 287,702 acres

Portion of Tract - Approximately \_\_\_\_\_ acres

Bidder: \_\_\_\_\_  
(Name to appear on lease contract,  
if lease is awarded)

For a three (3) year lease.

ROYALTY:

The minimum royalty set by the Louisiana Wildlife and Fisheries Commission is one-eighth of the "selling price of the shell produced," which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for purposes of this bid, and throughout the term of the lease, the "selling price of the shell produced" shall be deemed to be never less than SEVEN DOLLARS AND FIFTY CENTS (\$7.50) per cubic yard.

Metes and bounds description as follows: (REQUIRED FOR PORTION BID ONLY) - (Plat showing portion outlined in red is attached).

In the event of a "Joint bid", the undivided interest of each bidder is as follows:

The lease contract is to be drafted on such terms as are provided for and written in the current lease form approved by the Louisiana Wildlife and Fisheries Commission for shell dredging leases.

In the event this bid is accepted, the lease contract should name

\_\_\_\_\_  
as lessee or lessees, of the following domicile(s) or residence(s) \_\_\_\_\_

\_\_\_\_\_  
(address(es) to be used on the lease form itself)  
acting herein on his, its, their own behalf or through \_\_\_\_\_, agent.

The Louisiana Wildlife and Fisheries Commission should mail the contract to: \_\_\_\_\_

at the following address: \_\_\_\_\_

attention of \_\_\_\_\_.

The undersigned acknowledges that the bid bond or certified check, cashier's check, or bank money order, payable to the Louisiana Department of Wildlife and Fisheries, for five percent (5%) of the performance bond amount as determined by the Commission and set out in the lease forms, shall accompany and be submitted with each bid, and no bid thus submitted may be thereafter withdrawn or cancelled and the certified check, cashier's check or bank money order accompanying the bid of the successful bidder shall be immediately negotiated and endorsed by the Louisiana Department of Wildlife and Fisheries, and the proceeds thereof deposited immediately in the Conservation Fund. The undersigned further acknowledges that the successful bidder, to whom the lease is awarded on the date of the lease sale, shall return the written lease, duly executed, within TWENTY (20) DAYS after his receipt of same. In the event this bid is rejected, said certified check, cashier's check or bank money order shall be returned.

Respectfully submitted,

---

NOTE:

Bid bond, certified check, cashier's check or bank money for the required amount should be attached. Checks should be made payable to Louisiana Department of Wildlife and Fisheries.

~~The--tract--number--of--the--tract--on--which--the--bid--is--made should--appear--on--the--envelope--sealing--this--bid~~ (to be deleted if it stays as one tract).

BID BOND

\_\_\_\_\_, as Principal  
(Bidder) and \_\_\_\_\_, as  
Surety, are bound unto the State of Louisiana, Department of  
Wildlife and Fisheries, (hereinafter called the Department) in  
the sum of \_\_\_\_\_  
DOLLARS (\$\_\_\_\_\_) for payment of which the Principal and  
Surety bind themselves, their heirs, executors, administrators,  
successors and assigns, jointly and severally.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_,  
1991.

The condition of this obligation is such that, whereas the  
Principal has submitted a bid to the Department on a lease for  
the dredging of fossil shell, if the said lease is awarded to the  
Principal and the Principal, within the specified time, enters  
into the lease in writing and gives bond with Surety acceptable  
to the Department for performance of said lease, this obligation  
shall be voided; otherwise to remain in effect.

\_\_\_\_\_  
Principal (Bidder)

\_\_\_\_\_  
Surety

BY \_\_\_\_\_  
Authorized Officer -  
Owner - Partner

BY \_\_\_\_\_  
Agent or Attorney-in-Fact  
(Seal)

\_\_\_\_\_  
TYPED OR PRINTED NAME

I certify that I am, as of the date of this bond, a licensed Resident Agent of the State of Louisiana in good standing with the Louisiana Insurance Commission and authorized to countersign this bond on behalf of the Surety.

BY \_\_\_\_\_

\_\_\_\_\_  
Name of Agency

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Agent License Number

LEASE FOR FOSSIL SHELL EXTRACTION  
FROM STATE OWNED WATER BOTTOMS

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

SHELL LEASE NO. 2: Central Coast - East

WHEREAS, under the provisions of Section 441 of Title 56 of the Louisiana Revised Statutes of 1950, as amended, and other applicable laws, the Louisiana Wildlife and Fisheries Commission advertised for the bids for a lease covering fossil shells on the property described below; and

WHEREAS, in response to required advertisements, bids were received and duly opened in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana on the \_\_\_\_ day of \_\_\_\_\_, 1991, at a meeting of the Minerals Committee of the Louisiana Wildlife and Fisheries Commission; and,

WHEREAS by resolution duly adopted, the Louisiana Wildlife and Fisheries Commission accepted the bid of \_\_\_\_\_  
\_\_\_\_\_  
whose mailing address is \_\_\_\_\_  
\_\_\_\_\_

(hereinafter referred to as "Lessee") as being the most advantageous to the State of Louisiana:

NOW, THEREFORE, be it known and remembered the Louisiana Wildlife and Fisheries Commission acting under said authority for and in behalf of the State of Louisiana, as Lessor, does hereby lease unto the said Lessee, the property described below for the purpose of extracting fossil shells and fossil shell material.

The State Mineral Board, herein represented by its Chairman, T. Jay Seale, III, appears herein for the purpose of indicating its approval of said lease.

In connection therewith Lessee shall have the right to use so much of the property as may be reasonably necessary for such operations, subject to restrictions contained in this lease or applicable permits. The leased property, situated in the State of Louisiana, is more fully described as follows:

All water bottoms located in the Parishes of St. Mary, Iberia and Terrebonne which lie within an area beginning at a point on the shore of East Cote Blanche Bay at Longitude  $91^{\circ}37'$  West approximately two and three quarter miles east of Marone Point, thence easterly and southerly along the perimeter of East Cote Blanche Bay to Point Chevreuil, then continuing northeasterly along the perimeter of Atchafalaya Bay to Wax Lake Outlet, then southeasterly across Wax Lake Outlet to the western point of Belle Isle, then along the perimeter of Atchafalaya Bay to the mouth of the Atchafalaya River, ~~thence-easterly-across-the-mouth-of-the-Atchafalaya-River-to-the-opposite-shore,-thence following-the-perimeter-of-Atchafalaya-Bay-to-the-southwesterly point-of-Halter's-Island,-thence-taking-in-the-entire-perimeter of-Four-League-Bay-and-Bay-Castagnier,-back-to-South-Point, thence-in-a-southwesterly-direction-following-the-shoreline-of~~ Pointe-au-Fer-Island-to-Pointe-au-Fer, thence southwesterly along the Atchafalaya River Channel through Atchafalaya Bay to a point in the Atchafalaya River channel located at Latitude  $29^{\circ}21'$  North, Longitude  $91^{\circ}24'07''$  West, thence southeasterly to Pointe-au-Fer, thence in a southeasterly direction along the shore of Pointe-au-Fer Island to the mouth of Oyster Bayou, ~~then-northerly to-include-the-entire-perimeter-of-Oyster-Bayou,~~ thence in a southeasterly direction from the mouth of Oyster Bayou along the shoreline of Terrebonne Parish to Longitude  $90^{\circ}50'$  West, thence

south along Longitude 90°50' to the outer boundary of the State of Louisiana, thence in a northwesterly direction in the Gulf of Mexico along the outer boundary of the State of Louisiana to its intersection with Longitude 91°37', thence north along Longitude 91° 37' to the point of beginning; containing approximately ~~323,000~~ 287,702 acres, as shown on the attached charts designated as Exhibit A which are made a part hereof, and subject to all restrictions reflected thereon.

#### 1. TERM

The rights and privileges herein granted shall be for a period of three (3) years beginning ~~September--26,--1988~~ \_\_\_\_\_, 1991 and ending ~~September---25,---1991~~ \_\_\_\_\_, 1994. This lease shall be subject to all existing oil and gas pipeline rights-of-way, mineral leases and servitudes granted by third parties and the State of Louisiana through the Department of Natural Resources located in the area hereinabove described and of record as of the date of this lease. Nothing herein shall preclude the State of Louisiana from granting future oil and gas pipeline rights-of-way, mineral leases and servitudes to third parties.

#### 2. ROYALTY

As consideration under this lease, LESSEE shall pay the Department of Wildlife and Fisheries, (hereinafter referred to as the Department), a base royalty of ~~90-cents-per-cubic-yard-for all-shells-and-shell--deposits----removed-~~ \_\_\_\_\_ of the "selling price of the shell produced", from the above described water bottoms which is defined as the price of the shell FOB dredge site, exclusive of any transportation

costs; be it further provided that for purposes of this lease, and throughout the term of this lease, the "selling price of the shell produced" shall be deemed to be never less than Seven Dollars and Fifty Cents (\$7.50) per cubic yard. 7--during-the first-lease-year-

Beginning-on--the-first--day-of--the-second-lease-year, and-on-the-first-day-of--the-lease--year-in--each-year-thereafter during-the-balance-of-this-lease, LESSEE shall pay the Department a-royalty-for-each-such-lease-year-which-shall-be--increased-from the-previous--year's-per--cubic-yard--royalty-provided-for-above, based-on-the-following-formula:

Said-base-royalty-shall-be-adjusted-on-the-first-day-of the-lease-year-for-the-ensuing-twelve-month-period-by-multiplying said-base-royalty-per--cubic-yard--by-the--quotient-in--which-the numerator-shall--be-the--All-Urban--Consumer-Price--Index, or-its successor-Index,--calculated--by--the--appropriate--agency--of-the Federal-Government--and-publicized-by-the-Federal-Reserve-Bank-of St.-Louis,--Missouri-(hereinafter--called-the--ALL-URBAN-CONSUMER PRICE-INDEX),--for-the-month-of-December-immediately-preceding-the twelve-month-period-for-which-said-royalty-is-being-adjusted,--and the--denominator-shall-be-the-All-Urban-Consumer-Price-Index-for the-initial-month-of-the-lease.--The-resulting-quotient-expressed in-a-percentage-shall-be-applied-to-the-base-royalty-and-shall-be the-basis-for-the-new--royalty.----In--the--event--the--All-Urban Consumer-Price--Index-has--not-been--published-in-time-to-compute any-monthly-payment-due-the--Department--by--LESSEE,--then-LESSEE shall--pay--the--Department--the--same--royalty--paid--during-the preceding-month-or-months-and-as-soon-as--the-determining-monthly All-Urban--Consumer-Price--Index-is--published,--LESSEE-shall-make such-adjustments-to--the--previous--royalty--payments--as--may-be necessary-to--correctly-pay-the-Department-the-adjusted-royalties due-hereunder.

~~The foregoing notwithstanding, in no event shall the royalty payable by LESSEE to the Department throughout the period of this Contract be less than the base royalty per cubic yard.~~

Payment in full of royalties for all shells and/or deposits removed by the LESSEE during any one calendar month shall be made on or before the 15th day of the succeeding month, all in a manner consistent with the applicable law of the State of Louisiana. Any unpaid royalties shall be subject to legal interest which shall begin to accrue on the date said royalties are due.

For purposes of this lease, measurements of cubic yards of shell on barges shall be calculated as follows:

$$\text{Volume} = L (A + d + 4M) = \text{cubic yards}$$

162

Where A = Area of top

d = Area of base

M = Area of cross section midway  
between top and base

L = Height

### 3. DATA; AUDIT AND INSPECTION

LESSEE, on or before the 15th day of each month, shall furnish the Department any or all of the following types of data relating to shell production: (1) type of material removed, (2) dates removed, (3) name of vessel, (4) area of dredging, (5) cubic yards removed, and (6) amount due.

These data shall not be deemed conclusive and the Department reserves the right, and LESSEE so agrees, to permit the Department's authorized representative and/or agents and representatives of the Legislative Auditor's Office or the Inspector General's Office to examine any and all of LESSEE'S books, records and memoranda of whatever kind or nature, pertaining to or having any connection whatever with the removal or sale of said shells.

The Department further reserves the right, and LESSEE agrees, to have the Department's agents or representatives and/or agents and representatives of the Legislative Auditor's Office or the Inspector General's Office inspect the barges, boats, and dredges, etc., in which the said shells are removed, and to keep a check on the number thereof, and also to determine by whatever means it may deem necessary, the number of cubic yards of shells which have been removed from the hereinabove described beds or water bottoms, and to require the payment therefor.

LESSEE shall permit routine field inspections by the above personnel for the purposes of verifying:

- a) location of dredges,
- b) direction of effluent discharge,
- c) measurements of quantity of shell aboard, and
- d) compliance with all Department of Wildlife and Fisheries regulations pertaining to shell dredging.

For the purposes of this inspection, the LESSEE shall allow the above personnel to board vessels for inspection of documents and records pertinent to the leases and regulations, positioning equipment, shell cargo, any other operations of the dredge and/or its supporting equipment, and to retrieve Loran-C tapes from recording instruments.

#### 4. EQUIPMENT AND PERSONNEL

LESSEE warrants that it has currently under its exclusive ownership and/or control, or will have by the effective date of this lease, an adequate supply of dredges, adequately powered tow boats for the operating conditions, barges, cranes, machinery, tools and implements of every kind or character which may be necessary to the taking and removal of shell and/or shell deposits under the terms of his Agreement. LESSEE further warrants that it has in its employ a number of skilled personnel sufficient to adequately perform the requirements of this contract. LESSEE also warrants that it has, or will acquire, valid permits issued by the United States Army Corps of Engineers, the Louisiana Department of Natural Resources, and any other agencies as may be required by law.

#### 5. LIABILITY, HOLD-HARMLESS, DEFENSE AND INSURANCE

It is expressly understood that the Department and the Commission shall incur no liability or expense of any kind in connection with the ownership, control and operation of such equipment by LESSEE, including but not limited to all court costs, cost of defense and any judgments arising from any claims, actions or causes of action by all third parties, LESSEE, its employees, agents, officers, directors, successors and assigns, their employees, agents, officers and directors caused by LESSEE, its employees, agents, successors and assigns in the exercise of the dredging rights and privileges granted by this lease.

LESSEE agrees that it shall be liable and responsible for property damage or personal injury, whether to property of the State of Louisiana or of any individual, firm or corporation,

or to any person or persons, caused by the negligence or breach of contract of LESSEE or by its agents, directors or employees of any kind. LESSEE, its successors and assigns agree to indemnify the Department and the Commission and their officers and employees for all such damage or damages and to hold the Department harmless from all such damage or damages caused by such LESSEE, including assuming the cost and expense of defending all claims, actions, or causes of action which are or may be filed seeking such damage or damages.

It is expressly provided that neither the Department nor the Commission shall have any responsibility or liability relative to navigation of LESSEE'S vessels, nor shall the Department or the Commission have any responsibility or liability to inform or advise LESSEE as to the existence or location of any pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, located on the property which is included within this lease. It is further expressly provided that LESSEE shall bear sole responsibility for the navigation of its vessels and for determining the existence and location of all pipelines, drilling platforms, bridges, causeways, docks, piers or other structures which may be located on or within the property leased herein.

It is further provided that LESSEE will defend, indemnify and hold harmless the Department and the Commission and their officers and employees for any claims, demands, liabilities or causes of action arising out of LESSEE'S taking of shells, including those arising out of the navigation of LESSEE'S vessels, or collisions between LESSEE'S vessels and other vessels, pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, even if such action is alleged to have been brought about solely, or in part, by the negligence of the Department. It is expressly provided, however, that LESSEE

shall not be obligated to defend, indemnify and hold the Department or Commission harmless for any claim which does not directly involve LESSEE'S vessels, equipment and/or operations. It is further provided that LESSEE shall not be obligated to defend, indemnify and hold harmless the Department or Commission for any claim for worker's compensation filed by any of their employees; provided, however that nothing herein shall preclude the Department or the Commission from maintaining an action for recovery against the LESSEE under the laws of the State of Louisiana, including LSA R.S. 23:1101 et seq. LESSEE shall specifically obtain insurance coverage of this indemnity provision and shall furnish the Department with satisfactory evidence of such coverage, from a company that A. M. Best and Company has given a "B" or better rating, of not less than FIFTEEN MILLION (\$15,000,000.00) DOLLARS. LESSEE agrees to name the Department and the Commission and their officers and employees as an additional insured under this policy of insurance, and to furnish the Department a copy of same.

In all suits arising out of this contract, the parties hereto agree that Louisiana law shall govern. ~~and that the state courts of Louisiana shall be the proper forum, unless such suit is required to be filed in or is removed to any federal court in this state.~~

#### 6. OPERATION, LOCATION AND MOVEMENT OF VESSELS

LESSEE further agrees, binds and obligates itself before commencing operations in accordance with this lease, to furnish the Department a map, plat or chart to scale as specified by the Department, of the major areas of the beds and water bottoms hereinabove described and from which LESSEE shall take and remove shells and/or shell deposits, which map, plat or

chart shall have marked thereon the location at which LESSEE shall commence its operations; and from time to time, LESSEE shall notify the Department, in writing, of any and every major change of location of its operations, and by correcting said map, plat or chart aforesaid by marking its new major areas of operation as well as each and every former major area of operation under this lease.

At the Department's request, LESSEE shall notify the Department in writing, at least ten (10) days prior to putting into actual service any dredge, barge or tow boat used in the removal of shells and/or shell deposits, together with the capacity of each, and the Department may thereupon verify the measurements of said barges. In case the giving of such notice by the LESSEE becomes impractical, the LESSEE shall give written notice within ten (10) days after such vessel is placed in service.

Each operating dredge shall be required to have a tamper-proof device, as specified by the Department, installed on board which will plot, map and record all movements and locations of the dredge vessel. Location of the dredge shall be recorded on an hourly basis in Loran-C coordinates.

Each operating dredge shall be required to have on board at all times a person with the authority to stop and/or move the dredge and/or other equipment upon notification by the designated representative(s) of the Department.

LESSEE shall report on a calendar weekly basis, on a form provided by the Department, the daily location(s) of dredging activities and any other information required by the Department. A calendar week shall be defined as Sunday through Saturday. These report forms shall be delivered to the

Department on the Monday following the end of the calendar week, or postmarked by that date.

7. ADHERENCE TO APPLICABLE PROVISIONS; RESTRICTED ZONES

LESSEE binds and obligates itself to strict adherence to all applicable state and federal permit stipulations, environmental laws, rules, and regulations and not to dredge within three hundred (300') feet of any other shell dredging operations or within any area designated as a restricted zone.

Effluent shall be directed back into the dredged area via a discharge conduit. The affected water bottoms shall, to the extent reasonably possible of accomplishment, be returned or restored to a condition as near equivalent to that which existed before said operations were conducted.

Dredging operations shall not be conducted within restricted areas as shown on the zone chart (Exhibit A) nor within 1,500 feet of natural land masses or exposed reefs, as defined in applicable permits.

Before commencing operations in any given zone the LESSEE shall notify the Department in writing at least ten (10) days in advance as to its proposed zone of the operations and to the best extent possible, the approximate location within the zone. Zones identified in this notice shall correspond with the zone chart which is attached hereto and identified as Exhibit A.

Dredged areas shall be surveyed with a recording fathometer and copies of each depth profile shall be submitted to the Department of Wildlife and Fisheries on or before the 15th day of the succeeding month. Maximum depth along with the

vertical scale shall be indicated on each profile. Location of depth profiles shall be specified using precise Loran-C coordinates (i.e. reported to the nearest 0.1 of the line of position/T.D.).

#### 8. GUARANTEED ANNUAL MINIMUM ROYALTY

LESSEE agrees that the quantity of shells removed by it will yield to the Department guaranteed royalties of no less than ~~SEVEN-HUNDRED--TWENTY--THOUSAND (\$720,000)~~ EIGHT HUNDRED FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$843,750) per year, starting with the year beginning on the date hereof, and continuing therefrom throughout the life of this lease. LESSEE further agrees that in the event for any reason LESSEE does not remove sufficient shells to aggregate in total, at the price per yard stipulated above, the guaranteed yield to the Department of ~~SEVEN--HUNDRED--TWENTY--THOUSAND--(\$720,000)~~ EIGHT HUNDRED FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$843,750) per year, LESSEE will pay to the Department an amount sufficient to produce the minimum sum of ~~SEVEN-HUNDRED-TWENTY-THOUSAND-(\$720,000)~~ EIGHT HUNDRED FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$843,750) per year as stipulated.

Should this lease be terminated at any time other than the end of any lease year, then the ~~SEVEN-HUNDRED-TWENTY-THOUSAND (\$720,000)~~ EIGHT HUNDRED FORTY THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$843,750) annual minimum guaranty shall be reduced by the amount of royalty paid by LESSEE to the Department during such lease year, but prior to such termination, to the end that LESSEE in the lease year of termination shall pay not less than the ~~SEVEN--HUNDRED-TWENTY-THOUSAND-(\$720,000)-EIGHT-HUNDRED-FORTY THREE-THOUSAND-SEVEN--HUNDRED--FIFTY--DOLLARS--(\$843,750)~~ minimum annual guaranty. After making said calculation, should it be

determined that any part of said annual guaranty shall be due and owing, then such amount shall be immediately paid to the Department. The words "lease year", wherever used in this lease, shall mean the period beginning September---26,---1988 \_\_\_\_\_, 1991 and ending September-----25,---1991 \_\_\_\_\_, 1994.

LESSEE'S obligation to pay this guaranteed annual minimum royalty shall not be relieved or reduced as a result of any force majeure, as defined in Paragraph 15 herein.

The Commission may consider a proportional reduction of the guaranteed annual minimum royalty in the event that an order, or permit condition that arises subsequent to the effective date of this lease, of the Department or other governmental agency, or order of court suspends LESSEE'S operations and thereby results in a substantial reduction of shell production; provided however that in no event shall the Commission consider such a reduction when the suspension order is due wholly to LESSEE'S own fault or a violation of the provisions of this lease, any applicable permit or any applicable state or federal laws, rules or regulations.

#### 9. TERMINATION FOR CAUSE

In case LESSEE fails to make payment according to the reservations, terms and conditions hereinabove stipulated within the time provided in this agreement, or should LESSEE fail or refuse to comply with any provisions in this agreement, on and after ten (10) days from the date said payments are due, or from the date of said failure or refusal to comply herewith, this lease may be revoked, terminated and cancelled; provided that the LESSEE shall be given written notice of any such failure to

comply with a provision of this lease, and LESSEE shall have five (5) days after receipt of such notice in which to correct such default. In the event such default is not cured within the said five (5) day period, then this lease may be terminated without further formality, except for a written notice of such revocation and termination to be forwarded by the Secretary for the Department to LESSEE at its domicile and to the Clerks of Court in the Parishes wherein the hereinabove described water bottoms are located, by United States mail, postage prepaid. Nothing to the contrary withstanding, the provisions of this paragraph shall not release or relieve LESSEE, its successors and assigns from the liability assumed and established in this lease, arising on or before the date of cancellation or forfeiture of the rights and privileges herein provided.

