

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

APRIL 11, 1996

**GLYNN CARVER
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
APRIL 11, 1996

	Page
1. Roll Call	1
2. Approval of Minutes of March 7, 1996	1
3. Louisiana Wildlife Biologists Association Presentation of Outstanding Field Biologist Award	1
4. Discussion of Recreational Flounder Fishery Regulations, Including Size and Creel Limits, and Possible Declaration of Emergency and/or Notice of Intent	1
5. Southern Flounder - Declaration of Emergency, Notice of Intent	1
6. Discussion of Declaration of Emergency on Southern Flounder	1
7. Oyster Lease Moratorium - Notice of Intent	9
8. Declaration of Emergency - Re-open Oyster Season on Public Oyster Seed Grounds	13
9. Notice of Intent - Disabled Hunters Permit	15
10. Public Comments on the 1996-97 Resident Game Hunting Season Recommendations	26
11. Discussion of Hawking Regulations	27
12. National Fishing Week Resolution	28
13. Enforcement & Aviation Reports/March	29
14. Division Reports	29
15. Set August 1996 Meeting Date	29
16. Public Comments	29
17. Adjourn	30

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 11, 1996

Chairman Glynn Carver presiding.

Daniel Babin
Jerald Hanchey
Edmund McIlhenny
Jeff Schneider
Perry Gisclair
Joseph Cormier

Secretary James H. Jenkins, Jr. was also present.

Chairman Carver called for a motion for approval of the **March 7, 1996 Commission Minutes**. A motion for approval was made by Commissioner Gisclair and seconded by Commissioner Babin. The motion passed with no opposition.

Dr. Paul Coreil made the **Louisiana Wildlife Biologists Association Presentation of the Outstanding Field Biologist Award**. The Association tries to recognize outstanding work by a professional biologist each year and for the second year in a row, a Department employee has received this recognition. This year's recipient is Mr. Kenny Ribbeck, the Forestry Program Supervisor. Mr. Ribbeck was responsible for the supervision of 2200 acres of seedlings being planted last year which will promote tremendous opportunities for hunting and fishing. The restoration of lands performed by Mr. Ribbeck and the Department is part of an outstanding accomplishment for the State, stated Dr. Coreil. Mr. Ribbeck thanked the Louisiana Wildlife Biologists Association and also Mr. Hugh Bateman for his support with the program.

Chairman Carver stated the next three items, **Discussion of Recreational Flounder Fishery Regulations, Including Size and Creel Limits, and Possible Declaration of Emergency and/or Notice of Intent; Southern Flounder - Declaration of Emergency, Notice of Intent; and Discussion of Declaration of Emergency on Southern Flounder** were all related and would be discussed at the same time. Commissioner Gisclair asked if each one should be explained? Chairman Carver stated the Department proposed to close the flounder season and then asked Secretary Jenkins if he wanted to make a statement. Secretary Jenkins explained Act 1316, passed in 1995, stated that if the spawning potential ratio (SPR) on any of the four fish referenced in the Act fell below 30 percent, the Secretary was to close that season for one year. The flounder's SPR was between 16 and 44 percent and this being a conservation department, he felt it was below 30 percent, and as such closed the

season. Commissioner Babin stated he agreed with Secretary Jenkins in the sense that Act 1316 required him to take action, but the intent of the Act was to address gill netting. Then he asked, the information provided was from 1994 data, and with the law being imposed in 1995, was there any data from what was caught in set nets for year 1995? Also he asked, the information encompasses the total flounder fishery and if only one sector was being cut out, how would this affect the total picture? Secretary Jenkins stated there was a meeting with the Assistant Secretary for Office of Fisheries, Enforcement Division and the Legal Section to discuss this issue. He then asked Mr. John Roussel to explain the fishing aspect. Mr. Roussel stated in 1993, there were 900,000 pounds landed, 1994 - 979,000 and in 1995 - total landed was 532,000 pounds which was a reduction in 1995 from previous years. Act 1316 only affected a portion of the poundage with an implementation date of August 1995. Commissioner Babin then asked if there was any data to show the recreational landings went down also during the same period of time? Mr. Roussel stated the most recent recreational landings data was from 1994. Recreational landings are collected by the National Marine Fisheries Service. Mr. Roussel stated he had information on a monthly basis for 1995 that showed a substantial reduction from August through December as compared with previous years. Commissioner Babin asked if, in 1994, was there 450,000 to 500,000 pounds of flounder landed recreationally? He then pointed out he felt that Act 1316 took care of the SPR by doing away with the nets. He felt the Act should be in effect for at least a year before any drastic measures took place. Commissioner Schneider stated, according to the law, he felt the Commission could not overrule anyone. Chairman Carver asked Mr. Roussel to read two Declarations of Emergency into the record. Commissioner Babin stated he asked, during January's meeting, the definition of "the season" and if a closure was to take place. Then he asked if the species was in danger or was the problem with enforcement? Mr. Don Puckett stated the closure would come about once the SPR was at or below 30 percent, and once it becomes effective in order for it to be effectively enforced, you could not be gear specific. Commissioner Babin asked if the intent of Act 1316 was to be enforced the first year or maybe after the law had been in effect for at least one year? Commissioner Schneider asked, by closing the commercial season on flounder, how much would the SPR go up? Mr. Harry Blanchet stated this could not be addressed completely, but they worked on the effects of a multi-year closure under stable conditions. The estimates showed the SPR would increase to the high 60's over a long period. Commissioner Schneider then asked if a one year closure was enough? Then he asked what effect would imposing a ten fish creel limit on recreational fishing have on SPR for flounder? Mr. Blanchet informed the Commissioners they have no catch data on gig fishing. But for rod and reel fishermen, a ten fish limit would be a small reduction in flounder harvest, stated Mr. Blanchet.

Chairman Carver asked what was the average catch for a recreational fisherman for the hours spent. Mr. Roussel stated, from interviews with rod and reel fishermen, 75 percent of the fishermen possessed one flounder, 14 percent possessed two, 4 percent possessed three, 3 percent possessed four and 1 percent or less possessed five or more flounder when they returned to the docks. Chairman Carver asked Mr. Roussel to explain, from a biological viewpoint, what a 10 fish creel limit, 14 inch size limit would mean for the flounder? Mr. Roussel stated length limits work best when an undersized fish can be returned to the waters and survive. He then stated there was a significant difference in the growth rates of flounder with the males rarely getting to 14 inches. Commissioner Gisclair asked if the Declaration of Emergency did not include the wording "The Secretary has determined that a limited closure of the commercial harvest of flounder using pompano strike nets would be ineffective and unenforceable", could the Commission include trawl nets into the Declaration of Emergency? Mr. Puckett stated the reasons for including trawls in the Declaration of Emergency was for enforcement purposes. Commissioner Gisclair then asked how many commercial fishermen were licensed to use commercial gear in saltwater areas and how many pompano strike net fishermen were in the State of Louisiana? Then he commented that one statement in the Declaration of Emergency would penalize 18,000 licensed commercial fishermen. Commissioner Gisclair asked Secretary Jenkins if he agreed with that statement? Secretary Jenkins stated the state's best estimate came from what was previously said. Commissioner Gisclair asked Secretary Jenkins if the numbers he used were correct and would the mortality rates for flounder be high from a by-catch on shrimp boats? Secretary Jenkins agreed that if the mortality rate on by-catch was high, it would be wasteful to throw those fish back, but added it was an enforcement problem. Commissioner Gisclair asked for the dates on the pompano strike net season and asked were only the shrimp trawlers being penalized for the closure of the season? He then stated that Act 1316 did not intend to affect trawlers but it has affected trawlers now with the statement of "ineffective and unenforceable". Commissioner Gisclair then asked Secretary Jenkins if he could have closed the flounder season without having certain language included in it. Commissioner Schneider stated that, regarding Act 1316, the Commission could not change any aspect of it. He then suggested discussing what options the Commission had authority over and move on with the meeting. Commissioner Babin stated in 1994 approximately 1.5 million pounds of flounder were landed between commercial and recreational fishermen. Then in 1995, because of Act 1316, the 1 million pounds of commercially caught flounder went down to 532,000 pounds and if the recreational fishery would decrease by one-half, then he felt the fishery was being saved just because of Act 1316 without any other action being taken. Secretary Jenkins agreed with Commissioner Babin except there was no data to back up this point. Commissioner Babin then asked if there was data to shut down the fishery over unenforceability and