If actual dredging operations are not commenced hereunder on the leased premises in good faith on or before ninety (90) days from the date hereof, this lease shall then terminate, subject to the above procedure. Be it further provided that if all applicable permits have not been issued within the above ninety day period, the Commission may extend this period upon a showing that LESSEE has made and is making a due and diligent effort to obtain the issuance of same.

Within ninety (90) days after expiration or termination by its own terms of this lease or any portion thereof, either during or after the primary term hereof, LESSEE shall execute and record an appropriate release evidencing such expiration or termination, and shall also supply the Department with a copy or copies thereof properly certified by the recorder or recorders of the parish or parishes in which the leased premises are located. In the event LESSEE fails to timely comply therewith, LESSEE shall be liable for reasonable attorney fees and court costs incurred in bringing a successful suit for such cancellation, and

for all damages resulting therefrom. It is agreed, however, that damages to be paid by LESSEE to the Department shall be one hundred dollars (\$100.00) per day for each day of non-compliance after expiration of said ninety (90) day period, regardless of whether suit is filed for cancellation, and for such additional compensatory damages as the Department may prove.

It is further provided that the suspension of dredging activities shall not constitute a breach by LESSEE of this agreement if said suspension comes about as a result of an order of the Department or another agency of government or court, and is not due to any fault of LESSEE or any violation of the provisions of this lease or any applicable state or federal permit, statute, rule or regulation.

#### 10. ASSIGNMENT AND SUBCONTRACT

There shall be no assignment or subcontract of this lease or the rights and privileges hereunder without the express written consent of the Department; provided however that such approval shall not be required if such assignment and all rights hereunder are made to a bona fide successor or subsidiary of said LESSEE. Be it further provided that if assignment is made to a bona fide successor or subsidiary of LESSEE, then LESSEE shall give the Department written notice thereof within five (5) days of the date of said assignment. It is expressly understood, that LESSEE, with the written approval of the Department, may assign to or subcontract to any person, firm or corporation, from time to time, and at any time, the right to take and remove shells and shell deposits from the area covered hereby, and in such event, the LESSEE shall contract with such assignee or sublessee to take or remove shells and shell deposits from the area covered hereby and said LESSEE shall remain liable for the

performance of all duties and obligations herein imposed. It is further provided that in no event shall LESSEE assign or subcontract the rights to remove more than fifty (50%) of the shells or shell material to be removed under this lease.

#### 11. PERFORMANCE BOND

LESSEE further agrees and obligates itself to execute, simultaneously with the execution of this lease, in favor of the Department, in the manner prescribed by law, a performance bond in the sum of ~~TWO--MILLION--ONE--HUNDRED--SIXTY--THOUSAND--DOLLARS~~ ~~(\$2,160,000)~~ TWO MILLION FIVE HUNDRED THIRTY ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$2,531,250) with a solvent surety company authorized to do business in Louisiana as surety thereon, conditioned that LESSEE will faithfully, promptly and diligently carry out and perform all of the conditions and obligations herein imposed, described and assumed by this lease, which bond shall be renewable annually during the base term of this lease or any extended period thereof.

#### 12. RELINQUISHMENT OF DATA

Upon termination of this lease, either by the expiration of its term or by forfeiture or revocation, or for any other cause, LESSEE agrees and binds itself immediately to turn over to the Department State Mineral Board all maps, records of borings, and other data relative to said shells and/or shell deposits which it may have obtained, and such maps, records, and other data shall be and remain the property of the Department State Mineral Board. Any information furnished by LESSEE to the State Mineral Board or otherwise examined and studied by the Department shall be retained in confidence. Nothing in this

Article shall require that LESSEE furnish or permit inspection of any interpretation of any of the types of data referred to above, and nothing herein shall be construed as requiring LESSEE to secure any such data solely for the purposes of this Article. The Department's representatives shall have access at all reasonable times to examine and inspect LESSEE'S records and operations pertaining to the leased premises or lands pooled therewith.

### 13. REMOVAL OF SHELLS FOR SEEDING PURPOSES

The Department specially reserves the right to permit oyster growers to remove such oyster and/or clam shells from any of said water bottoms or reefs within the area above described in this lease as may be required by such oyster growers for seeding purposes only, and with which reservation LESSEE acquiesces and consents.

LESSEE agrees that in the event the Department shall desire to permit oyster growers to remove oyster and/or clam shells as provided, the Department will furnish to such oyster growers a written order to the aforesaid LESSEE authorizing and directing LESSEE to permit the removal of oyster and/or clam shells by said oyster and/or clam growers.

### 14. RULES AND REGULATIONS; SUSPENSION OF OPERATIONS

The Department specifically reserves the right to establish rules and regulations on dredging areas in the interest of living resources and suspend the removal of shells and/or other shell deposits from the above described beds or water bottoms by LESSEE and its successors and assigns in the event that the dredging operations by LESSEE and its successors and

assigns violate said regulations. Additionally, the Department specifically reserves the right to suspend the removal of shell and/or shell deposits from the above described beds or water bottoms in the event that detrimental environmental impacts occur or threaten to occur. The suspension aforesaid shall remain effective and in full force and effect for such duration or period of time as said dredging operations continue to be in violation of said regulations, cause or produce the damage or damages herein provided and until corrected by LESSEE, and its successors and assigns, to the complete satisfaction of the Department.

#### 15. FORCE MAJEURE

No failure or omission by any of the parties hereto in the performance of any obligation imposed by this lease shall be deemed a breach of this lease or create any liability for damages if the same shall arise from any cause or causes beyond the control of such party and without the fault or negligence of such party, including acts of God, acts of the public enemy, war, rebellion, sabotage, insurrection, riot, invasion or strike.

#### 16. SHELL PLANTS

The Department shall have the right to negotiate with the LESSEE for the planting of shells for oyster cultivation and to require the LESSEE to deduct the cost of such planting of shells from the royalties due the Department by LESSEE. LESSEE agrees in good faith to negotiate with the Department for the planting of shells for oyster cultivation and the quantities and value of said shell shall be determined at the time of purchase.

17. IN-KIND ROYALTY

The Department reserves the right, for any public purposes, to take in-kind, all or any part of the portion due as royalty on shells removed hereunder, which option shall be exercised by written notice to LESSEE at any time and from time to time while this lease is in effect. The value of said shells shall be the fair market value at the time of acceptance by the Department.

18. SEVERABILITY OF PROVISIONS

If any provisions of this lease shall be decreed invalid or unenforceable, the remainder of the lease agreement shall continue in full force and effect.

19. VENUE FOR SUITS

Any lawsuit contesting the validity of this lease or any of the provisions thereof, or asserting any right granted or seeking the performance of any duty imposed herein, or in any manner arising out of or connected to this lease or any provision thereof, shall be maintained only in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana.

20. AMENDMENT OR TERMINATION BY AGREEMENT OF PARTIES

This document contains the entire agreement between the parties and cannot be changed or terminated orally but only by an agreement in writing and signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

21. NOTICES

All notices under this lease shall be sent United States mail, postage prepaid, Certified Return Receipt Requested as follows:

LESSOR:

A. Kell McInnis, III, Acting Secretary  
Department of Wildlife and Fisheries  
P. O. Box 98000  
Baton Rouge, LA 70898-9000

LESSEE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THUS DONE, READ, ACCEPTED, AND SIGNED by the parties hereto in the presence of the respective undersigned witnesses, as of this \_\_\_\_\_ day of \_\_\_\_\_, 1991, which shall be the date of this lease for all purposes.

WITNESSES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WILDLIFE AND FISHERIES  
COMMISSION

BY: \_\_\_\_\_  
A. KELL MCINNIS, III  
ACTING SECRETARY

LESSEE

BY: \_\_\_\_\_

Approved by:

STATE MINERAL BOARD

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
T. JAY SEALE, III, CHAIRMAN

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR WILDLIFE AND FISHERIES COMMISSION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared  
\_\_\_\_\_, who by me being first duly sworn,  
deposed and said:

That he is one of the witnesses to the execution of the  
foregoing instrument and that he saw A. Kell McInnis, III, sign  
said instrument as Acting Secretary of the Louisiana Department  
of Wildlife and Fisheries for and on behalf of the Wildlife and  
Fisheries Commission and State of Louisiana, in the presence of  
appearer and \_\_\_\_\_, the other subscribing  
witness.

Sworn to and subscribed before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR CORPORATE LESSEE

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority came and appeared  
\_\_\_\_\_, who by me being first duly sworn,  
deposed and said:

That he is one of the witnesses to the execution of  
the foregoing instrument and that he saw \_\_\_\_\_  
\_\_\_\_\_ sign said instrument as \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ as the  
free act and deed and said corporation in the presence of  
appearer and \_\_\_\_\_, the other subscribing  
witness.

Sworn to and subscribed before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR INDIVIDUAL LESSEE

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned authority came and appeared  
\_\_\_\_\_, who by me being first duly sworn,  
deposed and said:

That he is one of the witnesses to the execution of  
the foregoing instrument and that he saw \_\_\_\_\_  
\_\_\_\_\_ execute said instrument as his own free act  
and deed in the presence of appearer and  
\_\_\_\_\_, the other subscribing witness.

Sworn to and subscribed before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

WITNESS FORM OF  
ACKNOWLEDGEMENT FOR STATE MINERAL BOARD

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority came and appeared  
\_\_\_\_\_, who by me being first duly sworn,  
deposed and said:

That he is one of the witnesses to the execution of the  
foregoing instrument and that he saw T. Jay Seale, III, sign said  
instrument as Chairman of the State Mineral Board for and on  
behalf of the State of Louisiana, in the presence of appearer and  
\_\_\_\_\_, the other subscribing witness.

Sworn to and subscribed before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

# JUNE 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>MAY 1991</p> <p>S M T W T F S</p> <p>1 2 3 4</p> <p>5 6 7 8 9 10 11</p> <p>12 13 14 15 16 17 18</p> <p>19 20 21 22 23 24 25</p> <p>26 27 28 29 30 31</p>	<p>JULY 1991</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6</p> <p>7 8 9 10 11 12 13</p> <p>14 15 16 17 18 19 20</p> <p>21 22 23 24 25 26 27</p> <p>28 29 30 31</p>					
2	3	4	5	6	7	8
	Boating Safety Week, June 3-8.	Peak lawn drop in upland areas.	Third quarter moon.			
9	10	11	12	13	14	15
	Hybrid striped bass schooling.	Eastern bluebirds begin building nests again in preparation for second brood.	New Moon.		Flag Day.	Peak bob whiting.
16	17	18	19	20	21	22
Father's Day.	Threatened loggerhead sea turtles return to beaches of Chandeleur Islands to nest.		First quarter moon.	Good time to collect bay leaves from the native bay tree for wild game sauce piquantes and gumbos.	Summer solstice, first day of summer.	
23/30	24	25	26	27	28	29
		State-rare orchid whorled pogonia blooms at the edge of swamps in southeast and north Louisiana.		Full moon.		

March 4, 1991

Approved A. Kellm<sup>c</sup>L

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 10:00 A.M. on Thursday, March 7, 1991, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes for February 7, 1991
3. Notice of Intent - 1991-92 Resident Game Hunting Season
4. Approval to Acquire Intracoastal City Boat Dock Property
5. Extension for Fur Trapping in Southeast LA - Information Only
6. Ratification of Rule on Black Bass Regulations of Daily Take and Size Limits
7. Ratification of Rule on Toledo Bend Reciprocal Agreement
8. Commission Approval of Tilapia and Triploid Grass Carp Permanent Regulations
9. Shell Dredging Lease Bid Package, Central Coast
10. New Orleans Buildings
11. Monthly Law Enforcement Report/February
12. Acting Secretary's Report to the Commission
13. Set June Commission Meeting Date
14. Discussion of Opening the Remaining Offshore Territorial Waters to Shrimping
15. Public Comments

RESOLUTION

February 27, 1991

Approved AKM

AGENDA FOR COMMISSION MEETING

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7. Ratification of Rule on Toledo Bend Reciprocal Agreement
8. Shell Dredging Lease Bid Package, Central Coast
9. *and Triploid + Tilapia* New Orleans Buildings
10. Monthly Law Enforcement Report/February
11. Acting Secretary's Report to the Commission
12. Set June Commission Meeting Date
13. Public Comments

February 27, 1991

Approved \_\_\_\_\_

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10. New Orleans Buildings
11. Monthly Law Enforcement Report/February
12. Acting Secretary's Report to the Commission
13. Set June Commission Meeting Date
14. Public Comments

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

February 22, 1991

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: A. Kell McInnis <sup>AKM</sup> III, Acting Secretary  
RE: March Board Meeting Agenda

The next regular public board meeting as set by the Commission will be at 10:00 A.M. on Thursday, March 7th, 1991, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of February 7, 1991

### HUGH BATEMAN

2. Notice of Intent - 1991-92 Resident Game Hunting Seasons

### TOMMY PRICKETT

3. Approval to Acquire Intracoastal City Boat Dock Property
4. Extension for Fur Trapping Season in Southeast LA - Information Only.

### JERRY CLARK

5. Ratification of Rule on Black Bass Regulations of Daily Take and Size Limits/Statewide Black Bass Management Plan
6. Ratification of Rule on Toledo Bend Reciprocal Agreement
7. Commission Approval of Tilapia and Triploid Grass Carp Permanent Regulations

February 22, 1991  
Page 2

DON PUCKETT

8. Shell Dredging Lease Bid Package, Central Coast

BETTSIE BAKER

9. New Orleans Buildings

WINTON VIDRINE

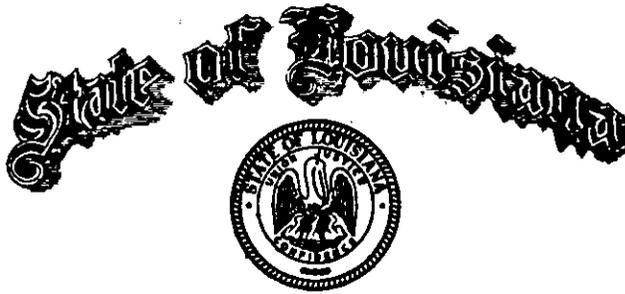
10. Monthly Enforcement Report

A. KELL MCINNIS

11. Acting Secretary's Report
12. Set June Commission Meeting Date

PUBLIC COMMENTS:

C: Don Puckett  
Bettsie Baker  
Jerry Clark  
Wade Byrd  
John Medica  
Division Chiefs



*Tommy*

**A. Kell McInnis III**  
**Acting Secretary**

DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 98000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

**Buddy Roemer**  
**Governor**

February 4, 1991

**M E M O R A N D U M**

**TO:** Assistant Secretary Office of Fisheries, Undersecretary,  
and Office of Wildlife Chiefs

**FROM:** A. Kell McInnis III, Acting Secretary *AKM*

**RE:** Commission Meeting Agenda - March 7, 1991

Please write on the bottom of this memo and return to Sharyn Bateman by Tuesday, February 19th, any agenda items your Office may have for the March 7, 1991, Commission meeting to be held in Baton Rouge, Louisiana, Wildlife and Fisheries Building, 2000 Quail Drive. If you do not have anything for the agenda, please return memo and indicate so on the bottom of this memo. We cannot add anything to the agenda that requires commission action after we have published the agenda in the state journal.

Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

- ✓ 1) Approval to acquire Antebellum City boat dock property.
- ✓ 2) Extension for fur trapping season in Southeast La. - information only

VVS/sb

**C:** Don Puckett  
Bob Dennie  
Winton Vidrine

Also, memo of commission meeting attendance!!

**OFFICE OF FISHERIES**  
Routing Slip

Out: 2/18/91  
Due: \_\_\_\_\_  
In: \_\_\_\_\_

Office of Secretary:		Inland Fish Division:		Marine Fish Division:		Research Division:	
TO:	FROM:	TO:	FROM:	TO:	FROM:	TO:	FROM:
Van Sickle		X Clark		Clark		Clark	
McInnis		Fontenot X		Roussel		Foote	
Clark		Lee		Perret		Barrett	
Baker		Williams		Bowman		Boudreaux	
Byrd		Brassette		Dugas		Tilyou	
Puckett						Shepard	
Callais							

Action:

- Please see me about this matter \_\_\_\_\_.
  - For your information. *March Commission Meeting Agenda - Inland Fish Div*
  - Take appropriate action.
  - For review and/or approval.
  - Please look into this matter and prepare a written response for my or VVS signature and return a copy of your reply for filing.
- \_\_\_\_\_ within 72 hours  
\_\_\_\_\_ within 5 days

Comments?

\*\*\*\*\*

Note:

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Response:

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**RECEIVED**  
LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

FEB 18 1991

ASSISTANT SECRETARY  
OFFICE OF FISHERIES

RECEIVED

LA. DEPARTMENT OF WILDLIFE & FISHERIES

FEB - 8 1991

ASSISTANT SECRETARY  
OFFICE OF FISHERIES

A. Kell McInnis III  
Acting Secretary



DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 88000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

*Jerry*  
Karen F., Bennie F.,  
and John R.

return to me by 2/18  
JC

Buddy Roemer  
Governor

February 4, 1991

MEMORANDUM

TO: Assistant Secretary Office of Fisheries, Undersecretary,  
and Office of Wildlife Chiefs  
FROM: A. Kell McInnis III, Acting Secretary *AKM*  
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Thank you for your cooperation!

*Inland Fish Div. Bennie Fontenot*  
*Proposed agenda 2/1/91* Commission approval of tilapia and  
*tripland grass carp ~~regulations~~ permit regulations*  
*2) Ratification of Staterwill Black Bass management plan*  
*b) Toledo Bend Reciprocal Agreement*

VVS/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

Also, memo of commission meeting attendance!! *Bennie Fontenot, Don Lee, SRT  
williams, Richard Brasseur, Charles Biggar all fishery  
biologists in the Fish Section.*



*Karen*  
*Claude Barney*  
Please send your agenda items to me by 2/18.

**A. Kell McInnis III**  
Acting Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 88000  
BATON ROUGE, LA. 70898  
PHONE (504) 766-2800

**Buddy Roemer**  
Governor

**RECEIVED**  
LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

February 4, 1991

FEB 13 1991

ADMINISTRATOR  
FISHERIES RESEARCH  
DIVISION

**M E M O R A N D U M**

**TO:** Assistant Secretary Office of Fisheries, Undersecretary, and Office of Wildlife Chiefs  
**FROM:** A. Kell McInnis III, Acting Secretary *AKM*  
**RE:** Commission Meeting Agenda - March 7, 1991

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Thank you for your cooperation!

VVS/sb

**C:** Don Puckett  
Bob Dennie  
Winton Vidrine

Also, memo of commission meeting attendance!!

*2-18-91*  
*Jerry -*  
*It may be appropriate to distribute trout plan draft and hopefully red drum draft at the meeting. Your thoughts?*  
*I will attend the meeting and if the plans are distributed*  
*Joey Shepard will attend.*  
*Karen*  
*non*  
*JB*  
*Kan*



DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 98000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

A. Kell McInnis III  
Acting Secretary

Buddy Roemer  
Governor

February 4, 1991

M E M O R A N D U M

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Thank you for your cooperation!

VVS/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

*Buildings N.O.*

Also, memo of commission meeting attendance!!

*Butch*



DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 88000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

**A. Kell McInnis III**  
**Acting Secretary**

**Buddy Roemer**  
**Governor**

February 4, 1991

**M E M O R A N D U M**

**TO:** Assistant Secretary Office of Fisheries, Undersecretary,  
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Thank you for your cooperation!

*✓ 1 - Notice of Intent, 1991-92 Resident Game Hunting Seasons, H. Bateman*

VVS/sb

**C:** Don Puckett  
Bob Dennie  
Winton Vidrine

Also, memo of commission meeting attendance!!



A. Kell McInnis III  
Acting Secretary

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Buddy Roemer  
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February 4, 1991

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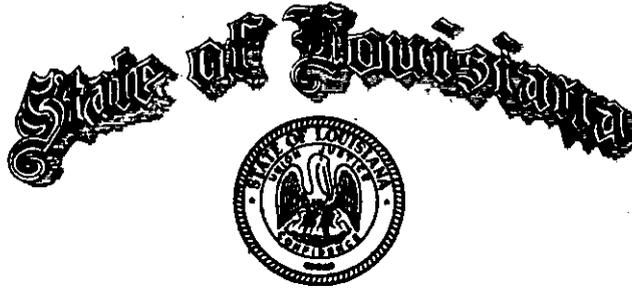
*Case Report*

VVS/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

*W. Vidrine* ✓

Also, memo of commission meeting attendance!!



DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 98000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

A. Kell McInnis III  
Acting Secretary

Buddy Roemer  
Governor

February 4, 1991

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VVS/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

Also, memo of commission meeting attendance!!

## NEWS RELEASE

### TRAPPING SEASON EXTENDED IN SOUTHEAST LOUISIANA

A 31 day extension of the South Zone trapping season in southeast Louisiana was announced today by the Louisiana Department of Wildlife and Fisheries.