asked, why not shut the entire industry down for an entire year to rebuild? He then felt this Declaration of Emergency would prompt a lawsuit because it affects one group and not another segment. He also stated, in his opinion, the impact of 18,000 fishermen versus 150 people was not equitable. Mr. Roussel stated in 1995 there were 16,687 licensed commercial fishermen and in 1996, there have been 112 pompano strike net permits issued. Commissioner Cormier asked if the mortality rate from by-catch from shrimp boats could be as high as 85 percent and then he asked for the percentage of flounders caught by recreational fishermen. He felt the Commission should look at what action they would take, whether politically or conservatively. Commissioner Babin felt the total catch of fish by the recreational fishermen during 1994 was a substantial amount. Chairman Carver stated the Commission did not have the authority to change Act 1316 and once the SPR on flounder was at or below 30 percent, the season would have to be closed. He then asked the Commissioners to get to the main point of this discussion - should there be a limit on the saltwater sport fishermen? Commissioner Gisclair asked what correspondence did the legislature take on this matter? Commissioner Babin asked if the legislature could override any action the Commission took. Chairman Carver asked the pleasure of the Commission. Commissioner Gisclair made a motion that the recreational catch of flounder be at zero for one year. Chairman Carver then asked Commissioner Gisclair if he wanted to make a motion that, instead of a minimum length limit and catch per day, the saltwater fishery should be closed? Commissioner Babin seconded the motion. The motion failed with Commissioner Babin and Commissioner Gisclair voting for it and Commissioner Schneider, Commissioner McIlhenny, Commissioner Hanchey and Commissioner Cormier voting against it. Commissioner Schneider made another motion that the creel limit be 10 with no length limit. This motion was seconded by Commissioner McIlhenny. This motion passed with Commissioner Babin and Commissioner Gisclair opposing the motion.

After a brief discussion, Chairman Carver apologized for not taking any public comments and asked Mr. Puckett to clarify what was needed next. Mr. Puckett stated public comments could be taken in the Commission wished. Also, they could vote on the Declaration of Emergency and Notice of Intent with one vote with an effective date of May 1 and that would extend as a permanent rule until modified by the Commission. Chairman Carver asked if another vote could be taken after public comments? Commissioner Babin asked if public comments were taken and then a re-vote, would the previous vote be null and void? Chairman Carver then asked if it would be out of order to allow public comments and then take another vote? Commissioner McIlhenny felt it would be out of order because Commissioner Schneider had already left the meeting and the motion had also been voted on and passed. Mr. Puckett stated an alternative would be to allow public comments after the vote, but he wanted it on the record that the motion was for a Declaration of

Emergency and Notice of Intent. Chairman Carver then asked for public comments.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council and Delta Commercial Fisheries Association, asked if anyone contacted the biologists and asked for material on creel limits and size limits? Mr. Roussel stated he had a phone conversation with Commissioner Schneider and maybe Chairman Carver, Commissioner Babin and Commissioner Gisclair. Other questions posed by Ms. Rotolo included, was the decision for creel and size limits reached by the GCCA or by the Commission; would it take six years to rebuild the SPR back to 60 percent; and would the fishery SPR increase quicker if there was no allowed harvest of the flounder? Then, she recommended the flounder industry be closed to all segments in order to get a SPR of 100 percent.

Mr. Ted Loupe, a commercial fisherman, explained what he termed a few blunders associated with red snapper and speckled trout. Then he asked if anyone knew what was needed for SPR on flounders? Mr. Loupe agreed with Mr. Roussel when it was stated the legislature picked 30 percent for the SPR. He also stated the commercial fishermen have sacrificed a lot being in that industry. Finally, Mr. Loupe explained how costly a season would be if the shrimpers have to cull the flounder.

Mr. George Barisich, United Commercial Fisherman's Association, stated 75 percent of flounders harvested came from shrimp trawls. He then stated the shrimpers are not targeting flounders but they are being caught. Mr. Barisich felt the ultimate goal was to put the commercial trawling industry out of business. There were at one time 32,000 commercial trawlers, but with the impacts of TED's and other laws, there are only 16,900 now. Mr. Barisich also stated the Governor promised him that there would be no impact to the commercial trawling industry, but this action was definitely impacting these people.

Chairman Carver stated the legislature passed the law and the Commission was only to implement the rules.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated the Act did say it would not impact shrimp trawls. He felt his organization had enough rules imposed on them.

Mr. Chris Antee, Houma, stated he was representing small businessmen trying to make a living. He then asked how would his boat captains be able to get rid of the flounders that were caught in the nets before they could trawl again. The only way a shrimper can make it these days was to run his boat himself, stated Mr. Antee. He then remarked if the fishing industry was stopped, then there would be no support for the people in the fishing industry. He then suggested the Commission take a closer look at what they were doing.

Mr. Steve Broussard, a commercial fisherman, asked why there were no studies being conducted on water content. He has seen waters where the shrimp have stopped growing and something has possibly affected the flounders. He asked why the commercial fishermen were not involved with the surveys being conducted and why were the fishermen being penalized from catching flounders when they enjoy eating them also?

Dr. Bruce Thompson stated he has been conducting biology on southern flounder for almost 10 years and knew it was a difficult species to understand. The flounder is a short lived animal with the males being almost a dwarf. In their data sets, they have one 3 year old flounder, and the maturity for the flounder is around its first birthday and it stays alive approximately two years. Most of the recognized edible flounders are females with the oldest animal being 6 years old. Dr. Thompson stated the best data came from shrimp by-catch and that is probably the only source of unbiased biological information. The way to get the biology of the flounder was to allow some of the fishery to remain open and sample it in order to build a biological data set.

Ms. Nita Vath asked if each recreational fisherman was bringing in only one flounder? Then she stated with the vote for 10 fish limit, this would increase the catch by 10 fold. Then she asked if this was a conservation measure? Chairman Carver stated that there was no limit on flounder and as such that was not a true statement. Ms. Vath felt the recreational poundage would have stayed status quo if the creel limit would have been set at 1 fish. Commissioner Gisclair stated there was no data on gigging the flounder at night and now placing a limit will address the recreational poundage and bring it down. Commissioner Cormier stated, before the action was taken, fishermen could catch 30 or 40 fish. But the action taken by the Commission would only allow the fishermen to take 10 fish.

Mr. Kerry Labauve, a commercial fisherman, stated Act 1316 took away their constitutional rights to have seasons closed for biological reasons. He then requested the Commission keep a rein on Secretary Jenkins. If the industry was in danger, Mr. Labauve suggested closing the industry to everyone. He also suggested giving the commercial fishermen the 10 fish limit similar to that given to the recreational fishermen.

Mr. Don Guilbeau, a shrimper, asked if restaurants could sell broiled flounder after May 1 if these fish were bought from out-of-state? Chairman Carver stated he felt this was true. He then stated the agents should check the restaurants and leave the commercial fishermen alone.

Commissioner Gisclair asked Secretary Jenkins if he would consider modifying the Declaration of Emergency. Before that could be discussed, Mr. Puckett made a point of order, on the issue of an

effective date and if the creel limit was to be concurrent with the Secretary's Declaration of Emergency. Commissioner McIlhenny made the motion to accept the effective date of May 1, 1996 to be concurrent with Secretary Jenkins' Declaration of Emergency. Commissioner Cormier seconded the motion and it passed with opposition from Commissioner Babin and Commissioner Gisclair.

(The full text of the Declaration of Emergency and Notice of Intent is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to its authority under R.S. 56:6(25)(a), 56:326.1 and 56:326.3 adopts the rule set forth below. This emergency rule is necessary to expedite the enforceability and effectiveness of regulations on the commercial flounder fishery, which becomes effective May 1, 1996. It is therefore in the best interest of the state, and appropriate that these regulations be enacted concurrently, thereby requiring emergency action. This emergency rule shall be effective on May 1, 1996 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§353. Rules for Recreational Harvest of Southern Flounder

The daily take and possession limit for the recreational taking of southern flounder (Paralichthys lethostigma) caught within or without Louisiana waters shall be ten fish per day and in possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:326.1 and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:

Glynn Carver
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a rule (Title 76:VII.353) to provide rules for the recreational harvest of southern flounder (Paralichthys lethostigma) within and without Louisiana's territorial waters. Authority for adoption of this rule is included in R.S. 56:6(25)(a), 56:326.1 and 56:326.3

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

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HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:

Interested persons may submit written comments on the proposed rule to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, July 3, 1996.