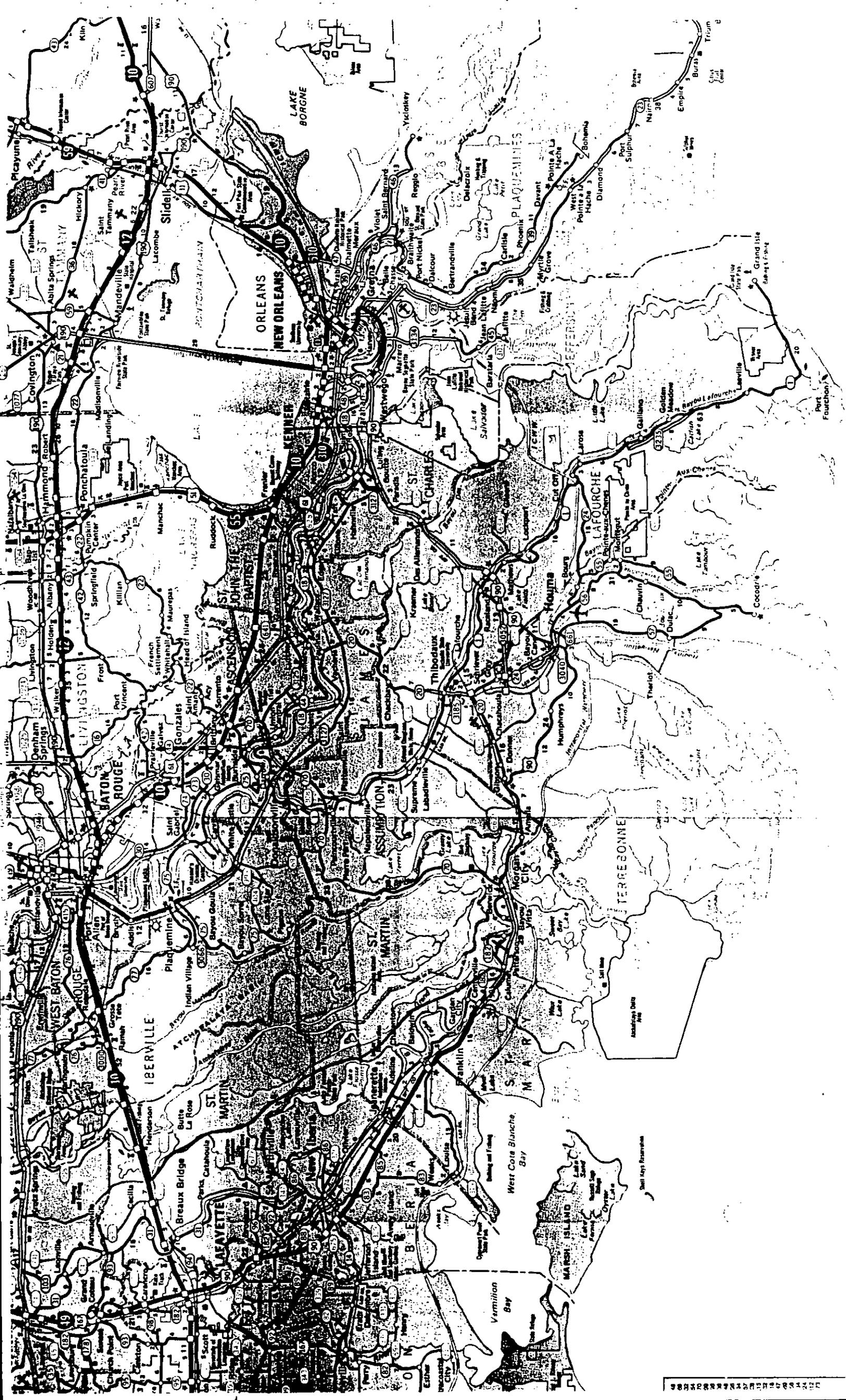
LDWF Acting Secretary, A. Kell McInnis III, said the season in the affected area would be extended from March 1, to March 31, 1991.

However, the normal February 28 closing date will be observed throughout the rest of the state's South Zone.

The area that will remain open is bounded by the Charenton Canal from West Cote Blanche Bay to U.S. Hwy. 90, then east on Hwy 90 to the intersection of U.S. Hwy. 90 and Wax Lake Outlet Channel, then north along the west guide levee of the Atchafalaya Basin to the junction with Interstate 10, then east on Interstate 10 to Baton Rouge, then east on Interstate 12 to Slidell and then east on Interstate 10 to the Louisiana state line.

McInnis said that demand for eastern nutria has remained low throughout the majority of the trapping season. Consequently a reduced nutria harvest is anticipated. He stated that the Department had received requests from fur buyers and a dealer to consider a trapping season extension to allow additional animals to be harvested in southeast Louisiana.

He noted that department biologists had contacted many landowners in southeast Louisiana to determine current trapper effort on their properties. These land companies felt that an extension would be a positive management tool and could allow for an increased harvest of nutria and could perhaps prevent overpopulation and subsequent marsh damage in some areas.



RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
March 7, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge LA, March 7, 1990.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting season for resident game birds and quadrupeds, and

WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information and requests from sportsmen of the state, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission.

\_\_\_\_\_  
James Jenkins, Jr. Chairman  
La. Wildlife and Fisheries  
Commission

\_\_\_\_\_  
A. Kell McInnis, III  
Acting Secretary, La. Dept. of  
Wildlife and Fisheries

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is attached to and made part of this notice of intent. (A more detailed copy of the rule is available upon request from the address listed below.)

Public hearings will be held at regularly scheduled Louisiana Wildlife and Fisheries Commission meeting from April-July. Additionally, interested persons may submit written comments relative to the proposed rule until May 31, 1991 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

CITATION: None - changes annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,  
and Wildlife and Fisheries Commission LR 17: ( 1991).

James H. Jenkins, Jr.  
Chairman

SUMMARY OF 1991-92 RESIDENT GAME HUNTING SEASON  
RECOMMENDATION, DATES AND BAG LIMITS  
GAME DIVISION

Quail: Nov. 28-Feb. 29 - Daily Bag Limit 10, Possession 20  
 Pheasant: Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4  
 Squirrel: Oct. 5-Jan. 26 - Daily Bag Limit 8, Possession 16  
 Rabbit: Oct. 5-Feb. 29 - Daily Bag Limit 8, Possession 16  
 \*Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season  
 Archery: Oct. 1-Jan. 20  
 Muzzleloader: Dec. 2-6

<u>Area 1 - 58 days</u>	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 12	37 (with or without dogs)	Dec. 7, 8
Jan. 13-19	<u>7</u> (still hunt only)	
	58	

<u>Area 2 - 61 days</u>	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 1	<u>26</u> (with or without dogs)	Dec. 7, 8
	61	(Additional days in some parishes)

<u>Area 3 - 61 days</u>	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 1	<u>26</u> (still hunt only)	Dec. 7, 8
	61	

<u>Area 4 - 44 days</u>	<u>Days</u>	<u>Either-Sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzleloader only)	Dec. 5,6
Dec. 7-Jan. 5	<u>30</u> (still hunt only)	Dec. 7, 8
	44	

<u>Area 5 - 14 days</u>	<u>Days</u>	
Nov. 23-Dec. 1	9 (still hunt only)	BUCKS ONLY
Dec. 2-6	<u>5</u> (still hunt, muzzleloader only)	BUCKS ONLY
	14	

\*Turkey - Season Dates Vary - See Schedule Below - Limit: One per day, 3 per season

Area A - 30 days	March 28-April 26
Area B - 37 days	March 21-April 26
Area C - 9 days	April 18-April 26
Area D - 16 days	April 11-April 26

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 123. CHICOT LAKE BLACK BASS HARVEST RESTRICTION

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,  
Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38  
(January 1990), Repealed L.R. 17: (March 1991), Repromulgated in S. 149  
of this Chapter.

SECTION 149. BLACK BASS REGULATIONS-DAILY TAKE AND SIZE LIMITS

The Louisiana Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of 8 fish for black bass (Micropterus spp.). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the Commission establishes special size and daily take regulations for black bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee' Parish):

Size Limit:	15 inch - 19 inch slot
Daily Take:	8 fish - of which no more than 2 fish may exceed 19 inches maximum total length.*
Possession Limit:	On Water - Same as daily take Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Caddo Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

Size Limit: 14 - 17 inch slot  
Daily Take: 8 fish - of which no more than 4 fish may  
exceed 17 inches maximum total length.  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

\* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991).

James H. Jenkins  
Chairman

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 110. TOLEDO BEND RECIPROCAL AGREEMENT

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (Micropterus spp.) is set at 8 fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at 5 fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective Monday, April 1, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25)(a), 325 (c), 326.3, 673

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission L.R. 14:548 (August 1988), Amended L.R. 17: (March 1991).

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

30 January 1991

Bryan Murray Lloyd, Jr.  
P. O. Box 52477  
Shreveport, LA 71135-2477

Dear Mr. Lloyd:

I am in receipt of your 23 January 1991 letter regarding black bear. The agenda for the February Wildlife and Fisheries Commission meeting has already been submitted. However, be assured that the black bear listing issue will be scheduled for the March 7, 1991 Commission meeting. I will see that you may present your resolution to the Commission.

Thank you for your interest in black bear management in Louisiana.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Kell McInnis III".

A. Kell McInnis  
Acting Secretary

AKM:GDL:acc

# State of Louisiana



DEPARTMENT OF WILDLIFE AND FISHERIES  
POST OFFICE BOX 98000  
BATON ROUGE, LA. 70898  
PHONE (504) 765-2800

VIRGINIA VAN SICKLE  
SECRETARY

BUDDY ROEMER  
GOVERNOR

January 28, 1991

## MEMORANDUM

TO: Johnnie Tarver

FROM: A. Kell McInnis, III *AKM*

RE: Letter from Bryan Murray Lloyd, Jr.

Please prepare a response for my signature within 72 hours.

Thanks!

AKM/pc

*guy  
Haupt  
McInnis  
1/29/91*

*3/7/91*

BRYAN MURRAY LLOYD, JR.  
P. O. BOX 52477  
SHREVEPORT, LOUISIANA 71135-2477

not available  
from Feb meeting

January 23, 1991

R

A. Kell McInnis, III  
Acting Administrator  
LA Department of Wildlife & Fisheries  
P. O. Box 98000  
Baton Rouge, Louisiana 70898

JAN 28 91  
LA WILDLIFE & FISHERIES  
OFFICE OF THE SECRETARY

RE: Louisiana Black Bear  
State Threatened & Endangered Species List

Dear Acting Administrator McInnis:

In December of last year I wrote to you requesting that the Louisiana Department of Wildlife & Fisheries consider placing the Louisiana Black Bear on the state endangered species list, independent of any action or non-action taken by the federal government.

I think that it is in the best interest of the bear and the State of Louisiana for several reasons:

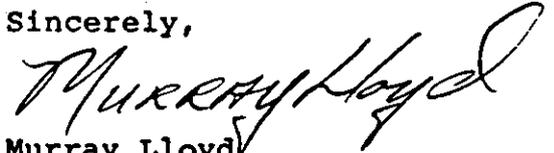
- 1) Listing at the state level will give an indication of Louisiana's commitment to taking a leadership role in the regional approach to managing for the bear. This was begun by ending the hunting season two years ago. LDWF could direct the efforts of groups such as the Black Bear Conservation Committee in developing an area-wide strategy for protecting the bear.
- 2) The two large populations of bear that are easily recognizable for study and research are in Louisiana in the Tensas and the Atchafalaya. Having the bear listed by LDWF will make it easier for any federal or private funds available for research or habitat conservation for the bear to be funneled through Louisiana and your Department. Mississippi has already listed the bear at the state level, and is currently receiving funds for bear research.

- 3) The bear is an indicator species, therefore, management of the bear and its habitat should be of general benefit to a wide range of wildlife in the state.
- 4) Listing at the state level will allow LDWF to issue a Louisiana Endangered Species Stamp of the bear, which has been described by Dr. Mike Pelton as a "charismatic Mega-fauna". The public participation, awareness and education in a project designed to help the "Teddy Bear" would, I think, be extremely successful.

I am requesting to be placed on the agenda for the next Wildlife & Fisheries Commission meeting to discuss this topic.

If you have any questions, please call me at  
(318) 221-2131

Sincerely,



Murray Lloyd  
Conservation Chairman  
Sierra Club

March 1, 1991

8:00 P.M.

Kell,

Bert Jones called this morning and advised that he wants another item on the agenda for the Commission meeting. The item is pertaining to the gag order on the personnel from talking to the Commission members and attending the Commission meetings. He wants this order rescinded. He stated that you could resolve this by sending out the correspondence that will do this as he has asked you to do for the last four months. If there is no correspondence sent out before the meeting then it wants a revised news release on the Commission Agenda sent with this item listed. Bert was on his way to Baltimore but did not say when he was to return.

Sharyn

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

A. Kell McInnis, III  
Acting Secretary



CONTACT  
(504) 765-2919

91-23

2/28/91

### AGENDA FOR COMMISSION MEETING

The next regular meeting of the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Thursday, March 7, in the Louisiana Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The agenda follows:

1. Roll call.
2. Approval of minutes for Feb. 7.
3. Notice of Intent - 1991-92 resident game hunting season.
4. Approval to acquire Intracoastal City boat dock property.
5. Extension of fur trapping in southeast Louisiana - information only.
6. Ratification of rule on black bass regulations of daily take and size limits.
7. Ratification of rule on Toledo Bend reciprocal agreement.
8. Commission approval of tilapia and triploid grass carp permanent regulations.
9. Shell dredging lease bid package, central coast.
10. New Orleans buildings.
11. Monthly law enforcement report for February.
12. Acting Secretary's report to the Commission.
13. Set June Commission meeting date.
14. Public comments.



Police Jury  
**St. Bernard Parish**  
8201 W. Judge Perez Dr.  
Chalmette, Louisiana 70043  
(504) 277-6371 • Fax (504) 271-7343

February 28, 1991

OFFICERS

John A. Metzler, Jr.  
President  
Henry J. Rodriguez, Jr.  
Vice-President

Elizabeth A. Zimmermann, Ed.D.  
Chief Administrative Officer/  
Parish Manager

John L. Carney  
Secretary

Lewis H. Heston  
Treasurer

MEMBERS:

Randolph T. Odinet  
Ward A  
734 Angela Avenue  
Arabi 70032

Ronald J. Haggerty  
Ward B  
#58 Carolyn Court  
Arabi 70032

Louis P. Wineski, Jr.  
Ward C  
13 Queens Court  
Chalmette 70043

Robert J. Crifasi  
Ward D  
3915 Juno Drive  
Chalmette 70043

John A. Metzler, Jr.  
Ward E  
3805 Marietta Drive  
Chalmette 70043

Gus L. Riess  
Ward F  
2321 Rosetta Drive  
Chalmette 70043

Louis P. Munster  
Ward G  
3004 Palmisano Blvd.  
Chalmette 70043

James J. Licciardi, Jr.  
Ward H  
3100 Jacob Drive  
Chalmette 70043

Floyd J. Landry  
Ward I  
2028 Margaret Lane  
Meraux 70075

Ashley Henderson  
Ward J  
P. O. Box 193  
Violet 70092

Henry J. Rodriguez, Jr.  
Ward K  
P. O. Box 397  
St. Bernard 70085

Wildlife & Fisheries Commission  
Paula Callais  
Secretary  
2000 Quail Drive  
Baton Rouge, Louisiana 70808

Dear Mrs. Callais:

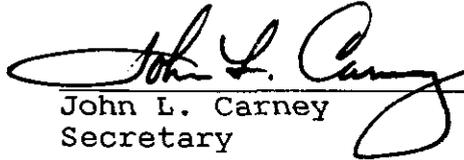
Enclosed please find St. Bernard Parish Police Jury Resolution #RPJ-20-91 which was adopted at the February 19, 1991 Police Jury Meeting.

The Police Jury has adopted this Resolution to formally and officially request the Louisiana Wildlife & Fisheries Commission to reconsider their decision to close the State Oyster Seed Grounds east of the Mississippi River on an emergency basis. Many Oyster Fishermen in St. Bernard Parish have addressed the Police Jury as well as their State Legislators with regard to this decision to express their concerns not only for economic considerations, but for future oyster production as well.

Please reconsider this most important decision. The lives of many St. Bernard Parish Oyster Fishermen are directly effected by your actions.

If you have any questions or require any additional information, please contact me at (504) 277-6371.

Sincerely,

  
John L. Carney  
Secretary

JLC/ld

Enclosure  
ref:a/2-191et

RECEIVED

MR 0 4 91

LA WILDLIFE & FISHERIES  
OFFICE OF THE SECRETARY



Police Jury  
St. Bernard Parish

#18

8201 W. Judge Perez Dr.  
Chalmette, Louisiana 70043  
(504) 277-6371 • Fax (504) 271-7343

- OFFICERS
- John A. Metzler, Jr.  
President
  - Henry J. Rodriguez, Jr.  
Vice-President
  - Elizabeth A. Zimmermann, Ed.D.  
Chief Administrative Officer/  
Parish Manager
  - John L. Carney  
Secretary
  - Lewis H. Heston  
Treasurer

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE POLICE JURY OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE POLICE JURY OFFICE BUILDING AT CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 19, 1991 AT SEVEN O'CLOCK P.M.

On Joint Motion of the entire Police Jury and unanimously carried, it was moved to adopt the following resolution:

RESOLUTION #RPJ-20-91

- MEMBERS:
- Randolph T. Odinet  
Ward A  
734 Angela Avenue  
Arabi 70032
  - Ronald J. Haggerty  
Ward B  
#58 Carolyn Court  
Arabi 70032
  - Louis P. Wineski, Jr.  
Ward C  
13 Queens Court  
Chalmette 70043
  - Robert J. Crifasi  
Ward D  
3915 Juno Drive  
Chalmette 70043
  - John A. Metzler, Jr.  
Ward E  
3805 Marietta Drive  
Chalmette 70043
  - Gus L. Riess  
Ward F  
2321 Rosetta Drive  
Chalmette 70043
  - Louis P. Munster  
Ward G  
3004 Palmisano Blvd.  
Chalmette 70043
  - James J. Licciardi, Jr.  
Ward H  
3100 Jacob Drive  
Chalmette 70043
  - Floyd J. Landry  
Ward I  
2028 Margaret Lane  
Meraux 70075
  - Ashley Henderson  
Ward J  
P. O. Box 193  
Violet 70092
  - Henry J. Rodriguez, Jr.  
Ward K  
P. O. Box 397  
St. Bernard 70085

REQUESTING THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION TO RECONSIDER THEIR DECISION TO CLOSE STATE OYSTER SEED GROUNDS EAST OF THE MISSISSIPPI RIVER.

WHEREAS, there is no oyster spat catch during the winter months; and

WHEREAS, it would be advantageous for the wild reefs to be worked immediately prior to the spring spawning season to maximize spat catch; and

WHEREAS, there were no biological reasons given for the Emergency Oyster Season closure by the Louisiana Department of Wildlife and Fisheries; and

WHEREAS, an early closure of the State Oyster Seed Grounds in imposing an undue economic hardship on Oyster Fisherman in St. Bernard Parish.

NOW THEREFORE BE IT RESOLVED, that the Police Jury of the Parish of St. Bernard, State of Louisiana, the governing authority of said Parish, does hereby officially request the Louisiana Wildlife and Fisheries Commission to reconsider their decision to close the State Oyster Seed Grounds east of the Mississippi River; and

BE IT FURTHER RESOLVED, that the St. Bernard Parish Police Jury request legislative assistance in returning to set dates for public oyster seed grounds openings and closures as was previously established (open first Wednesday after the Labor Day and close on April 1st the following year).

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Odinet, Haggerty, Wineski, Crifasi, Riess, Munster, Licciardi, Landry and Henderson.

NAYS: None.

ABSENT: Rodriguez.

The President, Mr. Metzler, cast his vote as YEA.

And the motion was declared adopted on the 19th day of February, 1991.



Police Jury  
**St. Bernard Parish**

8201 W. Judge Perez Dr.  
Chalmette, Louisiana 70043  
(504) 277-6371 • Fax (504) 271-7343

#18

OFFICERS  
John A. Metzler, Jr.  
President  
Henry J. Rodriguez, Jr.  
Vice-President

Page -2-  
Extract #18 continued  
February 19, 1991

Elizabeth A. Zimmermann, Ed.D.  
Chief Administrative Officer/  
Parish Manager

John L. Carney  
Secretary  
Lewis H. Heston  
Treasurer

C E R T I F I C A T E

I HEREBY CERTIFY THAT the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Police Jury, Parish of St. Bernard, held at Chalmette, Louisiana, on February 19, 1991.

Witness my hand and the seal of the Parish of St. Bernard on this 19th day of February, 1991.

MEMBERS:  
Randolph T. Odinet  
Ward A  
734 Angela Avenue  
Arabi 70032

Ronald J. Haggerty  
Ward B  
#58 Carolyn Court  
Arabi 70032

Louis P. Wineski, Jr.  
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2321 Rosetta Drive  
Chalmette 70043

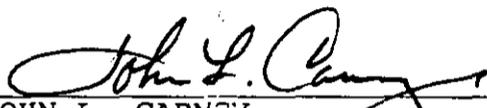
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Meraux 70075

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Ward J  
P. O. Box 193  
Violet 70092

Henry J. Rodriguez, Jr.  
Ward K  
P. O. Box 397  
St. Bernard 70085

  
\_\_\_\_\_  
JOHN L. CARNEY  
SECRETARY

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE



A. Kell McInnis, III  
Acting Secretary

CONTACT  
(504) 765-2919

91-25

03/05/91

### AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 10:00 A.M. on Thursday, March 7, 1991, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes for February 7, 1991
3. Notice of Intent - 1991-92 Resident Game Hunting Season
4. Approval to Acquire Intracoastal City Boat Dock Property
5. Extension for Fur Trapping in Southeast LA - Information Only
6. Ratification of Rule on Black Bass Regulations of Daily Take and Size Limits
7. Ratification of Rule on Toledo Bend Reciprocal Agreement
8. Commission Approval of Tilapia and Triploid Grass Carp Permanent Regulations
9. Shell Dredging Lease Bid Package, Central Coast
10. New Orleans Buildings
11. Monthly Law Enforcement Report/February
12. Acting Secretary's Report to the Commission
13. Set June Commission Meeting Date
14. Discussion of Opening the Remaining Offshore Territorial Waters to Shrimping
15. Public Comments

RESOLUTION



## Louisiana Wildlife Federation, Inc.

P.O. BOX 16089 LSU  
BATON ROUGE, LOUISIANA 70893  
504/344-6707

March 7, 1991

TO: Members, Louisiana Wildlife and Fisheries Commission

FROM: Randy Lanctot, LWF Executive Director 

SUBJECT: Regulations Proposed to Implement the Black Bass Management Plan

On behalf of the Louisiana Wildlife Federation (LWF) these comments are submitted for your information and consideration.

The LWF supported the size and slot limits for black bass proposed in the original plan issued early last year, specifically, the 14 to 17-inch "slot" and 10-fish creel statewide, with modifications proposed for certain "trophy" lakes. Consequently, we support the slot limits proposed by this severely modified "Version 2" of the plan which you are considering ratifying today.

We feel that this meager beginning in establishing a system of big bass management in Louisiana will yield significant benefits in increased angler participation and associated economic activity.

In some respects, however, the plan troubles us. And though it is not our desire that you reject the proposed regulations for trophy and quality lakes, we feel obligated to state our concerns for the record.