Glynn Carver
Chairman

Then Commissioner Gisclair asked Secretary Jenkins to modify his rule to allow commercial people that are licensed recreational fishermen to possess the recreational limit aboard a commercial vessel. Secretary Jenkins stated he would like to discuss this with the Enforcement Division but felt there would be no problem. Commissioner Gisclair asked if this action could be taken? Mr. Puckett acknowledged this action could be taken but requested the Commission be specific on the type of gear to be included with the request. Commissioner Gisclair stated he would be happy to discuss this with Enforcement and work out the details. Commissioner Babin asked if the agents knew the difference between southern flounder, hog choker and bay whiffs, because they looked very similar and

then he asked that the agents keep this in mind when checking fishermen. Chairman Carver then called for a 15 minute break in the meeting.

Reconvening from a break, Commissioner Gisclair asked Mr. Puckett to read a Resolution for the record. Commissioner Gisclair made a motion to accept the Resolution as read. Commissioner Hanchey seconded the motion and it passed with no opposition. Commissioner Gisclair reiterated the fishermen could have a recreational limit but would not be allowed to sell their catch. Mr. Puckett also stated this does not allow commercial fishermen to sell their catch.

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

RESOLUTION
April 11, 1996

WHEREAS, the Secretary of the Department of Wildlife and Fisheries announced last week that it will ban commercial southern flounder fishing for a year beginning May 1, 1996, and

WHEREAS, at the time of the announcement there were no limits on the recreational catch of southern flounder; however, this Commission has since implemented daily bag and possession limits for recreational fishermen, and

WHEREAS, many commercial fishermen are also licensed recreational fishermen, and

WHEREAS, it is the desire of this Commission that fishermen aboard a vessel not containing pompano strike nets be allowed to possess the recreational daily take limit of southern flounder.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby request the Secretary to modify his closure action to allow licensed recreational fishermen aboard a vessel which contains any legal commercial fishing gear, other than pompano strike nets, to possess recreationally the daily possession limit of southern flounder.

Glynn Carver, Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife &
Fisheries

Oyster Lease Moratorium - Notice of Intent began with Mr. Don Puckett stating a final problem was being worked out and asked the Commission to go with the agenda. But Commissioner Babin made a

motion that this item be deferred to the May meeting. Commissioner Hanchey seconded the motion. Chairman Carver asked Mr. Puckett if this would create a problem? Mr. Puckett stated he would ask the other representatives if they would prefer to go ahead and make an informational presentation to the Commission. Chairman Carver stated they could take an informational presentation. Secretary Jenkins felt it would be good to go through the presentation for informational purposes. Chairman Carver stated several Commissioners did not have enough information on this item to make a vote. Mr. Phil Bowman, a Department representative, stated he had a slide show and also a GIS presentation which would deal with coastal restoration and the changes that may or may not occur to fish and wildlife populations. Chairman Carver asked for a vote on the motion. The motion passed with no opposition.

Mr. Bowman described an effort with the state and federal agencies to address coastal restoration. The restoration of the wetlands has a serious potential impact to fish and wildlife resources. A slide presentation was given that tried to establish the ties between fish and wildlife resources and coastal vegetated wetlands. In Louisiana, in 1992, 36 percent of the commodities produced were marine fisheries. Louisiana is also number one in shrimp production and either first or second in oyster production. Not only does Louisiana have a commercial fishing industry, but it also has a vibrant recreational marine fishery. A list of other providers from the coastal wetlands was given by Mr. Bowman. The wetlands provides energy needed for the fishery, such as shelter for the juvenile fishery and the basis for the fishery food chain. A bar chart was shown representing the linkage between fisheries and vegetated wetlands. A theoretical graph showed, with wetlands loss, there could be an increase in fishery production but eventually there would come a time when wetlands would not produce an increase in fishery production. A chart showing the commercial landings from 1930's to 1994 showed the tail of the curve was bending over, which coincided with the theoretical curve. One of the reasons for wetlands loss was the coast of Louisiana and coastal salinity has changed over time. Different slides showed the areas in Barataria Bay that have been leased for oysters from the years 1947, 1969, and 1975. With coastal restoration occurring, salinity regimes would be changed and also the fish and wildlife production would change.

Mr. Bowman then turned the presentation over to Dr. Bill Good with the Department of Natural Resources. Dr. Good discussed two estuaries, one of the east side of the Mississippi River which has been influenced by the flood control levees and the other on the west side of the Mississippi River. Unless preventive actions are taken, an additional 50 square miles of marsh would be lost. Since the Caernarvon Freshwater Diversion was brought on line in August 1991 and since the structure put river water back into the marshes, there has been an increase in muskrats and alligator nests. Also with the structure has come the increase in the fresh,

intermediate, brackish and saline conditions which are the conditions the fishery was developed under and the types of conditions the life cycles are dependent upon. The public seed ground data has shown a dramatic increase in catch since the reintroduction of the river water. On the west side of the River, the Davis Pond project has been proposed, funded and should be on line by the year 2000. In order to accomplish this, arrangements have been made to relocate oyster leases on the upper end of the Barataria Basin. An increase in other species of fish should occur from the Davis Pond project as has occurred with the Caernarvon project. Then Dr. Good listed some of the economic benefits projected from the two projects.

Dr. Good then presented Mr. Andy Wilson, who has been working with the Department of Wildlife and Fisheries and Department of Natural Resources on the mechanism of the oyster leases. Mr. Wilson stated a negative effect from the Caernarvon project was a class action suit seeking compensation for 80,000 acres of oyster leasings. Before any new projects are initiated, a plan should be developed on the effects, stated Mr. Wilson. The oyster industry, Department of Wildlife and Fisheries and Department of Natural Resources have been cooperating to relocate the oyster leases affected by Davis Pond before the project is started. It was planned to set aside an area for relocation. It was hoped these smaller areas would be enhanced for productivity that would be equivalent in value to a larger area in which the oyster lessee would be relocated. It was also hoped the projection of effects would be felt from the different coastal restoration projects. Mr. Wilson requested a moratorium on taking applications for new oyster leases until the new areas could be confirmed.

Mr. Bowman stated fish and wildlife resources are linked to the health of coastal wetlands and the loss of these wetlands could pose a serious threat to the fishery production. Mr. Don Puckett stated the Departments of Natural Resources and Wildlife and Fisheries have requested that the Commission issue a moratorium on the taking of new oyster lease applications. He then stated one possible course of action would be to direct the Secretary not to accept applications for the next 30 days. Chairman Carver stated the Commission was not going to be taking any action on the moratorium but asked if they needed action on holding the leases? Commissioner Gisclair asked if the Commission could receive copies of the graphs shown during the presentation before the May Meeting? Chairman Carver asked if the Commission should vote not to accept any new leases until the next meeting? Mr. Puckett suggested a motion to direct the Secretary not to accept new lease applications pending the May Meeting. Commissioner Gisclair asked if this was not in fact a moratorium? Mr. Puckett stated it would be a 30-day moratorium. Commissioner Gisclair then reminded Mr. Puckett a vote was already taken not to take any action on a moratorium because of the lack of information. Commissioner Gisclair asked what projects could be foreseen within the next 30 days and could the Commission

only take action on a moratorium for those leases that may be in the path of the projects and restoration areas? Secretary Jenkins asked for Mr. Bowman and the Department of Natural Resources representative to explain any consequences that may occur by delaying for 30 days. Mr. Bowman stated the main project of concern is the Davis Pond project. There are other projects that are in the coastal restoration plan that will be presented to the legislature this year. The moratorium was to allow time for the delineation of the new areas, develop relocation areas, work with the oyster industry, and develop in any other mitigation areas that may be necessary.

Mr. Ralph Pausina, President of the Louisiana Oyster Dealers and Growers Association, stated a committee of the Oyster Task Force has been working and developing what needed to be accomplished associated with the coastal restoration. With the committee not having a clear answer to what action should be taken on this, Mr. Pausina felt there was a problem with the moratorium as it related to the non-renewal of existing oyster leases. The committee has proposed options that could be used to solve this problem. He then asked the Commission to coordinate the language to agree with the language the committee would come up with. Commissioner Babin asked if each Commissioner could receive copies of the minutes of the oyster committee meetings that were held. Then he asked if the group had any recommendations? Mr. Pausina stated the only recommendation he had was to follow the same procedure and the MOU be changed in accordance.

Captain Peter Vujnovich stated his biggest objection was not being able to renew his oyster lease next year. He stated he did not mind a moratorium, but would like to keep what he has. Captain Pete stated no one knows what effects, good or bad, the Davis Pond project will have in the Barataria Bay area.