According to LDWF Assistant Secretary of the Office of Fisheries, Dr. Jerry Clark, the black bass fishery in Louisiana is not threatened by overfishing and the black bass management plan is primarily a bass fishing enhancement program aimed at maintaining and stimulating additional fishing activity and associated economic benefits. If this is the case, then we do not understand why it was necessary to further reduce the proposed creel limit to 8 from the original plan which called for a 10-fish creel. A reduction in the creel from 15 to 10 fish was widely supported in a survey of Louisiana anglers taken a couple years ago. And though we don't want to make a big deal out of a couple of fish, we feel it is offensive and bordering on irresponsible for the Wildlife and Fisheries Department to propose reducing the creel by another 2 fish without any supporting data. This makes us wonder if, unrelated to conservation needs, there is some sort of agenda to limit the harvest to conform to some group's subjective view of what the proper number of fish a sportsman should be allowed to take home and eat is. LWF strongly supports conservation and economic development of associated recreational activities but we do not wish to see law-abiding sportsmen penalized unnecessarily. We think that going from a 15-fish to an 8-fish creel without a substantive conservation purpose does so. Accordingly, the Louisiana Wildlife Federation recommends that the Wildlife and Fisheries Commission modify the statewide creel limit in the proposed black bass regulations from an 8 fish daily creel limit to a 10 fish daily creel limit.

Our two other major concerns address what we feel are important omissions in the plan. And though they do not bear on the proposed regulations before you, they do deserve mention.

Although we know that bass angling is big business and, intuitively, we know that by enhancing the fishery, further associated economic activity will be stimulated, the plan contains no appendices projecting the additional economic activity anticipated with plan implementation. The LDWF is preparing to invest \$6 million, and probably more over time, in a new fish hatchery, personnel and equipment to support this plan. We feel that the public deserves at least a best guess as to the net gain in economic activity expected due to plan implementation.

It is our opinion that the plan does not give adequate attention to fish habitat management and restoration. There are many opportunities in our state to improve fishing for black bass and all gamefish species by redistributing water flows, water level manipulation and control and, in general, improving water quality in our lakes and streams. The plan should include a discussion of some examples of specific problems and proposed solutions.

This is not the first time these concerns have been expressed. We hope the department and commission will be more responsive to such friendly, reasonable, and vitally important suggestions in the future.

Thank you for your interest.

*Draft*

*all questions made  
3-19-91 JB.*

**MINUTES OF MEETING**

**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**MARCH 7, 1991**

Chairman James H. Jenkins presiding:

Thursday, March 7, 1991

Houston Foret  
Bert Jones  
Norman McCall  
Warren Pol  
Jeff Schneider  
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called the Thursday, March 7, 1991, Commission meeting to order. A motion was made by Mr. Pol for adoption of the February 7, 1991, **Commission Minutes**. The motion was seconded by Mr. Foret and passed unanimously.

At Thursday's meeting a resolution was presented by Mr. Hugh Bateman for adoption of the **Notice of Intent for the 1991-92 Resident Game Hunting Seasons**. Copies of the hunting season recommendations were passed out to the Commissioners. Mr. Bateman reported that last month at the Commission meeting a packet of hunting seasons rules and regulations on resident game for the 1991-92 hunting seasons was presented. Subsequent to the Commission meeting a news release was put out indicating to the public that these were staff recommendations, would be available for comment over the next thirty days and a notice of intent to initiate administrative procedure would be given at the March Commission meeting. A notice of intent has been prepared advised Mr. Bateman, the Fiscal Statement has been prepared and was approved by the Fiscal Office. Over the last thirty days numerous letters of comments have been received by the department from citizens across the state about the original proposal. These letters cover a number of items in regard to the proposal. Most of the letters pertain to deer hunting season dates, various opinions from hunting clubs, sportsmen groups, etc. in terms of what these rules and regulations should be in their opinion. Today the notice of intent is being presented to the Commission so that the administrative procedure can be initiated and final action taken at the July Commission meeting. This will provide around one hundred and twenty days of additional comment period on the notice of intent. Anyone will have the opportunity to comment in writing on the notice of intent or to appear personally at a Commission

meeting to make public comments on these rules and regulations advised Mr. Bateman. Mr. Bateman stated that he believes it is the Commission's wish that any of the regular scheduled Commission meetings between now and July will provide a public comment period for anyone who wishes to appear personally. Mr. Jenkins stated that this was correct and if for some reason before the time period expires if the Commission decides that it may be necessary to have other meetings in addition to the Commission meetings, they will consider doing so. At this time Mr. Bateman read the summary of the the Game Division recommendations that were presented to the Commission at the February meeting. Upon conclusion of the reading of the summary Mr. Bateman indicated that in the notice of intent package there were federal regulations pertaining to the national forests and to the Fish and Wildlife Service refuges. The department has met with these people and in the package that the Commission will act on there are special regulations for the federal refuges and national forest lands as well as some other special areas like the munitions plant at Minden and Barksdale Air Force Base. Mr. Bateman asked if there were any questions of the Commissioners.

Mr. Foret asked if there were going to be any problem with the opening of squirrel and rabbit seasons on election day this year like they had last year. Acting Secretary McInnis addressed this and advised that there was a request from one of the District Attorneys last year to make a modification to the season. This was submitted in the form of a bill during the Legislative Session and was not successful in passing. This is something that has been discussed and the committee has made a recommendation because of the historical nature of the opening of these seasons not to make such an adjustment. There is nothing that prohibits this from being done but the general public is aware that from year to year these small game seasons for the last twenty something years have always been on the same opening weekends and from that it is felt that people have an opportunity to absentee vote or to vote on that day. Rather than change it without a public outcry from the citizens this would be left alone but it is the Commission's prerogative to take a look at any season adjustment and make recommendations stated Acting Secretary McInnis. Mr. Foret advised that he just wanted to bring this up at the beginning instead of in the last month. If some kind of change is going to be made let's do it now or leave it like it is. Mr. Bateman stated that it is his opinion that there were a lot of people that actually responded unfavorably to change this and most people are going to find the time to vote in a major election.

Chairman Jenkins advised that there were two Commission members that were part of the Deer Season Advisory Committee, Mr. Jones and Mr. Schneider, and asked Mr. Jones to give a report on the study committee.

will P 6 were

Mr. Jones complimented everyone that was involved with the Deer Season Advisory Committee which included Mr. Hugh Bateman and the Game Division staff helping out. The participants on the Deer Season Advisory Committee was truly a cross segment of both user groups. Others serving on the committee were Dr. Don Hines, Senator Joe Mcpherson, Representative Rodney Alexander, Gordon Hutchinson, Jim Dunlop, Jessie Fontenot, Randy Lanoux, Charles Womack, Warren King, Paul Dickson, Cotton Fairchild, and Dr. Bill Wall. Mr. Jones stated that since he has been on the Commission this was the first time that the two user groups got together and laid out what the problems were as they perceived them on both sides of the coin. They came up with what they feel and the committee feels is resolve to a lot of the conflict. Mr. Wade Byrd needs to have special recognition because he basically put this together and has been carrying the caravan around the state meeting with both user groups and getting all the input possible commented Mr. Jones. Mr. Byrd did a fine job in defining the problems or helping the user groups define their problems. Mr. Jones at this time read the recommendations that the group came up with at the last meeting. The following recommendations were made by the Deer Season Advisory Committee:

1. The removal of retrieving a hunting dog as an acceptable defense to violating state trespass laws.
2. Require that dogs use for deer hunting during the open deer hunting season to run deer have a collar with the owner's name and driver's license.
3. Establish a system of civil penalties for intentional unwanted trespass by deer dogs.
4. Take what ever action necessary to curb road hunting violations.
5. Institute a formal public input process when considering opening or closing areas within the state to the use of dogs.
6. Fairly and equitably allocate deer hunting days between dog hunters and still hunters.

The last recommendation encompassed "putting down the days and the dates for the hunting seasons" stated Mr. Jones. As the Chairman of the hunting rules sub-committee Mr. Jones stated that these regulations have been brought before the Game Division and does not think there is a whole lot of biological conflict in these season dates as the committee has requested. Mr. Bateman advised that this was correct. At this time Mr. Jones gave the recommended changes and a map showing the new areas presented.

Area 1 has been divided into two areas which creates a new area which will be called Area 6. Area 6 comprises the area below

Interstate 12 to the Mississippi line, the Atchafalaya Basin down to the Gulf.

Old Area 1 has been subdivided with Area 6 removed from it and basically Area 1 will now be the old Area 1 with the subtraction of Area 6. Mississippi River delta and south into the corridor above Interstate 12 and north. Basically from the Mississippi River east up to the Mississippi line.

Area 1 - November 23-December 1. Nine days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 2. Twenty seven days with or without dogs.

January 3-20. Eighteen days still hunt only.

Area 2 - November 2-December 1. Thirty days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 5. Thirty days with or without dogs.

Area 6 - November 23-December 1. Nine days still hunt only.  
December 2-6. Five days still hunt, muzzleloader season.  
December 7-January 19. Forty four days with or without dogs.

5  
Areas 3, 4, and 5 are still hunt areas only and no changes have been proposed for these areas.

Mr. Schneider added that the complete task force agreed to support these changes and to help since legislation is involved. This is a two prong effort. One is on the part of the Commission to change the season days and a new area, and a second part of the equation is to get some legislation passed through the Legislature this session. Everyone agreed that they would help support it and get their local representatives and senators to help support the needed legislation. This was a cooperative effort and it will require further cooperation in the future. Knowing full well that not everyone in the whole state is going to be happy this was the best compromise that the Advisory Committee could come up with and felt like everybody there who was representing the user groups could live with this stated Mr. Schneider.

Mr. Jones asked Senator Joe McPherson if he had anything to add. Senator McPherson advised that it was a difficult task trying to get two groups that have appeared to be diametrically at odds to come up with what could possibly be a workable proposal. Senator McPherson stated that he is not sure that either group was satisfied and knows that they did not completely satisfy either group but it is very possible that this is something that is workable. Senator McPherson has been asked to author whatever legislation would be deemed necessary to put this proposal into effect and he is willing to do this but wants the Commission to understand that the area that he represents probably sees no

Onerous

benefit to this proposal. There are many parts of this proposal especially those aspects of it that require legislation that is viewed as ~~onerous~~ by many of the individuals that he represents. Senator McPherson stated that he wanted the Commission to appreciate the fact that he is willing to do this and feels comfortable enough with the proposal and believes it is the proper thing to do. The last time Senator McPherson had the opportunity to appear before the Commission he was expressing his displeasure with part of what is causing his problems in Rapides Parish and that is the fact that a major portion of the parish was either limited or closed to dog hunting. One area being the Kisatchie National Forest where the number of days were severely limited for both still and dog hunters based upon a joint recommendation of the department's biologists and the U.S. Forest Service's biologists. Senator McPherson advised that one of the things he was going to ask the Commission to consider is whatever the number of days that can be allowed on the Kisatchie National Forest for deer hunting, in keeping with the plans recommendation that dog hunters and still hunters be giving equal days in Area 2, that you treat the Kisatchie National Forest in the same manner. Senator McPherson also pointed out the area of southeast Rapides Parish that was closed to dog hunting all together because the landowners requested this and it was a sound thing to do because of a biological standpoint of the lessen carrying capacity of the area in the lack of escape cover. Senator McPherson stated that he had asked that the department consider a compromise on this area and was presenting this for their review simply on the basis that a bill has been pre-filed in the Legislature, by one of his representatives that represents that total area, that this area be reopened. This legislation has a good chance of being successful pointed out Senator McPherson and commented there again it puts him in a hard position where he is willing to support the Deer Task Study and sponsor legislation, that will not benefit his people, to effect it whereas this legislation that has been pre-filed will solve what his people feel is their problem. Senator McPherson had hoped that what would be a proposal was to move back to a more defined boundary on the southern end of that area which lets out a significant portion of it that has been utilized for deer hunting with dogs which has escape cover in the Cocodria Lake Basin which is a fairly large swamp area where almost two-thirds of the total acreage is own by two major land companies that are not in objection to the hunting with dogs on deer. One of the companies was kind enough to provide a letter saying that they have no position, that they lease their lands and allow the individual clubs to hunt with dogs or without dogs and on the lands that they leave open to the public they have no desires or wishes on that. The other major company that Senator McPherson contacted said they would be happy to provide him with a letter but would prefer not to because their position is and has been that their lands are opened to the public for recreation in whatever manner that the public will properly utilize them and not damage the timber resources on the property. Senator McPherson pointed out that this

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Cocodria

is sixty five percent of the area or more that is owned by these two companies with very little residential in the area and it has escape cover which would negate the biological end and he would hope that this would be a compromise that would possibly preclude that legislative battle. Senator McPherson reiterated his long standing position that he does have faith in the Commission and the biologists in the department and feels like these issues should not be a matter for legislative purview. Senator McPherson gave the Commission a copy of the letter and a map showing the area to which he was referring. Senator McPherson stated that he was not asking the Commission to rule on this today but just in the understanding that it is a fact that they have to compromise on many of these issues, the fact that the legislation has been introduced and what he does not want to see is Legislators getting in arguments with biologists over these issues. Concluding Senator McPherson commented that he does support the proposal and wishes that some of these things can be worked out to let him have a little bit stronger hand as far as his local politics go and will be happy to cooperate with the Commission on whatever their desires are on this matter.

Chairman Jenkins asked if the Commission had any questions of Mr. Bateman. Mr. Bateman stated one point of clarification; Area 3 which Mr. Jones mentioned would remain the same does have the same additional four days added on to January 1st to January 5th and if you look at the recommendations while all of the rest of that season remains the same the ending date does increase by four days. In view of Senator McPherson's comments Mr. Bateman stated that the Kisatchie National Forest biological staff requested the department to consider reducing either-sex days. When the department met with them a couple of weeks ago there was a general agreement that this would be done and it is reflected in the proposed regulations. Either-sex hunting has been reduced from six days on the Kisatchie Forest to three days. Another thing is under the existing structure the department has proposed still hunting would occur on twelve days and dog hunting would occur on seven days which is a five day difference between still hunting and dog hunting opportunity on the Kisatchie National Forest. There were no indications from the Kisatchie Forest staff they desired to change this. Mr. Pol asked Mr. Bateman if he would come back with further recommendations on Senator McPherson's presentation. Mr. Bateman stated no not at this time. The possibility of looking at legislation that might come from central Louisiana was discussed and also the possibility that there would continue to be some disagreement as to where the boundaries were. Mr. Bateman stated that he guessed he was in the position of having already made the department's recommendations and it would be up to the Regulations Committee and the Board to consider his comments and act accordingly and Mr. Bateman would not offer any different opinion from what he has stated previously in regard to the Rapides Parish issue. Chairman Jenkins asked Mr. Bateman if the Commission passes a notice of intent when would the regulation be passed. Mr.

Bateman answered that the notice of intent would initiate administrative procedure and final action would be taken by the Commission on the notice at the July Commission meeting. Mr. Bateman advised that as he understands the procedure unless you make substantial changes in the rules and regulations a minor boundary change, an adjustment in days, would not require issuing another starting notice of intent. Chairman Jenkins added that was going to be his next questions because if we started over we would be out of time again. Mr. Bateman commented that is correct and in order for the department to do everything that has to be done from a legal standpoint and get the pamphlet published in the fall this action has to be taken by the Commission this morning. Mr. Bateman believes that any adjustments are acceptable between now and July and the major issue before the Commission this morning would be the acceptance and change that the Advisory Committee group is making and any additional changes that come in the way of comments after this the Commission would have to act on those independently between now and July.

Mr. Jones stated that in Area 2 deer hunting, Region 1, there has been quite a significant change in the number of either-sex hunting days with an increase from thirteen days to twenty two days in the proposed biological framework which is up in Jackson-Bienville and asked Mr. Bateman if he wanted to comment on this. Mr. Bateman advised that he had left this out of his initial presentation in terms to getting into the exact number of either-sex days and ran through them for Mr. Jones' benefit. Area 1, seven days of either-sex hunting had been proposed; Area 2 seven days generally of either-sex hunting had been proposed with the exception that in the eight parishes of District I there would be twenty two days of either-sex hunting. The other areas also have the consistent and same seven days of either-sex hunting. Mr. Jones stated that he thought it was up thirteen days from last year and it would be his latest suggestions that more information be gathered and take advantage of the opening weekend being either-sex certainly in Jackson-Bienville. The landowner is interested in seeing this as well as the biological staff and it is recommended to lower that number a little bit to keep it in line with the rest of the state. Mr. Bateman advised that if there was a specific change they can certainly make that appropriate change in the regulations and the notice before it is submitted.

Chairman Jenkins stated that he guessed what needed to be done was to have a motion on the notice of intent. Mr. Bateman commented that once you get the notice as presented seconded, then you can have discussion, amendments and make changes.

Chairman Jenkins called for a motion on the notice of intent. Mr. Jones advised that the Hunting Rules Sub-committee of the Wildlife and Fisheries Commission has reviewed this and in cooperation with the Game Division and the Deer Season Advisory group all the above together has been married as well as they could and Mr. Jones

thinks they need to try and take advantage of the conflict resolution so that they will not have to walk down this street again. Mr. Jones made the following motion. "I am going to make a motion that we set the hunting days basically in conjunction with the resolution committee which establishes a new area, Area 6, one, the dates that he spoke, Area 2 same as before and the new Area 6, that way with an additional subtraction from biological recommendation coming in the northwest section of Louisiana to bring it back down to the same number of either-sex hunting days it was last year to thirteen days and in Jackson-Bienville I think they would like to take advantage of either-sex hunting day on opening weekend to manage the harvest a little better so that would be up to fifteen days in Jackson-Bienville but bring it back with ~~kind of~~ rest of the state and where it was and let's collect a little more information before we make quite a radical change". Mr. Jones asked Chairman Jenkins if this was formal enough for him. Chairman Jenkins stated that he thought they could just make a motion on the notice of intent with the dates attached as modified by Mr. Jones. After consultation with Mr. Puckett Chairman Jenkins advised that the motion is to move on the notice of intent as read by Mr. Bateman with the dates modified by Mr. Jones. The motion was seconded by Mr. Schneider. Chairman Jenkins asked for discussion from the Commissioners. There being no comments from the Commissioners Chairman Jenkins called for public comments.

Mr. C. B. Gurney from Baker addressed the Commission and stated that he supports the new Area 6 and presented a petition with seventeen hundred signature supporting this new area. Mr. Jones thanked Mr. Gurney for the support and advised that there was a lot of support in favor of this. There being no other comments Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

Mr. Bateman advised that the final thing would be for the Commission to approve the resolution to formalize the notice of intent and read the "Therefore Be It Resolved" part of the resolution. Mr. Jones made a motion to adopt the notice of intent and was seconded by Mr. Schneider. The motion passed unanimously

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

RESOLUTION  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES  
March 7, 1991

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA March 7, 1991.

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for resident game birds and quadrupeds, and

WHEREAS, authority to establish seasons, bag limits, possession limits and other rules and regulations for the hunting, taking and possession of any species of wild game birds or quadrupeds is vested in the Commission by R.S. 56:115, and

WHEREAS, this action will provide for the protection and conservation of these natural resources and allow for recreational opportunities for sport hunting on both public and private lands, and

WHEREAS, the Commission and Department staff have jointly reviewed and considered all available biological information and requests from sportsmen of the state, now

THEREFORE BE IT RESOLVED, that the attached rules, regulations, season dates, and bag limits affecting sport hunting of resident game species are hereby adopted by the Louisiana Wildlife and Fisheries Commission.

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James A. Jenkins, Jr.  
Chairman, LA Wildlife and  
Fisheries Commission

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A. Kell McInnis III  
Acting Secretary, LA Dept. of  
Wildlife and Fisheries

(The full text of the notice of  
intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds. A synopsis of said rule is attached to and made part of this notice of intent. (A more detailed copy of the rule is available upon request from the address listed below).

Public hearings will be regularly scheduled Wildlife and Fisheries Commission meeting from April-July. Additionally, interested persons may submit written comments relative to the proposed rule until May 31, 1991 to Hugh A. Bateman, Administrator, Game Division, Box 98000, Baton Rouge, LA 70898.

CITATION: None - Changes Annually.  
AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 17: ( 1991).

James H. Jenkins, Jr.  
Chairman

SUMMARY OF 1991-92 RESIDENT GAME HUNTING SEASON  
RECOMMENDATION, DATES AND BAG LIMITS  
GAME DIVISION

Quail: Nov. 28-Feb. 29 - Daily Bag Limit 10, Possession 20  
Pheasant: Nov. 28-Dec. 8 (Cock Pheasant Only) - Daily Bag Limit 2, Possession 4  
Squirrel: Oct. 5-Jan. 26 - Daily Bag Limit 8, Possession 16  
Rabbit: Oct. 5-Feb. 29 - Daily Bag Limit 8, Possession 16  
\*Deer: Dates Vary - See Schedule Below - Bag Limit: One per day, 6 per season  
Archery: Oct. 1-Jan. 20  
Muzzleloader: Dec. 2-6

<u>Area 1 - 59 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzle-loader only)	Dec. 5, 6
Dec. 7-Jan. 2	27 (with/with dogs)	Dec. 7, 8
Jan. 3-20	<u>18</u> (still hunt only)	
	59	

<u>Area 2 - 65 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	<u>30</u> (with/without dogs)	Dec. 7, 8
	65	(Additional days in some parishes)

<u>Area 3 - 65 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 2-Dec. 1	30 (still hunt only)	Nov. 16, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	<u>30</u> (still hunt only)	Dec. 7, 8
	65	

<u>Area 4 - 44 days</u>	<u>Days</u>	<u>Either-sex Dates (7 days)</u>
Nov. 23-Dec. 1	9 (still hunt only)	Nov. 23, 29, 30
Dec. 2-6	5 (still hunt, muzzle loader only)	Dec. 5, 6
Dec. 7-Jan. 5	<u>30</u> (still hunt only)	Dec. 7, 8
	44	

<u>Area 5 - 14 days</u>	<u>Days</u>	
Nov. 23-Dec. 1	9 (still hunt only)	BUCKS ONLY



Louisiana Wildlife and Fisheries Commission

WHEREAS, the Legislature of Louisiana during the 1990 regular session enacted Act 334 authorizing the Department Secretary to sell a certain parcel of land in Vermilion Parish with frontage on the Intracoastal Coastal Canal; and

WHEREAS, this parcel of land consists of approximately seven-tenths of an acre and is not suitable for the Department's current need for a safe haven and docking facility for Department boats and equipment; and

WHEREAS, the Department has located another tract of similar size nearby which also has water access and is suited for the purpose of safe haven for Department boats and equipment; and

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the LA Department of Wildlife and Fisheries to take all necessary steps to acquire the suitable tract of land in conformance with all state policies governing the acquisition of real property.

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Jimmy Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

March 7, 1991

Mr. Tommy Prickett, at Thursday's meeting, reported on an **Extension for Fur Trapping in Southeast LA**. This material was presented for information only. Mr. Prickett explained why the season was extended. Under previous Commission action the Secretary is authorized to extend the trapping season if the biological conditions are right and the market dictates that it should be extended. It was recommended to Acting Secretary McInnis that the season be extended through March 31. The resources out there are trying to be salvaged, what otherwise may be the most disastrous fur trapping season every. There are some buyers and dealers that want to purchase an additional fifty thousand nutria and the department believes that the resources are there to provided this and also the trappers may be able to make a few dollars advised Mr. Prickett. Chairman Jenkins asked if any action was needed. Mr. Prickett stated no this was just a courtesy to the Commission to let them know why the Secretary extended the season. Chairman Jenkins asked if anyone had any questions on this. There being none he went on to the next item on the agenda.

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At Thursday's meeting the **Rule on Black Bass Regulations of Daily Take and Size Limits** was presented for ratification by Dr. Jerry Clark. Dr. Clark reported that today he is standing before the Commission with something that is going to make a difference in a fishery in the state for a long time. People in the state have been involved with this for a long time and Dr. Clark proceeded to go through the history of this issue. In October of 1988 a group of bass fishermen got together with members of the department and decided that they would like to try to do something good for bass fishing in Louisiana. The first task force meeting was held in October of 1988. Over the following months they got together and worked with the department. The department started working on its first ever management plan and to date the Bass Plan is complete but has not been published yet. In December a year later the final recommendations for the plan were put together by the biological staff of the department and presented to the task force. At that time the task force voted unanimously to support that plan. The plan was taken to public hearings at eight different places throughout Louisiana: Shreveport, Monroe, Alexandria, Lake Charles, Baton Rouge, New Orleans, Houma and Lafayette. A lot of good comments were received for the first plan. The staff and task force got together again and came forward with a second version based on all the public comments that had been taken over a six month or more period.

There were three principle changes in the second plan from the first plan. The first plan recommended a statewide slot limit for all the waters of the state. The second plan does not include this and only includes a slot limit on nine lakes statewide. Dr. Clark pointed out at this time that there were almost five hundred lakes in Louisiana that are over twenty five acres and there are more than two hundred and fifty lakes in Louisiana that are a hundred acres or more with approximately fifty thousand miles of streams in the state. This plan is basically asking for special slot limits on only nine of these water bodies so one can see the tremendous change that was made from version one of the plan to version two advised Dr. Clark. The biological staff proposed a slot statewide believing and still believing that it would be beneficial for bass fishing in the state. One of the principle sources of complaint for those slot limits came from the marsh bass fishermen. In the paper Sunday the State of Mississippi has instituted slot limits on bass only for coastal counties noted Dr. Clark.

The second major change in version two of the plan was to reduce the number of trophy lakes proposed in the first plan from four to only two.

The third major change was that in the first plan a statewide bag limit of ten fish was proposed and in the second plan there is a statewide bag limit of eight fish. This principle change is because of the reduced slot limit on lakes which was really the

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principle tool and if anything was going to be done to try and make a difference, every where else in the state, it was control over the bag limit. Thus the bag limit was reduced by two fish in the second version of the plan to make up for, in some sense, that which was thought to be lost by giving up on the slot limit. The removal of the slot limit statewide is the principle change. they were

Version two of the plan was taken back to the task force. The sense of the meeting was it was to bad we were not able to do version one of the plan but much in favor of version two of the plan which they supported unanimously. A notice of intent was brought before the Commission and published in the state register and since that time significant public comment has been received. Dr. Clark summarized the public comment for the Commissioners. In one form or another the department has been contacted by almost one thousand people since the notice of intent has been published. This does not include all the public hearings that took place in version one; this is just since the second version of the plan has been published as a notice of intent. The department has received a petition in support of the plan in its entirety; received a hundred and fifty eight individual signed letters from people in support of the plan. The department is considering any letters that are multiple copies of the same letter as a petition. There were thirty eight letters received against the plan. Two petitions have been received by the department asking to change the limit from eight back to ten and the Louisiana Wildlife Federation Saturday passed a resolution asking the bag limit be changed from eight back to ten every where in the state except on the quality and trophy lakes and the reciprocal agreement with Texas. On a single issue, with respect to the plan, thirty seven letters were received supporting False River as a trophy lake. The department has also participated in the oversight process since publication of the notice of intent. Dr. Clark stated that the oversight process that the department went through was almost of historic proportions. Dr. Clark explained that oversight is both the House of Representatives and Senate with sub-committees of the Senate and House Natural Resources Committees. The Senate chose not to do oversight on the plan but the House chose to have an oversight hearing and notices were sent to every member of the House Natural Resources Committee which was a technical error. The notices should have only been sent to the sub-committee. Oversight was held with all members of the committee who chose to attend and the plan was defeated. The Chairman of the Natural Resources Committee subsequently talked to the Speaker of the House and decided that the vote was technically incorrect because not every member of the House Natural Resources Committee should have been sitting at the oversight hearing. Only the sub-committee on oversight should have been heard. A second notice was sent out, the plan was heard for a second time and it passed. This is the process that the department, Commission, fishermen and task force has participated in for almost two and half years advised Dr. Clark and are here today before the Commission asking for final adoption

of the proposed bass rules. Chairman Jenkins asked Dr. Clark to read the full rule into the record. Dr. Clark concurred. Chairman Jenkins called for a motion for adoption of the rule. A motion was made by Mr. Schneider and seconded by Mr. Jones. Chairman Jenkins asked if any if any of the Commissioners had any questions.

Mr. Schneider stated that he thinks they have all received a lot of mail on the bringing of filets back to the camps and asked Dr. Clark, for the record, to explain the situation so everybody can understand it. A lot of people are operating under a misconception. For the record, Dr. Clark explained that number one, the filet rule, although it would be beneficial to the bass plan, is not tied to the bass plan in anyway. Some people have achieved this misconception. Number two, information has been provided to the public that was incorrect. The principle information that was provided to the public that has been incorrect was that it was stated that it was the intention of the department to stop anyone from fileting the species that were listed which were principally bass, striped bass, crappie, etc. at their camps, on their fishing boats, on their houseboats if they wish to eat them. This piece of information ignited an uproar that is still being heard and the department is still receiving letters principally from the Atchafalaya Basin which makes sense stated Dr. Clark. Letters have also been received from representatives and senators throughout the state who were also against this misconception. The intent of the filet rule is relatively simple and is identical to the saltwater statute that currently exists which is when you land those species at your final destination they need to be head and tail intact. They may be eviscerated and that is it stated Dr. Clark. Giving an example Dr. Clark pointed out that if you have a camp in the basin or a houseboat in the basin you can fish all day, you can go back to your houseboat and clean as many fish as you legally took that day or have in legal possession on the houseboat, cook them, put in packages and leave them in the houseboat or camp as long as you want but if you catch fish, take them back to your camp and your camp is not accessible by a road and you have to get back in you boat and go back to land to get to your final destination, at the point in time which you arrive on land the fish you wish to take home then must be head and tail intact. Dr. Clark stated that he believes that the principle difficulty people have had with this rule is that they thought they were out of business of eating fish at their camp and that is not true. This was never the department's intent nor was it part of the original rule. The person who provided the incorrect information has subsequently made a mailing to all the original people that the incorrect mailing was made to and hopefully the problem will die down somewhat.

Chairman Jenkins asked if the Commissioners had any more questions. Mr. Pol asked if the Commission and department plans to take into consideration the recommendation made by the Louisiana Wildlife Federation on the increase from eight to ten. Dr. Clark stated

that it is not the department's recommendation to do this. Chairman Jenkins asked if there were any other questions from the Commission. There being none he called for public comment.

Mr. Gary Risponi, Greenwell Spring, lifetime member of Louisiana Wildlife Federation, Atchafalaya Basin Council, Baton Rouge Sportsmen's League, Ducks Unlimited Greenwing Chairman for the state and employed by the Baton Rouge Mayor's Office as a Citizen's Service Director addressed the Commission. Mr. Risponi advised that he realizes the hard work that was put into this by Dr. Clark and everyone concerned with the Bass Management Plan. Mr. Risponi's basic reason for coming today is not to oppose the plan but to bring to the Commission a plea to make a public promise to up the limit back to ten. If this change is not made it is going to hurt implementation of any bills, proposals or task force in the future. Mr. Risponi stated that he is not going to oppose the plan and urged the Commission to pass it today but wants a public promise that this Commission will support, in the near future, to up the limit to ten fish.

Mr. Bob Mitchem, State President of Louisiana Black Bass Unlimited, addressed the Commission. Mr. Mitchem advised that he was also reflecting the views of the Association of Louisiana Bass Clubs and Bass Research. These three organizations comprise eight thousand bass fishermen in some type of structure organization in Louisiana. At some time during this two and a half years process we have all been involved advised Mr. Mitchem and all three organizations have fully supported what the department has tried to do. This has been a long time coming and will be a hard battle to get passed. Mr. Mitchem stated that in response to the limit he thinks if any member of the Commission would like to check with the Department of Wildlife they will find that right now that you average catch rate in Louisiana is about five fish for the average fishermen. The eight fish that is proposed is three in excess of what the average fisherman can go out and catch. Every year the pressures on Louisiana's waters are growing. There are more people fishing and there are more people who are knowledgeable in fishing. Mr. Mitchem thinks the eight fish limit that has been proposed is a good limit and is backed by research. On behalf of all three organizations Mr. Mitchem urged the Commission to pass the management plan as it has been presented by the department.

Mr. Randy Lanctot, Executive Director, Louisiana Wildlife Federation, addressed the Commission. Mr. Lanctot advised that the Commissioners have gotten a copy of the Federation's statement and they would like the Commission to consider increasing the proposed limit to ten fish daily. There are also some other comments in the statement related to the inadequate economic assessment of the impact of the plan and hopefully in the future this will be addressed; also the Federation feels that the plan should address habitat considerations more than it has. Mr. Lanctot stated that all of these comments have been made previously and unfortunately

if they were considered they certainly were not reflected in the final recommendation. The Federation does not want to delay the implementation of the plan but would like the Commissioners to seriously consider immediately beginning the process to bring the limit back up to ten fish at the earliest possible date. Mr. Lanctot stated that one gentleman said this eight fish proposal is backed by research but he has not seen any of this otherwise the Federation would not be here opposing it. The best explanation that Mr. Lanctot has heard is that it is closer to the average. The Federation urges the Commission at this point in time to examine the plan and to consider seriously increasing the limit to ten fish. In the future if biological information, which has not been seen up to this point, shows that it is necessary to reduce the limit nobody would be opposed to that stated Mr. Lanctot. There is a danger in instituting regulations that are not based on good biological information and sound research that does not take in adequately the consideration of the public concluded Mr. Lanctot.

Mr. Gary Risponi addressed the Commission again and stated that he does not think the biological data has been presented to say that limiting it to two more fish would hurt and he agrees with Mr. Lanctot. Some of the waters that this is going to effect, and even thought in numbers it is not that many bodies of water, in areas and miles it is.

Chairman Jenkins called for a vote on the motion made by Mr. Schneider earlier and seconded by Mr. Jones for adoption. The motion passed unanimously.

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

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

Section 123. Chicot Lake Black Bass Harvest Restriction

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S.  
56:325(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991), Repromulgated in S. 149 of this Chapter.

#### Section 149. Black Bass Regulations-Daily Take and Size Limits

The Louisiana Wildlife and Fisheries Commission hereby establishes a statewide daily take (creel limit) of 8 fish for black bass (Micropterus spp.). The possession limit shall be the same as the daily take on water and twice the daily take off water.

In addition, the Commission establishes special size and daily take regulations for black bass on the following waterbodies:

Concordia Lake (Concordia Parish) and False River (Pointe Coupee' Parish):

Size Limit: 15 inch - 19 inch slot  
Daily Take: 8 fish - of which no more than 2 fish may exceed 19 inches maximum total length.\*  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 15 - 19 inch slot limit means that it is illegal to keep or possess a black bass whose maximum total length is between 15 inches and 19 inches, both measurements inclusive.

Lake Bartholomew (Morehouse and Ouachita Parishes), Black Bayou Lake (Bossier Parish), Caney Creek Lake (Jackson Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake Vernon Parish):

Size Limit: 14 - 17 inch slot  
Daily Take: 8 fish - of which no more than 4 fish may exceed 17 inches maximum total length.  
Possession Limit: On Water - Same as daily take  
Off Water - Twice the daily take

A 14 - 17 inch slot means that it is illegal to keep or possess a black bass whose maximum total length is between 14 inches and 17 inches, both measurements inclusive.

This rule becomes effective April 1, 1991.

\* Maximum total length - The distance in a straight line from the tip of the snout to the most posterior point of the depressed caudal fin as measured with mouth closed on a flat surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6 (25) (a), 325 (c), 326.3

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 14:364 (June 1988), L.R. 16:38 (January 1990), Repealed L.R. 17: (March 1991).

James H. Jenkins  
Chairman

Acting Secretary McInnis addressed the Commission and asked if they could step aside from the agenda at the moment and advised that this morning Dr. Rouse Caffey, Chancellor, Louisiana Agricultural Center, LSU is attending the meeting. Acting Secretary stated that Dr. Caffey cannot stay for the afternoon meeting and asked that he be allowed to address the Commission on some of the concerns that deal with the property at the Wildlife and Fisheries office before he has to leave. Dr. Caffey addressed the Commission and advised that the Agricultural Center has a state involvement in the research and extension involving not only the agricultural commodities but forestry and wildlife and fisheries and have had the opportunity to work with the Commission over many years. The Wildlife and Fisheries Unit on the campus is supported by the federal government, Department of Wildlife and Fisheries and by the Louisiana State University Agricultural Center. Dr. Caffey advised that Acting Secretary McInnis had talked to him briefly about some of the land which is on this side of the creek that could be used by the department for conservation measures and wildlife. Dr. Caffey stated that he does not believe that this would interfere with the Pennington Center. Some of the land has been leased to Christian Life on a long term basis and about six acres to the 4-H Club Foundation. Dr. Caffey is in the process of having his engineers draw up the plat to determine which land is not under lease. The area that the department occupies was leased from the LSU Agricultural Center many, many years ago on a ninety nine year lease. Dr. Caffey will present to the board a recommendation that the department gets the land to be used for which they plan. Concluding, Dr. Caffey stated that because they are statewide in agricultural research extension they work with various statewide groups and tries to attend the meetings of these various groups. Dr. Caffey looks forward to attending the Commission's meeting so that lines of communication can be maintained better in the future and he thanked Mr. Warren Pol for his leadership in this area. Acting Secretary McInnis has done a very good job in communicating and working with the LSU Agricultural Center advised Dr. Caffey and looks forward to getting to know everyone a lot better. Chairman

Jenkins thanked Dr. Caffey for his comments and proceeded with the agenda.

At Thursday's meeting Dr. Jerry Clark presented the **Rule on Toledo Bend Reciprocal Agreement with Texas** for ratification. Dr. Clark reported that they begun putting the Bass Plan together without much thinking about the boarder region with Texas. This opportunity emerged because of the Commission's actions. At the joint Commission meeting at the San Marcos facility with the Texas Parks and Wildlife there was discussion about how they could communicate better in things that they shared interest in. At the direction of the Commission the department met with the Texas Parks and Wildlife Department biological and administrative staff in the office of their fisheries and discussed what could be done to make fishing better on the boarder areas, principally Caddo and Toledo Bend. An agreement and proposal was reached to managed bass on the boarder waters. This proposed rule for the reciprocal agreement also went through oversight. At the first meeting of oversight it was ruled technically illegal and was voted down. At the second meeting it was also voted down. Dr. Clark stated that through the efforts of many people the Governor was influenced to overturn oversight, at some risk, in support of what he was convinced was in the interest of bass fishermen, the local economies of that area, and an attempt to bring especially Toledo Bend back to the fishery it once was. The proposal for final adoption of the reciprocal agreement before the Commission today will do this and the department recommends it. This rule, perhaps even more than the plan, has the unique feature of having the Governor over rule an oversight hearing which Dr. Clark thinks is a strong endorsement of the plan. Dr. Clark pointed out that the Commissioners have the agenda item in their packet, however he needed to give them a substitute. Because Louisiana was unable to be timely Texas essentially stopped in the middle of their process waiting for Louisiana to get its act together and they now are unable to meet the agreed deadline. The change is a very trivial technical change. The last sentence has been replaced and says instead of "April 1", " May 1". Dr. Clark advised that he talked with the Texas people yesterday and was assured by their Division Director, as much as he can assure Dr. Clark, that he anticipates no difficulty in their passing this rule and have it in place by May 1. But because it is a reciprocal rule, which requires joint action, the departments would be unable to put it in place by April 1. Chairman Jenkins asked Dr. Clark to read the rule for the record. Dr. Clark concurred. Chairman Jenkins called for a motion to adopt the rule. Mr. Pol made a motion that the Commission accept the Toledo Bend Reciprocal agreement as amended by Dr. Clark and presented to the Commission. The motion was seconded by Mr. Vujnovich. Chairman Jenkins called for discussion from the Commission. There being none he called for public comment.

Mr. Warren Founds, Deputy Director, representing the Sabine River Authority addressed the Commission. Mr. Founds stated that he was

representing the Sabine River Authority, all the different business organizations and fishing groups on Toledo Bend who were in favor of the plan. There is a need for this fishery in their area and it is felt like this fishery plan will bring the boaters back to Toledo Bend and encouraged the Commission's favorable support of the plan stated Mr. Founds.

Chairman Jenkins asked if there were any more comments. There being none he called for a vote on the motion. The motion passed unanimously.

Mr. Jones recommended that the Commission and department publicly thank the Governor for his help. Chairman Jenkins stated that was a good idea and asked Acting Secretary McInnis to draw up the resolution. This was truly a statesman's approach to a political hot seat commented Mr. Jones and personally thanked the Governor for doing this. Chairman Jenkins advised that they agree with Mr. Jones and a resolution will be drawn up thanking him.

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

RULE  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

Section 110. Toledo Bend Reciprocal Agreement

The Louisiana Wildlife and Fisheries Commission hereby amends the Joint Louisiana/Texas Toledo Bend and Caddo Lake Sportfishing Reciprocal Agreement, dated September 1, 1988.

The daily creel limit, (daily take), for black bass (Micropterus spp.) is set at 8 fish and the minimum total length is set at 14 inches in Toledo Bend Reservoir and Caddo Lake. The daily creel limit for black bass is set at 5 fish and the minimum total length is set at 14 inches for black bass on the Sabine River from a point immediately south of the Toledo Bend Dam to the Gulf of Mexico. Said revised regulations become effective Monday, May 1, 1991, provided that the State of Texas also agrees to amend the existing Reciprocal Agreement and adopts the same regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6  
(25) (a), 325 (c), 326.3, 673

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission L.R. 14:548 (August 1988), Amended L.R. 17: (March 1991).

James H. Jenkins  
Chairman

Continuing, Dr. Jerry Clark presented the Proposed Rules and Regulations on Introduction of Triploid Grass Carp in Commercial Catfish Culture Ponds and Proposed Rules and Regulations on Importation, Culture, Possession and Disposal of Tilapia in Louisiana at Thursday's meeting. Dr. Clark advised that at the last two Commission meetings tilapia and grass carp have been discussed and a resolution was introduced to "domesticate" grass carp and tilapia in order that they may be reared in aquacultural settings in the state. The Commission did domesticate these two species at the February Commission meeting contingent upon acceptance of the department's proposed rules. Dr. Clark pointed out that in the Commissioner's packet there are the rules and regulations governing this. All that is needed is a vote in support of the rules if that is the Commission's choice. Dr. Clark asked if there were any questions about the proposed rules.

Mr. Schneider asked if ~~only~~ catfish farmers were the only ones that could procure the fish and would the rule preclude any private pond owner, country club, housing development, farmer, etc. who had a private pond that had a grass problem and wanted to use these carp. Dr. Clark answered that was correct and there has been discussion over the last three or four years. Out of this discussion a task force was put together of fishermen (recreational, catfish and others who were interested in the grass carp for uses that Mr. Schneider is talking about and they came out with a recommended set of uses and the department has abided by that set of agreements. That agreement is basically as it is seen in this set of rules pointed out Dr. Clark.

Chairman Jenkins asked Dr. Clark if he needed a motion to adopt the permanent regulations. Dr. Clark explained that was not it at all, the department by law has to promulgate these rules. If the Commission agrees with the rules the department will begin with the process of the Administrative Procedure Act (notice of intent, etc.). The department is not involved with the Commission at all with the APA other than the domestication of the species. The Commission had told the department that they did not agree with the domestication unless they saw the rules so the department is providing them with the opportunity to see the rules advised Dr. Clark. A simple motion in favor of the rules is all that is needed then the department will proceed with adoption of the formal rules.

Mr. Pol moved that the Commission accept the recommendation of the rules by Dr. Clark. The motion was seconded by Mr. McCall.

Chairman Jenkins called for discussion by the Commission. Mr. Jones asked about the department personnel that will recommend to the administrator if the applicant's request should be approved or disapproved and how this would be handled. Dr. Clark explained that the department has a proposed form which will be mailed to the department by the applicant. A biologist will be sent to the site and if they don't meet the rules a permit will not be issued. Every application will have a on-site inspection. Mr. Jones asked about the "all catfish cultural ponds that will contain triploid grass carp must have levees at least one foot above the one hundred year flood elevation" and does this take into account the Mississippi River levee. Dr. Clark advised that this is a standard clarification, within a watershed the one hundred year flood plain, whatever the source of flood waters, is identified and this standard classification will be used. Mr. Jones stated disregarding the fact of the Mississippi River levee. Dr. Clark stated that he believes that the classification of the possibility of a one hundred year flood takes into account all factors including wherever you are, whatever the source of the flood water is, etc. Chairman Jenkins asked for public comments. There be none Chairman Jenkins called for a vote on the motion. The motion passed unanimously

(The full text of the proposed rule is made a part of the record)

#### RULES AND REGULATIONS ON INTRODUCTION OF TRIPLOID GRASS CARP IN COMMERCIAL CATFISH CULTURE PONDS

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana. The following terms shall have the following meaning in this document:

- Catfish Culture - all activities associated with raising catfish from eggs to adult size.
- Commercial catfish farmer - any commercial catfish operator whose ponds are stocked with a minimum of 1500 catfish per acre and who markets 85 percent of his catfish.
- Triploid grass carp culture - all activities associated with raising triploid grass carp from fingerlings (not less than 6 inches in length) to adult size.

Culture system - shall be a system used for catfish culture and designed such that all triploid grass carp are prevented from escaping.

Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.

Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.

Triploid grass carp culture permit - the official document that identifies the terms of, and allows for the importation, transportation, possession, disposal, and sale of live triploid grass carp in Louisiana as approved by the Secretary.

Triploid grass carp - refers to Ctenopharyngodon idella fingerlings, and larger individuals that are certified as triploid (3N chromosomes) by the U.S. Fish and Wildlife Service or an agency or contractor approved by the department.

Permittee - the individual, business, corporation or organization that possess a valid Louisiana triploid grass carp culture permit.

Disposal - the business of processing, selling, eradicating or purposely removing triploid grass carp from a culture system.

#### TRIPLOID GRASS CARP CULTURE PERMIT REQUEST PROCEDURES

Catfish farmers wishing to import, transport, culture, possess, dispose, or sell live triploid grass carp in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the

application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.

3. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for triploid grass carp culture permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may reapply after correcting specified deficiencies noted in the Secretary's letter of denial.

#### RULES ON TRANSPORT OF TRIPLOID GRASS CARP FOR CULTURE

1. For each occurrence when the permittee wished to import, transport, possess, or sell live triploid grass carp, the permittee must obtain, in writing, approval from the department. Procedures and necessary information for obtaining approval are:
  - a. Requests shall be made to the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
  - b. Requests shall include:
    - (1) Louisiana triploid grass carp permit number, or a copy of the permit.
    - (2) Route of transport.
    - (3) Date of transport.
    - (4) Time(s) of transport.
    - (5) Destination.
    - (6) Owner of transport vehicle.
    - (7) Total number of fish.
    - (8) Identification of seller and buyer.
2. A bill of lading must accompany those individuals in possession of live triploid grass carp during transportation and shall include:

- a. Copy of the permittee's written approval as described in one above.
- b. Date and approximate time of shipment.
- c. Route of shipment.
- d. Source of triploid grass carp (hatchery, culture pond, etc.).
- e. Name, address and phone number of seller.
- f. Name, address and phone number of buyer.
- g. Copy of triploid certification.
- h. Total number of fish.
- i. Destination.
- j. Display the words "TRIPLOID GRASS CARP" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than six inches high.

#### RULES OF TRIPLOID GRASS CARP CULTURE SITE

1. A legal description of the catfish culture property that shows ownership must be submitted along with the permit request.
2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove and take fish samples for analysis and/or inspection.
3. All catfish culture ponds that will contain triploid grass carp must have levees at least one foot above the 100-year flood elevation.
4. Triploid grass carp will be permitted only in commercial catfish culture ponds.

#### GENERAL RULES FOR TRIPLOID GRASS CARP CULTURE

1. The cost of a Triploid Grass Carp Culture Permit shall be \$50, plus the actual cost of the on-site inspection. Qualified

universities conducting research approved by the department shall be exempt from the fee charge.

2. In order for a permit to be valid, a Fish Farming License from the department is required.
3. Permits are valid for 12 months.
4. Permits are not transferable from person to person or property to property.
5. Live triploid grass carp may be sold only to a commercial catfish farmer permitted to possess triploid grass carp.
6. No person may release live triploid grass carp into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of triploid grass carp to the department or a department approved contractor upon request to verify triploidy, at the permittee's expense.
8. No eggs, fry or fingerlings under six inches in total length shall be transported, shipped, possessed, stocked or sold in Louisiana.
9. Water discharge from all culture systems stocked with triploid grass carp must have appropriate barriers designed to prevent escapement of triploid grass carp and constructed with rigid, sturdy screens of a size no larger than 1/2 inch square mesh.
10. The department may employ whatever means it deems necessary to prevent the release or escapement of triploid grass carp or their eggs into the environment. The permittee shall agree to reimburse the department for all cost including, but not limited to, man hours and materials utilized during these corrective actions.
11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions.
12. If a permittee terminates the use of triploid grass carp in catfish culture ponds, the permittee shall notify the Secretary immediately and dispose of the triploid grass carp according to methods approved by the department.

13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke, the permittee's permit. All triploid grass carp shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.
14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five days.

(The full text of the proposed rule is made a part of the record)

RULES AND REGULATIONS ON IMPORTATION, CULTURE, POSSESSION  
AND DISPOSAL OF TILAPIA IN LOUISIANA

The Louisiana Department of Wildlife and Fisheries hereby adopts the following regulations governing the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia and, or their hybrids in Louisiana. The following terms shall have the following meaning in this document:

- Culture - all activities associated with the propagation and nurturing of tilapia.
- Culture system - shall be a closed system and designed such that all water containing, or that at any time might contain, tilapia (adult fish, juvenile fish, or fish eggs) is filtered, recirculated and prevented from any discharge.
- Disposal - the business of processing, selling, or purposely removing tilapia from the culture system.
- Department - the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.
- Secretary - the Secretary of the Louisiana Department of Wildlife and Fisheries.
- Tilapia permit - official document that identifies the terms of, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana as approved by the Secretary.

- Tilapia - eggs, fish, or body parts belonging to the genera Tilapia, Sarotherdon, or Oreochromis and their hybrids.
- Permittee - the individual or organization that possess a valid Louisiana tilapia permit.

#### TILAPIA PERMIT REQUEST PROCEDURES

Individuals or organizations wishing to import, export, transport, culture, possess, dispose, transfer or sell live tilapia in Louisiana must first request a permit from the Secretary of the Louisiana Department of Wildlife and Fisheries.

The following procedures will be necessary:

1. Applications for permits can be obtained by contacting the Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
2. The completed applications should be returned to the same address whereby Inland Fish Division personnel will review the application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.
3. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a tilapia permit. Department personnel will then recommend to the Administrator if the applicant's request should be approved or disapproved.
4. The Secretary will notify the applicant, in writing, as to whether or not the permit has been granted and if not, why. In the event of disapproval, applicants may re-apply after correcting specified deficiencies noted in the Secretary's letter of denial.

Individuals or organizations wishing to import or buy processed (dead) tilapia for the sole purpose of retail sales must first obtain written permission from the Secretary. Requests should be addressed as in one above. Please include your name, phone number, intentions, and wholesale-retail dealers license number.

#### RULES ON TRANSPORT OF LIVE TILAPIA

1. For each occurrence when the permittee wishes to import, export, transport, possess, transfer, or sell tilapia, the

permittee must obtain, in writing, approval from the department. In addition, if live tilapia are transported into or within the State of Louisiana, anyone taking possession of these live tilapia must also have a tilapia permit. Live tilapia showing signs of diseases shall not be transported into or within the State of Louisiana. Procedures and necessary information for obtaining approval are:

- a. Requests shall be made to: Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.
  - b. Request shall include:
    - (1) Louisiana tilapia permit number, or a copy of the permit.
    - (2) Route of transport.
    - (3) Date of transport.
    - (4) Time(s) of transport.
    - (5) Destination.
    - (6) Owner of transport vehicle.
    - (7) Electrophoretic certification which must identify stocks) to species.
    - (8) Total number of each species.
    - (9) Identification of seller and buyer.
2. A bill of lading must accompany those individuals in possession of live tilapia during import, export, transport, transfer or sale and shall include:
- a. Copy of the permittee's written approval as described in one above.
  - b. Date and approximate time of shipment.
  - c. Route of shipment.
  - d. Source of tilapia (culture facility).
  - e. Name, address and phone number of seller.
  - f. Name, address and phone number of buyer.
  - g. Identification and certification as to species.

- h. Total number of each species.
- i. Destination.
- j. Letter from source stating that tilapia are not showing signs of diseases.
- k. Display the work "TILAPIA" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than six inches high.

#### RULES FOR SECURITY OF TILAPIA CULTURE FACILITY

1. Applicant must demonstrate to the satisfaction of department officials that adequate security measures are in place at the culture facility that will guard against vandalism and theft of tilapia.
2. Any changes or modification of a permitted security system must first have the approval of department officials.
3. The department will have just cause to revoke a tilapia permit for lapses in security if: 1) the permittee is found to be in non-compliance with numbers one and two above; 2) the permittee is determined to be derelict in maintaining the security measures that were approved for the permit; 3) failure to take appropriate measures when vandalism, theft, or accidental release of fish occurs.
4. It shall be the responsibility of the permittee to immediately notify the Secretary of any tilapia that leave the facility for any reason, including but not limited to accidental releases, theft, etc.
5. It shall be the responsibility of the permittee to have at least one individual who is familiar with the culture system readily available for emergencies, inspections, etc.

#### RULES OF TILAPIA CULTURE SITE

1. A legal description of the tilapia culture facility site that shows ownership must be submitted along with the permit request.
2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system, and fish. Additionally, department officials may request other officials to accompany

them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

3. All aspects of the tilapia culture facility must be at least one foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at permittee's expense.

#### RULES FOR THE TILAPIA CULTURE SYSTEM

1. Applicant must provide a detailed narrative description, including scale drawings, of the tilapia culture system.
2. The tilapia culture system shall be a closed system designed such that tilapia eggs, larvae, juveniles or adults cannot escape.
3. All water utilized in the culture of tilapia shall be accounted for and shall not leave the permittee's property.
4. All aspects of tilapia culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

#### RULES FOR THE PROCESSING OF TILAPIA

1. All processing of tilapia shall only occur at a department approved permitted processing facility, and in such a manner that will prevent escapement of eggs, larvae, juveniles and/or adults.
2. Records shall be kept of all processed tilapia and include the following information:
  - a. Species.
  - b. Processed pounds.
  - c. Date processed.
  - d. Name of processor.
  - e. Buyer of processed fish.

A copy of this information shall be sent to the department's Baton Rouge office at the end of each year, or at anytime upon the request of department officials.

### GENERAL RULES FOR TILAPIA

1. The cost of a Tilapia Permit shall be \$50, plus the actual cost of the on-site inspection. Qualified universities conducting research approved by the department shall be exempt from the fee charge.
2. In order for the permit to be valid, a Fish Farming License from the department is required.
3. Permits are valid for 12 months.
4. Permits are not transferable from person to person, or property to property.
5. Live tilapia, fish or eggs, may be sold only to a holder of a valid tilapia permit.
6. No person may release live tilapia, fish or eggs, into the waters of Louisiana (whether public or private) without the written approval of the Secretary.
7. Permittee must agree to collect and provide an adequate number of tilapia to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.
8. Only those persons or organizations with valid tilapia permits may propagate, culture or possess the following species and/or hybrids produced from their crosses.

Tilapia aurea

Tilapia nilotica

Tilapia mossambica

Tilapia hornorum

9. The permittee shall be required to submit an annual report to the Secretary on a form provided by the department.
10. The department may employ whatever means it deems necessary to prevent the release or escapement of tilapia or their eggs into the environment. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during corrective actions.
11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill or recapture fish. The permittee shall agree to reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the Secretary that the permittee will fulfill

their financial obligation, the permittee shall post a \$25,000 bond.

12. If a permittee terminates tilapia production, the permittee shall notify the Secretary immediately and dispose of the tilapia according to methods approved by the department.
13. In addition to all other legal remedies, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All tilapia shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.
14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the Secretary requesting a hearing to review the alleged violation(s) within five days.

*waive*

Mr. Don Puckett reported to the Commission on the **Shell Dredging Bid Package** at Thursday's meeting. Mr. Puckett advised the Commissioners that they have before them a package consisting of a proposed resolution for the Commission, a time table which sets out the shell dredging procedures, an addendum to the notice of procedure, amendments to the lease in the bid package and the bid package which contains special instructions, notice of publication, bid form, bid bond and a proposed lease. At yesterday's meeting of the Minerals Committee the bid package along with the amendments to the bid package and the addendum to the notice of publication were all adopted by the Minerals Committee. The only change to this package which has arisen since the meeting of the committee would be a one day change, which Mr. Puckett advised he was going to personally recommend, on the date for accepting bids and would be changing it from June 30th to July 1. June 30th was a Sunday and Mr. Puckett recommends to the full Commission that this date be changed to July 1 which is a Monday. Mr. Puckett briefly went through the amendments that were approved yesterday by the Minerals Committee. These were: To require the winning bidder to report the posted barge price, any changes in the posted barge price and any sales that occur from the barge. The bid that would be submitted would be basically two part and would not only consist of a fractional bid but would also state a minimum selling price from the barge. The department's minimum selling price is \$7.50 and can only go up from that. The minimum bid altogether would be one eighth of \$7.50. Another requirement that would give the Commission the authority to ~~weigh~~ all or part of the bid bond of a boni fide or good faith bidder who has attempted to secure certain permits from other agencies, Corps, DNR, DEQ, and has been unable to do so as a fundamental requirement of this would be that the bidder had attempted to secure all those permits that he knew or should have known he should have received. In other words a bidder would not have the luxury of simply ignoring one of the permits and then claiming the benefit of this provision. A

technical amendment stating that the Commission would authorize legal counsel and staff to make minor modification to the lease form and the bid package contingent upon prior notification to the Chairman. Another technical change that was added as a result of Act 282 is that the Commissioner of Administration after this is executed would be a signatory on the lease document. Mr. Puckett commented that the resolution the Commission has before them would encompass this entire package and passage of the resolution as worded would put this process in motion. Mr. Puckett asked if the Commissioner had any questions. Chairman Jenkins asked Mr. Puckett to read the resolution for the record. Mr. Puckett concurred.

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

LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
MARCH 7, 1991  
RESOLUTION

WHEREAS, The recommendations of the Mineral Committee, Counsel and staff have been considered,

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the recommendations of the Minerals Committee with regard to the lease form and bid package with the amendments approved by the Minerals Committee, and specifically adopts one tract which is described in the lease document and indicated by Department plats.

BE IT FURTHER RESOLVED, that the Commission does hereby adopt and approve the guaranteed annual minimum royalty, performance bond and bid bond amounts as set out in the proposed lease and bid documents.

BE IT FURTHER RESOLVED, that this Commission does hereby set July 1 as the last date for accepting bids for the lease tract.

BE IT FURTHER RESOLVED, that this Commission does hereby instruct the Secretary and staff to carry out all necessary acts for the soliciting of bids and execution of the lease including, but not limited to: 1) submission of the lease form to the Mineral Board, 2) submission of a Notice of Publication to State Lands for advertisement, and 3) submission of the Notice of Publication to the three known dredging companies, the Wall Street Journal, The Journal of Commerce, The Dodge Report.

BE IT FURTHER RESOLVED, that legal counsel and staff are hereby

authorized to make minor modifications to the lease document and bid package contingent upon notification to the Chairman.

I HEREBY CERTIFY, that the above and foregoing resolution was duly passed by the Louisiana Wildlife and Fisheries Commission on the 7th day of March, 1991.

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James H. Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

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March 7, 1991  
Date

Chairman Jenkins called for a motion on the resolution. Mr. Pol stated that on behalf of the Minerals Committee he would like to recommend that the Chairman and the Commission accept the resolution. The motion was seconded by Mr. Schneider. Chairman Jenkins called for questions from the Commission. Mr. Foret asked if this was the Cote Blanche area. Mr. Puckett advised yes it was, and proceeded to put some maps up showing the area and explained the boundaries. Mr. Foret asked if these reefs were above water at certain times of the year. Mr. Puckett advised that any reef that is above the mud line will be excluded. Mr. Foret advised that he feels like they have exposed to many reefs in that area already, it was the best hurricane protection they have ever had and it did stop a lot of erosion. He would not have any objection if it was a bottom reef. Mr. Puckett pointed out other restricted areas on the map. Chairman Jenkins asked if anyone else on the Commission had any comments. There being none he asked for comments from the public.

Mr. Donald Lirette, President of the Terrebonne Fishermen's Organization, addressed the Commission. Mr. Lirette advised that his organization sent a letter to the Corps of Engineers pertaining to a permit that the shell dredgers had requested in this particular area. The Terrebonne Fishermen's Organization opposes shell dredging in this area. Mr. Lirette met with Mr. Pelmore from the shell dredging company who has a lease in the Cote Blanche area. Several points were made when they opposed the permit to dredge shell on the east side of the Atchafalaya River and the biggest concern was that this is the only active Delta building that is occurring in the State of Louisiana. The Atchafalaya Delta is being built on outside of the reefs and if any shell dredging activity takes place in this area it is going to take place under the silt that is being deposited by the Atchafalaya River. If the shells are taken out from under the silt those barrier reefs

are going to cave in under the silt. The shell dredgers have been after those barrier reefs for years and by law and court order right now they are prohibited from taking those reefs advised Mr. Lirette. If a big enough hole is dug on the outside of those reefs they will cave in and the shell dredgers will get those reefs commented Mr. Lirette. The fishermen that fish in the area use those barrier reefs not only for protection for their boats at night from the heavy seas but they also use these reefs to fish around. It is a habitat for the fisheries and the fishermen do not want them destroyed concluded Mr. Lirette.

Chairman Jenkins asked if there were any other questions. Mr. Jones asked Mr. Puckett for an update on the mitigation shell. Mr. Puckett advised that discussions have taken place both in person, telephone and letter between this department and Dravo. A letter has going out from Dravo concerning the department's designated areas which begin with Queen Bess Island and the pelican habitat, some five fishing reefs, and some mitigation of Marsh Island. At this point Mr. Puckett advised that he was awaiting a response from Dravo on the letter. There has been some movement towards a resolution but cannot speak with certainty that it will be resolved. Chairman Jenkins asked if there were any other questions. There being none Chairman Jenkins called for a vote on the motion. The motion passed six for and one against. Mr. Foret opposed the motion.

Chairman Jenkins adjourned the meeting until 1:30 p.m. Chairman Jenkins reconvened the Thursday, March 7, 1991, Commission meeting.

**An Update on the New Orleans Buildings** was given by Ms. Bettisie Baker at Thursday's meeting. Ms. Baker reported that the property in New Orleans was not sold. The property went up in July for sale at auction but did not sale. There were some problems with asbestos in the building and the department worked with Facility Planning to have the asbestos removed. Once this was out of the way a time and place was reestablished for re-advertising and re-sale of the building. It went up for sale on February 14, 1991, but did not sale commented Ms. Baker. Ms. Baker advised that she has talked with people at the State Land Office and they have made a couple of recommendations. 1) Change some of the financing terms of the sale. Some of the interested buyers had some problems from this perspective. 2) Reduce the minimum bid price. Approval from the Commission will be needed. Ms. Baker has spoken with Mr. Carl Morgan from the State Land Office and the lowest appraised value for the Chartres Street property was \$600,000. In conformity with the public bid law the department can go as low as ninety percent of appraised value advised Ms. Baker. The minimum bid can be reduced from \$570,000 to \$540,000. Ms. Baker stated that she was looking for guidance from the Commission on whether or not they think this would be a wise move to take and also rather than going with an auction through the Sheriff's Office sale the property through sealed bid through the State Land Office.

*whether ~~they~~ we should*

Chairman Jenkins asked Ms. Baker if she got any comments from anybody on why they did not bid, was it because of the minimum price, etc. Ms. Baker answered there was only one person that showed up at the auction who was interested in bidding on the building and he could not get his financing together in the time frame that was established. Ms. Baker believes that financing for many people was an issue. Ms. Baker informed the Commissioners that she has not personally spoken to any of the bidders but Mr. Bernell Boudreaux of the State Land Office had and it was his opinion that the terms ten percent at auction day, balance to be paid in fifteen days was a little bit stringent. Mr. Boudreaux recommended potentially that the department extend this in conformity with other types of sales that are not conducted by state entities, giving them thirty or forty five days to come up with the balance. Ms. Baker deferred to the Commission to determine whether they thought this was an appropriate course of action. Ms. Baker stated that she thinks the war had something to do with bidding on the property as it was a time of uncertainty economically etc. Now that things have turned the corner with the Iraq situation it may make a difference and Ms. Baker thinks just a little more sense of stability and expectations may help.

Chairman Jenkins advised that all the purchase agreements and contracts that he is familiar with none of them ever require you to complete the sale in less than thirty days, sometimes forty five. If this would help any, Chairman Jenkins stated that he does not see anything wrong with doing it and since the department did not receive any bids he would see anything wrong with lowering the minimum price a little bit unless somebody thinks differently. There being no objection Chairman Jenkins advised Ms. Baker to go ahead and do this. Ms. Baker stated she will work with the State Land Office. The department will have to go through the re-advertising process and it will be six to eight weeks before everything will be ready. Chairman Jenkins asked if the last sale was sealed bid. Ms. Baker advised it was at auction through the Sheriff's Office in New Orleans and thinks there is a bit of reluctance on the part of many buyers to buy at auction and there is generally a preference for the sealed bid process. Maybe by changing tactics and lowering the initial price the department may have a little more luck at selling the property.

Ms. Baker advised that as a second point there is a piece of property that has been located to relocate the New Orleans office staff. There is no purchase agreement and at this time Ms. Baker asked for permission from the Commission to move forward with the acquisition of the property so that negotiations can start with the owners. Hopefully by the end of this fiscal year the people will move out of 400 Royal Street concluded Ms. Baker. There being no objection from the Commission Chairman Jenkins advised Ms. Baker to go ahead.

The **Monthly Enforcement Report for January** was given at Thursday's meeting by Lt. Colonel Charlie Clark. Lt. Colonel Clark advised that Colonel Vidrine was out today and he was going to give the report to the Commission. The following number of cases were made.

Region I, Minden - 96 (95 Enforcement, 1 Other)  
Region II, Monroe - 89 (All Enforcement)  
Region III, Alexandria - 130 (128 Enforcement, 2 Other)  
Region IV, Ferriday - 51 (43 Enforcement, 8 Other)  
Region V, Lake Charles - 164 (155 Enforcement, 9 Other)  
Region VI, Opelousas - 123 (All Enforcement)  
Region VII, Baton Rouge - 193 (All Enforcement)  
Region VIII, New Orleans - 241 (212 Enforcement , 29 Other)  
Region IX, Gray - 376 (375 Enforcement, 1 Other)

The Oyster Task Force made 118 cases. The task force also writes up other types of violations and this month they wrote up some hunting cases advised Lt. Colonel Clark.

SWEP, the Delta Tide and Rip Tide had a total of 223 hours during the month of February. They checked 62 boats and 12 cases were made. Two weeks were spent in the Gulf with the opening of the Gulf waters for shrimping checking size and this was the reason for the low number of cases made advised Lt. Colonel Clark. is

There was a grand total of 1,593 cases for the month of February concluded Lt. Colonel Clark.

Mr. McCall asked about the shrimp cases and if they were undersized. Lt. Colonel Clark advised that Region V made four undersized shrimp cases. Three of these cases being on boats and one being dockside.

Chairman Jenkins asked what was an Australian Crawfish. Lt. Colonel Clark answered that he was told it was a freshwater crawfish that grows up to three pounds and very blue. Dr. Clark advised that not to many years ago our crawfish were taken to Europe and they carried a fungus that decimated the crawfish fishery in Europe. Louisiana is trying to keep the same thing from potentially happening to its crawfish industry. The crawfish in question is supposedly an Australian Crawfish. We have been able to identify it down to the genus level through the experts at LSU and they are saying it is a southern hemisphere crawfish which is as close as they will get advised Dr. Clark. This is exotic enough for Louisiana to worry about and really do not know if it has a disease. The department does not want to take the risk and have the same thing happen to our crawfish industry that happened in Europe. Chairman Jenkins asked if these people were importing them. Dr. Clark answered yes without permits, etc. and it is illegal. Mr. Jones asked where was this happening. Dr. Clark answered all over the state. Mr. Jones asked who was doing this. Dr. Clark answered the companies that sell aquarium fish are

carrying this crawfish. The department found out from the wife of a D.A. who bought one and happens to be a news media person. She called and brought it to the department's attention. Dr. Clark stated that he believes that there is one wholesaler who has been importing the crawfish and shipping it all over the state and the department thinks they have a handle on it. Mr. Jones asked if the department knew who this was. Dr. Clark advised yes. Mr. McCall asked how many has he imported. Dr. Clark asked Enforcement to address this. Lt. Colonel Clark answered that there is one distributor that put the crawfish on the market. The department has since gone back to him and has gotten all the records. The distributor is working with the department and the bulk has been returned. Unfortunately what happens is that the people who were selling them in the stores don't keep records of who buys them. There was publicity on this (t.v., paper) and the department is pretty confident that no more will get out. Mr. McCall asked if there was an estimate of how many of them were out there. Lt. Colonel Clark advised in the neighborhood of about one hundred and fifty and the department has recovered in the neighborhood of one hundred and twenty five. This has not only happened in New Orleans but it has also happened in Minden stated Lt. Colonel Clark.

Mr. Schneider commended the Oyster Strike Force and advised that Louisiana was getting some national publicity on their efforts. There was a featured article that was printed in the National Fisherman Magazine recently which speaks very highly of the Oyster Strike Force's efforts advised Mr. Schneider. Lt. Colonel stated that they appreciated the comments and that Major Inspector Candies should get the bulk of this because he heads up that section and does a good job.

Mr. McCall asked what was Blue Australian Lobster. Lt. Colonel Clark advised that it was the same thing.

A discussion was held at Thursday's meeting on the **Opening of the Remaining Offshore Territorial Waters to Shrimping**. Chairman Jenkins asked if anyone from the audience would like to speak on this.

Mr. Donald Lirette, President of the Terrebonne Fisherman's Organization and member of the Governor's Shrimp Task Force, addressed the Commission on the possibility of opening the beach off of Zone 2 in the area that was kept closed at the last Commission meeting. Mr. Lirette pointed out that he had a copy of a ticket for a vessel arrested for shrimping in the closed area off of Zone 2 and the smallest shrimp the man had on board was a 70/80 white shrimp. He also had three thousand pounds of seabobs but he was pulling a small mesh net in that area and was caught for violating the three mile zone in a closed area. Shrimping for seabob and winding up with 70/80 white shrimp conflicts with Wildlife and Fisheries data. Mr. Lirette thanked Mr. Pol for voting with the recommendation of the Governor's Shrimp Task Force

at a previous meeting. Speaking as a member of the task force and not for the task force Mr. Lirette stated that the beach opening was discussed at length. It was discussed how the beach openings and closings had originated. It originated when three people went to Senator Chabert's house one day and wanted to try something as an experiment. One of these persons now seats on the task force and that is Mr. Fox Cheramie. They wanted to try an experiment to see if they could help the shrimp grow to a larger size. At the Shrimp Task Force meeting it was concluded that because of enforcement problems the shrimp were not growing to a larger size and the only people who were benefiting from a closure were those who went out and outlawed. The honest fisherman stayed home and worked on his boat because it was not economically feasible for him to go out. Most of the shrimpers in Zone 2 feel that if methods of sampling shrimp were changed it would give a comparison of what is in the water and what could be harvested in the water. There is no scientific data that tells what happens to a shrimp after it passes through mesh, there is only supposition and we cannot open and close zones without fact stated Mr. Lirette. The fishermen who have sampled in this area and using the commercial gear that they use to make their living with are coming up with a different size shrimp than what Wildlife and Fisheries says is on the bottom. Mr. Lirette stated that he had made an observation today by reading the minutes of the last Commission meeting and we are getting two different opinions of some of the people on the Wildlife and Fisheries staff who come to the Shrimp Task Force meeting and try and promote mesh sizes and then they come to the Commission and give a different opinion. Mr. Lirette stated that the task force adopted going to a larger mesh size as a recommendation for the Legislature to help the white shrimp grow out to a larger size allowing more escapement and at the last Commission he believes someone contradicted that. The task force did not knuckle under political pressure to recommend that the beach be opened statewide and realize that keeping the beach closed was not a success but a failure. It was a failure mainly on the part of not enforcing a count law. The task force was trying to find other alternatives that could be enforceable. Mesh sizes was one of them, allow a harvest or whatever is captured in the mesh size, and forget the count law if it cannot be enforced. We are looking for options that can be used to try and bring the white shrimp to a harvestable size commented Mr. Lirette. Mr. Lirette stated that they would like to see the area off of Zone 2, which is presently closed, opened and abandon the three mile closure. Traditionally, Mr. Lirette has learned from fishing that before there was the three mile closing there were more white shrimp at the beginning of the May season in inside waters. Mr. Lirette feels that the effort that is expended in the three mile closure more shrimp are caught in that one or two day period than if it just remained opened. More shrimp were escaping to the inside waters, to sanctuaries, before the three mile closure. The fishermen know where the shrimp are concentrated and if you give them an opening they will harvest it in two days advised Mr. Lirette. If the season is left open all

winter they don't bother going out, they stay in and work on their boats and not as many fishermen went out in the winter time as what is going out now commented Mr. Lirette and this is the justification for abandoning it. Mr. Lirette stated that he thinks there was a consensus of the task force that the experiment of a three mile closure is a failure. Concluding, Mr. Lirette stated that he thinks that the fishermen that are attending the meeting today would all agree that the Shrimp Task Force is trying to develop a Shrimp Management Plan where everybody can make more dollars and get the maximum use out of the resource, this is their goal. Beach closing was tried at the first meeting of the task force and it was recommended that it stay closed until the opening of the May season. The Commission saw to it to open it early. Hopefully this year with the help of LSU and the department there will be steps taken in developing a Shrimp Management Plan that the State of Louisiana can adopt and try to help the resource get the most dollar for what mother nature has given us stated Mr. Lirette.

Mr. Foret asked Mr. Lirette if he had any specific date as to when they would like the area opened. Mr. Lirette stated as soon as possible but if not he would like for the recommended date by Wildlife and Fisheries of March 18th be considered. Mr. Foret asked Dr. Clark if he would like to make a comment on this date. Dr. Clark advised that the biologists got together and talked about the times that they would like to open the season and that he was not with them that day and deferred to Mr. Phil Bowman. Mr. Bowman commented that in some of the earlier staff discussions they went through a scenario and talked to the staff of district biologists along the coast and asked them when, based on their knowledge and experience in the area and historical data that was available, they thought various areas of the coast offshore might would open under a "normal" circumstance. The areas around Grand Isle and off of Cameron they felt like the middle of March time frame would probably be the time that those areas would probably open. However, in the areas that are currently closed today, which is heavily influenced by the Atchafalaya River, the shrimp normally run a little bit smaller there during the March time frame than they do of off Grand Isle or Cameron and the date went into about the first or second week of April. This is what the staff of district biologists from that area told Mr. Bowman when he met with them six weeks ago. This is just based on historical data and very recent data has been collected from this area this week advised Mr. Bowman. Mr. Bowman asked the Commissioners if they wanted him to go into this data. Chairman Jenkins asked Mr. Foret. Mr. Foret stated that it was up to the fishermen and ask Mr. Lirette if he had anything to say on this.

Mr. Lirette stated that they were made aware, today, that between the area off of Zone 3 which is now open, between the area of the beach and one mile out that the shrimp there average 120 to the pound but no one is harvesting those shrimp. Boats are working a mile off the beach and the commercial fishermen are respecting the

small shrimp and they are harvesting shrimp that are more profitable a mile off of the beach. In Zone 2 where the man was caught and ticketed, he was a little over two miles off the beach, was harvesting 70/80, 40/50 and 36/40 pointed out Mr. Lirette. This was February 8. Mr. Lirette said that if a man is going to outlaw he is going to outlaw whether it is opened or not. The honest hard working fishermen wants to go out there and make a living and they are not going to try and destroy the resources. Enforcement of the 100 count law last year came from the Shrimp Take Force and came from him pointed out Mr. Lirette. Because of a technically the whole thing came tumbling down and now mesh sizes are being looked at. Mr. Lirette feels that if they had a mandatory inch and a half mesh size they would not have the problems. Mr. Foret stated that he agrees with Mr. Lirette one hundred percent and asked Mr. Lirette if his organization would go along with what Mr. Bowman presented, would April 1st be to late? Mr. Lirette stated that he felt it was not fair for their area because there is harvestable shrimp. The same thing that is off of Zone 2 is happening off of Zone 3 and the fishermen are only harvesting the shrimp they can market and get a good price for. Mr. Foret asked Mr. Lirette if what he see right now is that it would be suitable to open the season as soon as possible. Mr. Lirette answered that is right, the shrimp are there and are marketable size and the fishermen should be allowed to go to work.

Chairman Jenkins asked if anyone else had any comments. Mr. Perry Martin, commercial fisherman addressed the Commission. Mr. Martin stated that he just had a few questions to ask. He would like to know what stops the shrimp from leaving the beaches. After a norther you are going to go six, eight miles out and still catch 120/130 to the pound shrimp. The thing is that the weather controls the shrimp, not the people. If a norther comes in the shrimp are moving out no matter what count they are. Mr. Martin would like someone to explain to him how to keep the shrimp inside of the three miles. The big boats can work while the small boats have to shut down and they cannot compete against the seventy footers that are working right along the three mile. The bigger boats are guarding that side and whatever goes out will not be coming back in and whatever comes in will not be going back out because they will catch it before it gets to the beach. Mr. Martin asked where are the shrimp coming from, the inside or the outside. The smaller boats are the ones that are hurting. They cannot work six miles out and take the rough seas. Before, the fishermen use to make a living with small boats and everybody was staggering themselves to where they were not all out at one time to destroy the whole crop in one or two days. What keeps the weather from pushing the shrimp out or back in. A south wind will bring them in and a north wind will bring them out. Mr. Martin stated that he cannot understand what the purpose of the three mile law is. Mr. Martin stated that he would like to see the three mile line abolished.

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Chairman Jenkins asked if there were any more comments. There being none he asked what was the pleasure of the Commission. Mr. Foret made a motion that the Commission open whatever is left that is not opened of the three mile limit, not immediately but within the next couple of weeks if possible. Chairman Jenkins called for a second to Mr. Foret's motion. The motion died for a lack of a second.

Acting Secretary McInnis gave the **Secretary's Report** to the Commission at Thursday's meeting. Acting Secretary McInnis reported that the department has been very active since the last meeting in all facets and brought the Commission up to date.

The Fish Hatchery Program was set into motion last year with some of the bond money set aside for its development. About a week or so ago the department staff, Arthur Williams and others, met to review some of the people that were bidding on the rights to build the hatchery. The professional engineering consultant in conjunction with KCM of Seattle, Washington, was the successful applicant. It is Acting Secretary's McInnis understanding that KCM probably is the best known top of the line hatchery construction company in the world. The department is very pleased and excited that this group was the successful applicant. The contract has already been received and signed. They will be working with the department very shortly in reviewing the sites that have been identified for consideration. Once the site is chosen the department will try to move forward to begin the construction of the facility.

The permit was received from the Corps of Engineers for the construction of the shell pads. The permit was received by the department last week and all that is needed is the shell at this point. Acting Secretary McInnis stated that he was going to let Chairman Jenkins review the permit.

The Fisheries Division has been quite busy with the bass plan, reciprocal agreement, grass carp and tilapia. The red drum and spotted sea trout plans have been sent to the technical committee of the Finfish Advisory group for the peer review that is necessary before the department can go forward with it. By the time the Commission meets again this will be available for their review and public consumption. Members of the Fisheries Division, Research Division, have been working closely with Acting Secretary McInnis on the Oil Spill Task Force. The departments of DEQ, DNR, Emergency Preparedness, Wildlife and Fisheries, etc. are working together to come up with a bill for the Legislature to consider for putting an oil spill plan into place. This is predominately for major spills but will overlook all spills.

The Game Division has been very busy working on the hunting regulations and along with that they have considered a number of other things. The department hosted last week the Southeast Deer

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Advisory Group. There were about three hundred persons participating in this meeting. Mr. Hugh Bateman, Mr. Danny Timmer, Turkey Study Leader, and Acting Secretary McInnis attended the technique meetings of the National Turkey Federation. People from all over the United States gathered in Little Rock, Arkansas, for this meeting. Commissioner Jones attended the banquet, etc. The meeting was a success and it was announced that only Alaska at this point does not have turkeys sufficient enough to have a spring turkey season. There is a meeting of the Turkey Federation tonight at the Sheraton in Baton Rouge announced Acting Secretary McInnis. The state meeting this year will take place in St. Joseph, Louisiana, advised Acting Secretary McInnis. Those who are interested are encouraged to participate.

There will be a meeting of the 2003 Refuge Review Committee in the Louisiana Room next Wednesday night. The Fish and Wildlife Service will attend and the meeting is being held to gather input on utilization of the refuge facilities around the United States. Anyone who is interested is encouraged to participate.

*and*  
Over the weekend there were some distinguished visitors to the State of Louisiana in the form of Secretary Lujan, Department of the Interior. Secretary Lujan was in New Orleans for a briefing and met with Dr. Clark, Acting Secretary McInnis and other members of the Fish and Wildlife staff. Secretary Lujan had the opportunity to see some of the state's wetlands and get a better appreciation of why money is needed for protection. Senator Chaffey, Chairman of the committee that oversees the Corps of Engineers was in the state for a briefing and the department briefed him on some of the wetlands. The weather did not permit him to visit the wetlands but the briefing was appreciated advised Acting Secretary McInnis.

*and*  
This coming Monday there will be a meeting in New Orleans with the Louisiana Land Exploration Corporation. The department recently entered into continuation of the Pointe-au-Chien free lease of six hundred acres with LL&E and formal exchanges will take place Monday. Also, in conjunction with this, along with the Heritage Program, there has been a registry of a number of eagle nests and other important properties. There are twelve thousand three hundred fifty eight acres of Louisiana Land and Exploration holdings in Terrebonne, Lafourche, and St. Charles parishes that are in the natural areas registry and will be finalized on Monday as well pointed Acting Secretary McInnis.

The Fur and Refuge Division finished working with Texaco, Fish and Wildlife Service, DEQ, etc. on the Lake Salvador oil spill. This turned out to be a fifty barrel spill and there was some one thousand and fifty waterfowl that were killed as a result of the spill including some one thousand coots and approximately fifty ducks. This happened about February 4th and the cleanup was completed by the 17th. The damages for this spill are being assess<sup>ed</sup>

in conjunction with Wildlife and Fisheries, DEQ and the Fish and Wildlife Service. The department will keep the Commissioners informed as to how this goes.

The Heritage Section completed the bald eagle nest survey. Louisiana has some fifty active nests at this time. The statewide survey of the Piping Plover which is an endangered shorebird and there were some seven hundred and fifty birds located which per mile of available habitat is the largest winter concentration of any state in the United States. A conservation easement was finalized between International Paper and the Louisiana Nature Conservancy on a four hundred forty acre tract in Caldwell Parish.

The Habitat Section is extremely busy also and has reviewed a number of public notices and requests. Meetings were attended dealing with Federal Aid to scenic rivers. There are hundreds of permit applications that comes through each month and the staff of this section stay very busy working on those advised Acting Secretary McInnis.

A subject that was requested that the department give some attention to at this meeting is the discussion of the status of the Louisiana black bear advised Acting Secretary McInnis and brought the Commission up to date on this issue. Last year the listing for threatened status with Fish and Wildlife Service had a public hearing in Louisiana and the process is still being formalized. It has gone from Baton Rouge to the Vicksburg office, Vicksburg to the Atlanta office, and Atlanta to the Washington office. Exactly where it is now Acting Secretary McInnis advised that he did not know but that there will be a response back from the Fish and Wildlife by June. The Black Bear Conservation Committee was established prior to the time the public hearing took place. This group is a real conservation orientated organization and is about as diverse group of people that could be put together to work on a single project. Groups represented are the American Forest Resource Alliance, Anderson-Tully Company, Bangle and Crawford, Inc., Delta Environmental Land Trust and Association, Wildlife Technical Services, International Paper Company, James River Corporation, Louisiana Cooperative Fish and Wildlife Research Unit from LSU, Department of Wildlife and Fisheries, Louisiana Farm Bureau, Louisiana Forestry Association, The Nature Conservancy, The Office of Forestry, Louisiana Tech University, Louisiana Wildlife Federation, Mississippi Delta Council, Mississippi Forestry Association, Mississippi Forestry Commission, Mississippi Nature Conservancy, Mississippi State University, Mississippi Department of Wildlife, Fisheries and Parks, The National Coalition for Air and Stream Improvement, The Sierra Club, Temple Island Corporation out of Texas, Texas Department of Wildlife and Fisheries, University of Tennessee, U.S. Forest Service, Kisatchie National Forest, U.S. Forest Service Southern Hardwoods Lab, U.S. Soil Conservation Service and Willimette Industries. This group has <sup>was</sup> formed not only to discuss ~~land~~ habitat but education and

information as well. There are a lot of people working on a regular basis to go forward and this is very similar to a recovery term that would be put together should the Fish and Wildlife Service come back with a formal listing of the bear in June advised Acting Secretary McInnis. Hopefully the information that is being gathered and the steps being taken will be of great benefit, whether or not they come with the listing.

The disposition report program that the department has been working on with the District Attorney's Association was revised to a six month time frame. The first grouping has come in which covers the time period of April 1, 1990 to September 30, 1990. This request was sent out in January and the District Attorney's offices were asked to have the information back to the department by March 1, 1991. There has been a good response. There were some confused District Attorneys who did not know exactly what to do that had not been involved in the program before. Acting Secretary McInnis explained that he has compiled for the Commissioners a history of compliance with the department's requests beginning with the July 1989 request, then October 1989 request, and again the most recent request that was made to September of 1990. They have not all been received but most everybody has either indicated that they will have it to the department shortly or that it has already been received. One particular report that was received, Morehouse and Ouachita, was extremely good. It had all the information that the department could ask for and will probably be used as a sample to send out to other District Attorneys to use as a format advised Acting Secretary McInnis. In the very near future the department will be working with the Computer Section to formalize a better system to account for the information that is being received from the disposition report. It is hoped to be able to present to the Commission and other interested members of the public the information that the department has as far as not only compliance but any types of trends that are ~~developed~~ are found to be in place throughout the state. The District Attorney's Association has been very cooperative with the department in getting this program in order.

Before the next meeting staff personnel and Acting Secretary McInnis will be attending the North American Conference to address some issues such as pro-active strategies. Mr. George Lapointe will be attending the next Commission meeting to discuss this issue.

Acting Secretary McInnis stated that the Governor had been in Mexico this past week trying to develop better relationships between Mexico and the State of Louisiana who historically have a real close relationship. The equivalent of the Secretary of Interior from Mexico has been invited to join Louisiana next week on March 15th in New Orleans in conjunction with a major outdoor trade show. This will give the opportunity to discuss some game management and fishery management plans. Acting Secretary, advised

that they were very excited that someone of that stature will be traveling to Louisiana to meet with them on this and hopes it will be beneficial to both Mexico and Louisiana.

Chairman Jenkins asked Acting Secretary's McInnis when did he think a comprehensive report could be produced from the District Attorney's reports. Acting Secretary McInnis advised that by the next Commission meeting he would have a comprehensive report of everyone who has complied and how they have complied. Acting Secretary McInnis stated that he did not know the extent to which Chairman Jenkins' question refers and did not know exactly what he was looking for in a format. Chairman Jenkins stated "with whatever the appropriate information is that can be produced and used" and would the report be forthcoming in the next couple of months. Acting Secretary McInnis gave an example of a report at this point using Concordia Parish. It shows the total number of cases, total number of guilty pleas, the total number of dismiss, outstanding warrants, how many are pending, and what they have no record of. You can see from this particular time frame there are a number of them that have no record and the reason for this is that if you will recall last session Class 1 violations were transferred from the criminal system to the civil system which are still on the record and a certain percentage of these citations that are Class 1 violations are indicated they did not get sent to the District Attorney which is correct pointed out Acting Secretary McInnis and were handled in-house. This is the type of information that the department will have for each parish. Major Tommy Candies has been working with Mr. Al Brown in the Computer Section to come up with the types of information that will be useful to Enforcement as a result of these reports.

Chairman Jenkins stated that his question was when would the Commission be able to look at a comprehensive report involving as many District Attorney's districts as are going to ~~compile~~. It is going to be semi-annually and this should be ready May 1st advised Acting Secretary McInnis. Mr. Vujnovich asked how St. Bernard Parish was doing in reporting. St. Bernard responded to the first two. They did not initially respond to the first one but when requested the second time they sent both reports in. Today the department has not received the report but contact has been made with the office and the department is expecting to have the report shortly. St. Bernard has responded to each of the previous reports advised Acting Secretary McInnis.

Concluding, Acting Secretary McInnis turned the meeting over to Ms. Bettie Baker to give a presentation on the Budget.

Ms. Baker stated that Chairman Jenkins had requested that Acting Secretary McInnis bring invited guest to discuss some particular topic of interest to the Commission or to the Department of Wildlife and Fisheries. Ms. Baker suggested that Mr. Steve Wynmann, State Budget Director, come and make a presentation which

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he made several weeks ago to the Joint Legislative Committee on the Budget. It is of interest to Wildlife and Fisheries because we have declining revenues stated Ms. Baker and suffer from financial problems like every other agency of state government does. The department has turned to the General Fund of state government to help with some of the problems this year. Ms. Baker stated that as we seek new ~~directors~~ where to go she wanted to present and hopefully dispel some of the myths that may exist as what the condition of the State of Louisiana budget and not just Wildlife and Fisheries budget. Mr. Wynmann was meeting with the Governor today and was not able to get away to make this presentation advised Ms. Baker. Ms. Baker proceeded to give the presentation and explained that the presentation will be both historical in nature to explain how we got where we are as well as future looking so we can look at some of the problem that we have to deal with, particularly relevant to Wildlife and Fisheries because in the fiscal year 91-92 we went to the state budget looking for ten million dollars in General Fund money to make up for the short fall between the department's revenue projects and what it takes at continuation level to operate this department at the level it is being operated today. Ms. Baker gave a slide presentation on the FY 92 Budget.

The State of Louisiana mineral revenues have dropped from approximately 1.6 billion dollars to the current predicted level which is approximately eight hundred and seven million from 1979 to 1991. Dependence on mineral income has declined. From 1982 to 1991 thirty seven percent of the budget was dependent on mineral income and now the dependence on the mineral income has reduced to thirteen percent.

From 1982 through 1988 the General Fund operating balance reflects the difference between expected revenue and revenue that was actually received. Only in one year of the seven year period was there was surplus which was in 1984 when Governor Edwards got a seven hundred million dollar tax increase. These were actual deficits between expected revenue and what actually came in. This created some problems in term of trying to balance the budget. One of the things that have helped was the creation of the Revenue Estimating Committee which was created by Act 814 of the 1987 Legislature and became effective in Governor Roemer's first year. This has subsequently been constitutionally adopted which makes the Revenue Consensus Conference the official forecaster of state revenues. This has been significant in bringing the state's budget picture into control and very important in enhancing the state's bond ratings. Louisiana has gone from a "Junk Bond" rating category to the "A" category. This has helped the department from the land acquisition perspective because the money has come from bonds.

Since the Revenue Estimating Conference has come about there has not been a projected deficit in operating activity. A portion of

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this is due to Mr. Wynmann and his staff at the Budget Office having much better control of the budget picture and how the budget process takes place. There was only year where there was surplus in the budget and since Governor Roemer has been in office every year there has been an operating surplus. For the last three years there has been a balanced budget with a slight surplus.

One of the big changes that has been made was with the disposition of mineral revenues. Before they were allocated in not a particular fashion and now there is a very standard format of where the mineral revenues go. The first five million dollars that comes in goes to the Wetland Fund. The next money that comes in goes to the General Fund, then it is incremented upward depending on how much revenue the state has. Another thing that has been very positive is the creation of the "Rainy" Day Fund, that if mineral revenues are in excess of seven hundred and fifty million all of the surplus money goes into a rainy day fund which is to be set aside for particular types of projects and to help the state budget in years when there may be some of problem or economic adversity. Mineral income this year has been projected less than the seven hundred and fifty million dollars so there will be no contribution to the rainy day fund even though this is the first year that it is going into effect.

Other things that have happened that have contributed to the state's General Fund problem have been dedications of monies that may have already existed. There is a tax on gasoline and prior to recent history the tax was sixteen cents on a gallon of gas and of that approximately 10.4 cents went to transportation. The balance was dissipated through various other agencies in state government and was not dedicated to transportation. With the creation of the Transportation Trust Fund all of the sixteen cents now goes into the fund and is not available for general expenditure throughout the rest of the state budget. This is good for the Transportation Fund but it has its impact in other areas of the state particularly because that 5.6 cents which use to be available to fund general activity of state government is no longer available thus creating a problem. This year it is projected to remove one hundred and twenty two million dollars from that General Fund category.

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The state has a significant unfunded retirement liability. There is approximately a seven billion deficit for state employees. The retirement system is totally unfunded. One of the commitments and obligations that this Administration has made is to address the seven billion dollar problem. One of the things that it is taken away from other sources or other available General Fund money is funding this retirement system. In 1992 the projection is a hundred and thirty seven million dollars going into this which is approximately eighty seven more million than has been contributed in the past.

Another thing that has taken place is pay raises for school teachers. For a long time school teachers did not get regular increases in income. Louisiana teachers were the 49th lowest paid teachers in the whole United States. Governor Roemer has come forward with ~~is~~ the Children First Act where he has put in programs to enhance teacher pay as well as the other side of commitment of having qualified teachers in the school system. This is the Review and Evaluation system and eliminating the permanent tenure for teachers. The Children First Act has not gone without cost and additional cost is being anticipated in 1992 of two hundred and seventy million dollars. At the higher university level there is the same problem. There have been increases in funds projected for the university faculty. This cost is approximately ninety seven million dollars.

When money is short expenditures are deferred on ordinary operating maintenance. As a result eventually you have to pay the piper. It is estimated having to come forward with doing some repairs and maintenance. Fifteen million dollars was originally projected, this number is actually four million in the 1992 budget which is good news but in 1993 it is projected to be twenty million which is bad news.

Since 1988 there have been some significant changes in federal mandates which have severely affected the state's expenditure stream. These have been federal mandates for prisons, changes in mandate of medicaid, medicare expenses, and mandated changes in the social service delivery sector. The state has had to respond to these changes and the cost is projected to be an additional one hundred and ninety one million dollars.

The state is looking at new costs since 1988. They have had the benefits associated with them. For the first time there is real money set aside for the state to improve its roads, bridges, etc. through the Transportation Trust Fund. This is something that the state needed to do and if it was not done the federal money would have been lost for the road construction. Things have been setup to protect the ~~infer~~ structure of the state but there has been a cost associated with it. With retirement systems, teacher pay raises, wetland preservation, transportation trust, etc. the state is looking at eight hundred and fifty seven million dollars projected in expenditures for next fiscal year.

Ms. Baker gave a brief description of continuation level. This is the stand still budget activity. If one additional person or one additional program was not added yet inflation was fractured in which we know is going to be in place, what does it cost to run the state government. The continuation level budget is projected at four billion seven hundred and seventy nine million dollars. Of this a portion is considered in continuation but a portion of the hundred and forty four million is not in continuation level budget.

This does affect Wildlife and Fisheries but from a bigger perspective it affects us in state government just in general and as citizens of the State of Louisiana. If you look at coming up to make a cut, how do you adjust your budget if you have got planned expenditures in excess of revenues. You have to figure out a way to adjust your expenditure level to meet your revenue needs. In state government there are some expenditure that are non-discretionary. Of the state's 4.8 billion dollar budget sixty five percent of it is considered non-discretionary which means there is no control over it and those expenditures have to be incurred. The balance, thirty five percent, is considered discretionary. Wildlife and Fisheries is one of those agencies and programs that is totally discretionary. Nobody mandates the department to do what they do and have lived quite comfortably with the fishermen and hunters supporting the activities of Wildlife and Fisheries. Ms. Baker pointed out what comprises the non-discretionary expenses. Eighty million to the Legislature and Judiciary; twenty one million in general debts service; sixty nine million in contracts; thirty four million in unavoidable obligations; 2.2 billion dollars for constitutional; four hundred and forty two million are federal mandates; and two hundred and eighty nine million are living up to consent decrees. The non-discretionary programs cannot take a budget cut so you have to go to the discretionary programs. The discretionary portion is where the department finds itself. When you look at the rundown and trying to decided how cuts are to be made it is a very difficult issue and you are dealing with public policy issues stated Ms. Baker.

Ms. Baker commented that many people perceive that there is a surplus and in fact year to year there has been operating surpluses. The undesignated fund balance as it is called is what Ms. Baker calls your checkbook carry forward balance. Last year this amounted to seven hundred and two million dollars but three hundred and fifty million was used for on-going requirements even though it came from a one year surplus. In this new year to come as a part of continuation, in addition to the add-on, the three hundred and fifty million dollars will have to be funded that was obligated last year plus the inflation factor associated with financing that activity. This would have left a surplus of three hundred and fifty two million, with net off supplemental expenditure needs of sixty two millions with a balance of two hundred and ninety million. If in this fiscal year we are looking at enhance revenue collections of a hundred million this gives us a carry forward balance of three hundred and ninety million and reversions which are expenditure that are allowed in the budget but do not get spent and goes back to the General Fund you can project an ending balance at the end of this fiscal year of four hundred and forty million dollars advised Ms. Baker. In the next year to come we know that three hundred and fifty million is already obligated to come out of the four hundred and forty million so moving into fiscal year 1992 there is not a lot of carry forward balance.

Going over 1990-91 and 1991-92 expenditures, revenues and carry forward balance Ms. Baker advised that the state is looking at a net short fall of nine hundred and eleven million dollars. Ms. Baker pointed out that the 3.8 billion dollar projected revenue is excluding the three cents sale tax. For executive budget purposes the Fiscal Office is not allowed to include this income in the revenue picture because it is not currently a part of the budget. It is anticipated that in the coming fiscal year the three cents sale tax will be renewed and so the benefits from that is a possible solution and would help out by turning the nine hundred and eleven million problem into a six hundred and one million dollar problem. If we go forward and then use a portion of the four hundred and forty million ending balance then there would be a two hundred and fifty one million dollar short fall for this coming fiscal year.

Wildlife and Fisheries submitted a portion of this continuation level budget (4.8 billion) approximately a thirty nine million dollar budget. Of the thirty nine million dollar budget a request was made for ten million dollars in General Fund. Without the renewal of the sales tax the department cannot project any General Fund income into next year's budget thus the budget that the Joint Legislative Committee on the Budget will see for Wildlife and Fisheries is a twenty nine million dollar budget. It is net of General Fund income to the department and a twenty five percent reduction over the department's base and is a very serious problem particularly if the three cents sales tax is not renewed explained Ms. Baker. It is not just a problem for the department and we are lucky in the sense that we do have other resources of revenues. Most other agencies have some sort of income which they produce and the department is not totally dependent upon the General Fund money but none the less it will comprise approximately twenty five percent of the department's budget request and at this point it is being funded at the zero level. There are some serious issues to look out for as an agency and as a state concluded Ms. Baker and stated that she just wanted to make this presentation so that the Commission could get a feel for the state budget picture.

Mr. Pol asked what was the estimated tax on the three cents. Mr. Baker answered the projection for next year was three hundred and ten million. Chairman Jenkins asked if there were anymore questions. There being none Chairman Jenkins asked Dr. Clark if there was any news on the speckled trout quota.

Dr. Clark answered yes. The January landings reported as of now for this year are two hundred sixty two thousand and eighty six pounds. Surprisingly to a lot of people this is the third highest in the last six years. It elevates reported landings to date to six hundred twelve thousand eight hundred fifty pounds which is in the middle of reported landings for the last six years. Chairman Jenkins asked if we were ready to forecast a closure date. Dr. Clark advised that the computer program has been run and because

of the nature of the season this year it looks like the end of April. Chairman Jenkins asked if we could take action on it at the next meeting. Dr. Clark advised that the department would be in a lot better shape to make a recommendation at the next meeting. A gentleman from the audience asked if this was not going to be at the beginning of trawling season and asked about by-catch. Dr. Clark stated that the department does not have any authority to account for by-catch, when the estimate is that the catch has been made it has to be closed.

Acting Secretary McInnis stated that historically the Commission has been looking at the first Thursday of the month to have their meetings and in June the Legislative Session will be going on and suggested that since the Senate Natural Resources Committee and House Natural Resources Committee traditionally meet on Thursday mornings he asked the Commission to take into consideration that the staff could be tied up at least until noon on Thursday mornings. The **June Commission Meeting Date** was set at Thursday's meeting for June 6, 1991, at the Wildlife and Fisheries Building, Louisiana Room, Baton Rouge.

Chairman Jenkins, at Thursday's meeting, called for **Public Comments**.

Mr. George Barrisger addressed the Commission. Mr. Barrister advised that he appeared before the Commission at the last meeting to inform the Commission of the problems and ramifications of the premature **Closing of the 1990-91 Oyster Season** and asked for an immediate reopening. Mr. Barrisger stated that he left the meeting with a promise from Acting Secretary McInnis that he would look further into the matter and a recommendation that Mr. Barrisger take the matter up with the Oyster Task Force. Acting Secretary McInnis sent Mr. Barrisger a letter saying basically that the season was closed last year for the same reason, there is not enough resource, and the Commission would allow the approximate same number of days this year to manage a seed production. Personally, Mr. Barrisger did not agree with the closures in the 1989-90 season and no one can tell him with any certainty that the closure was the best thing for the industry. There was a good spat catch this year and if the season would have remained open there might have been double or triple spat catch on the work reefs. The answer to this debate is unknown and will remain unknown because mother nature cannot be duplicated. Consequently, if Mr. Barrisger lost money in the 1989-90 season because of closure what makes the Commission thinks he is happy about losing more this year. Just because Mr. Barrisger did not fight the closure in 1989-90 does not mean he can stand the closures in 1990-91. This is paramount to varifying one mistake, that is 1990-91 with which may or may not have been another mistake that is the 1989-90 closure.

Mr. Barrisger advised Acting Secretary McInnis that there are some big differences that must be brought to the surface. With the

1990-91 closures there were still enough oysters in the South Point area to makes a day's work. Lake Borgne and surrounding areas were also opened where a man could scratch out a day's work. Furthermore, there was the Lake Pontchartrain project to harvest oysters. This year with this closure there is nothing on the east side of the river with which to work. As far as taking the matter up with the task force Mr. Barrisger advised that most of the members of the task force are members of the Louisiana Oyster Growers Association who for the most part would like to see it remain closed so that they can bed them next season. Mr. Barrisger came away from the task force feeling like the whole matter was sort of sweep under the carpet. Knowing that he would not get anywhere up against such a bias vote Mr. Barrisger decided to seek out his legislators as well as come back to the Commission to appeal for their help. Mr. Barrisger advised that he asked Captain Pete how to get on the agenda and was informed he was not sure and told him to contact Mr. Ron Dugas. By the time Mr. Dugas and Mr. Barrisger were able to talk it was to late to be put on the agenda, therefore, Mr. Barrisger took the liberty of supplying each one of the Commission members with a copy of the two presentations he made so that there will be no mistake on what he was there for. Basically, Mr. Barrisger is trying to get the season reopened as well as try to make the Commission see the need for a set season. What a fisherman makes and does not make is predicated on two things. One ~~is~~ the resource, whether it be shrimp, fish, or oysters is out there and two, the ability to go after the resource at the time it is there. Here we have the resource but the closure is stopping the fishermen from harvesting them now. With all the reasons previously outlined, we need to be allowed to harvest the oysters now stated Mr. Barrisger. The potential good greatly out weighs any potential harm. If the Commission cannot see their way clear to reopen the whole east side which the fishermen need would they please consider opening Lake Borgne and the area north of the Ship Channel where the good, hard working oyster fishermen can go back to work requested Mr. Barrisger.

Mr. Barrisger informed the Commissioners that this problem is really going to hurt the people of St. Bernard and the Police Jury there passed a resolution trying to get the fishermen a little help. Mr. Barrisger is at this meeting today to try and get a little help and asked the Commission how they felt about this.

Mr. Vujnovich commented that not all the task force is from the Louisiana Oyster Association, there is only one. Number two there is a law that when the reefs are depleted and if it is presented to the Commission, which it was, that it be closed for the future of the seed for next year. The way Mr. Barrisger is asking for the season to be opened and closed can only be done through the Legislature and would take away the powers from the Commission and biologists to have this a set season. Mr. Barrisger stated that is what they are attempting to do but are left with a matter of time here. Mr. Vujnovich stated that they can wait until next year

and like Mr. Barrisger just stated that they are suffering on the east side of the river, they are also suffering on the west side of the river because the water killed the oysters last year, there are no big oysters, only little oysters. Mr. Barrisger stated that you will not be destroying them you will be bedding them and the process from what he was told by Mr. Dugas was to produce a seed crop. The seed crop is out commented Mr. Barrisger and asked that they be able to get them. If these oyster are left out there, next year there is not going to be a seed crop, there is going to be sack crop. All these oysters that are two and three inches now are going to be four and five inch sack oysters. The fishermen need to know what they can depend on or not depend on. With this opening and closing fiasco you cannot plan a year stated Mr. Barrisger. Set an opening date, not necessarily September, and let it run to April 1st where a man can work his whole year and plan his whole year. Mr. Barrisger advised that he cannot make it in two months, they steal everything out of his beds and he has got to rely on the wild reef. He is here today not just to fight the closure but to fight the system which is holding people down and passing laws which benefits themselves. Mr. Vujnovich advised that the law has been on the books since he can remember, that the Commission has the power to open the season and when the reefs are depleted to close it, and in the past it has been done many times. If Mr. Barrisger thinks the Commission today and the Commission in the past are not doing their right job just go before the Legislature, introduce your bill, and if it passes, take away the Commission's powers then you can set whatever you want to do. If you want to destroy the industry go ahead and destroy it stated Mr. Vujnovich. Mr. Barrisger stated that the problem is that if he does not have enough power and money or clout to convince people who know what is really going on in the industry how is he going to.....Mr. Vujnovich stated that it is very simple, you get enough numbers in the Louisiana oyster industry to go before the Natural Resources Committee and explain and show them that you are right and Mr. Vujnovich thinks he could get it. Mr. Barrisger informed the Commission that he talked with Mr. Dugas and he said he would not be objectional to opening Lake Borgne. It is obvious that the fishermen are not going to get Black Bay opened but if Lake Borgne is opened the responsible fishermen can make a day's work. The oysters in Lake Borgne are not a seed crop. Mr. Vujnovich asked Mr. Barrisger if he knew about Lake Borgne when they had the task force meeting and about having oysters. Mr. Barrisger stated that he had asked Mr. Dugas personally why they had closed the whole east side of the river. Mr. Vujnovich stated that it is impossible to go out there and check the area in two days and reopen. Mr. Barrisger stated that they didn't even check the wild reef before they closed it, they checked it prematurely. Mr. Vujnovich stated that they checked it. Mr. Barrisger stated that Mr. Dugas told him they checked it and estimated it would go thirty days.

Chairman Jenkins asked Mr. Barrisger to go ahead and make his comment. Mr. Barrisger asked the Commission if they would really

consider this, the oyster fishermen need help. Mr. Foret asked if these oysters that they are talking about harvesting would they be harvested to sale or plant in their own reefs. Mr. Barrisger stated either one the Commission would let them do. Mr. Foret stated if it is for planting then the fishermen will still have to wait till next year to harvest them and asked what was the difference leaving them on the state reef or bringing them to your own reef. Mr. Barrisger stated because they are not going to be there, they are going to be stolen, it happens every year. Mr. Foret advised that Mr. Barrisger should go talk to Enforcement. Mr. Barrisger stated you know what Enforcement is about, there is no enforcement, you cannot enforce it.

Chairman Jenkins thanked Mr. Barrisger for his comments and asked if there was anyone else who wanted to make a comment.

Mr. Randy Lanctot, Louisiana Wildlife Federation, addressed the Commission. Mr. Lanctot thanked Acting Secretary McInnis for his report on the case disposition records and the Federation is anxious to work with Acting Secretary McInnis and the rest of the Commissioners to enhance the enforcement effort both within the agency and at the District Attorney's level for prosecutions and also judgments for the benefit of the natural resources of the state. Mr. Lanctot also thanked Acting Secretary McInnis for participating in their annual meeting that was held this last weekend which was a tremendous success by all accounts. The Federation was disappointed that the Commissioners were unable to attend and hopefully next year they will be able to. The meeting next year will be February 14, 15, and 16 in Alexandria, Louisiana, at the Hilton Hotel. Another disappointment at the meeting was not being able to have the benefit of having any information on the trout or the red fish which put the Federation at a disadvantage but fortunately they were able to deal with it as best they could. The Federation is looking forward to hearing about the plan next week at the Finfish Task Force meeting. One thing relative to Ms. Baker's report the Federation is very concerned about the financial status of this agency. Last year they went to the Legislature and tried to get a ten million dollar allocation from sales tax for the operating budget of this agency advised Mr. Lanctot and are willing to do this one way or the other this year with the support of the Commission, the department and other organizations. Everybody needs to get together and try and get some money for the department. The last thing Mr. Lanctot advised the Commission of was a request to put on the agenda for the next Commission meeting consideration of beginning the rule making process to increase the black bass daily creel limit to ten fish from eight fish.

Mr. Jones stated that he was sorry that he was unable to attend the Federation meeting and asked Mr. Lanctot about the resolutions and how many were written by the Federation staff. Mr. Lanctot advised that he wrote, as a member and as a member of the Board of Directors of Louisiana Wildlife Federation, seven or eight of those

resolutions. Mr. Jones asked if he knew which ones they were that he drafted. Mr. Lanctot advised that he would be happy to go over a list with Mr. Jones at some point and advised that the black bass was not one and was introduced by the East Ascension Sportsmen's League at the last minute. Mr. Jones stated that there were a few of them unusually slanted. Mr. Lanctot stated that some of those probably came from other parties. Mr. Lanctot advised that he would be happy to provide the Commission with all the resolutions that were adopted once he got it in final form and it will probably be available the first part of next week.

Mr. John Roussel addressed the Commission and informed Mr. Jenkins that he just wanted to enter into the record that he does have the trout report on the trout teeth and sexing of trout by teeth. Mr. Roussel reported that his finding basically state that there is no data that exist that suggest that you can sex trout by their teeth.

Mr. Foret asked if there was any way they could discuss the Barataria and Caminada Pass line. It was suggested that this be put on the agenda for next month. Dr. Clark stated that by statute that line has been changed about three time in the last four years. We try to straighten out the line but it depend whether senator Chabert is at the meeting or not. If he is not at the meeting we pass a straight line, when he comes they curve the line, then we come back and straighten it out again advised Dr. Clark. Dr. Clark does not think it should be put on the agenda, everybody knows what the issue is and what needs to be done, it is just how to get it done. Mr. Foret stated that he agreed with Dr. Clark.

There being no other business or public comments Chairman Jenkins called for a motion to adjourn the meeting. A motion was made by Mr. Jones for adjournment of the March 7, 1991, Commission meeting and seconded by Mr. Schneider. The motion passed unanimously

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A. Kell McInnis III  
Acting Secretary

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