Commissioner Cormier asked Mr. Puckett if his suggestion was imperative and what would happen ultimately if this action would not take place. Mr. Puckett stated the consequences were impossible to predict. Chairman Carver asked again what would be the impact if they did not act? Dr. Good stated if the State grants a lease, then the leases are good for a 15 year duration and the State cannot revoke the leases if the proposed projects renders an area for oyster cultivation unusable. Dr. Good felt they needed time to work out the details in relocating oyster leases that could not be used because of the Davis Pond project. Chairman Carver asked, because of lack of information, what impact would two and one-half weeks have on delaying the moratorium? Commissioner Cormier asked if an applicant would apply for an area, would the State then have to honor it? Commissioner Babin asked, if he applied for an oyster lease, how long would it take for the process to be completed? Mr. Wilson stated the process could take up to three years. He then stated what they were trying to do was to stop taking applications for leases that will never be leased.

Commissioner Gisclair asked what happens if the Commission does not vote for the moratorium at the next meeting? Mr. Bowman stated they would provide as much information to the Commission as possible prior to the next meeting.

Mr. Dennis Pixon, a oyster fisherman, asked where does he stand with his relocated area in St. Bernard Parish that is not associated with any of the areas in Plaquemines Parish? He then asked if he would be delayed in working his leases and bettering himself? Mr. Puckett stated if it was not directly affected by the project or an area set aside for mitigation, then they would go ahead and issue the lease.

Mr. George Barisich stated the Caernarvon project has resulted in the loss of oyster production on private oyster leases, eliminated brown shrimp production for the past four to five years, and now, because of the increase in freshwater, the oysters created are covered with mussels and are worthless. Secretary Jenkins asked for Mr. Bowman to come and state the truth on what Mr. Barisich just stated. Mr. Bowman stated they could provide the correct data. Chairman Carver stated, with the Commission voting to delay action on the moratorium, there was a need for more information and asked it be supplied.

Resolution and Declaration of Emergency to Re-open Oyster Season on Public Oyster Seed Grounds was presented by Mr. Ron Dugas. A joint resolution was passed by the legislature during the Special Session urging the Commission to consider extending the oyster season until April 30, 1996 on all grounds previously opened. The Department has reviewed the information and was now presenting a Resolution and Declaration of Emergency for the Commission to act upon. A massive health closure occurred in one of the primary public grounds that prompted this request from the legislature. Chairman Carver asked Mr. Dugas to read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion to accept the Resolution. Commissioner Cormier seconded the motion and it passed with no opposition. Captain Peter Vujnovich asked when would this action go into effect? Mr. Dugas stated it would be effective immediately.

(The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

Emergency Re-Opening of the
1995/96 Season on the Public Oyster Grounds

Adopted by the
Louisiana Wildlife and Fisheries Commission
Louisiana Department of Wildlife and Fisheries

April 11, 1996

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 was September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservation" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 95/96 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservation" not currently under lease to open one-half hour before sunrise on September 6, 1995, and established the season in Calcasieu Lake.
- WHEREAS,** these areas were scheduled to close on April 1, 1996.
- WHEREAS,** there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendation of the Oyster Task Force, and
- WHEREAS,** R.S. 56:6(25)(a) allows the Commission, through its Secretary to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and
- WHEREAS,** House Current Resolution No. 5 of the 1996 Special Session urges and requests the Commission to extend the season on all the previously opened public oyster grounds to one-half hour after sunset April 30, 1996.
- THEREFORE BE IT RESOLVED,** that the season on those public oyster grounds previously opened by extended to one-half hour after sunset April 30, 1996, and
- BE IT FURTHER RESOLVED,** that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and
- BE IT FURTHER RESOLVED,** that the Secretary will also have the authority to take emergency action to reopen areas

previously closed if the threat to the resource has ended.

Glynn Carver, Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:6(25)(a), R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The oyster season on the public oyster grounds are to be re-opened and extended to one-half hour after sunset April 30, 1996.
2. The Bay Junop Oyster Seed Reservations will remain closed during this extension.

Glynn Carver
Chairman

A Notice of Intent on Disabled Hunters Permit was presented by Mr. Tommy Prickett. The Notice of Intent would promulgate a rule that would provide additional access to the outdoors for disabled hunters. The Department currently issues disabled permits in various forms with the most popular being for the use of a crossbow during the deer season. This action would also provide special hunts on Wildlife Management Areas, and special ATV trails. One of the biggest problems was the availability of the permit as long as a doctor's note was received. The Department asked handicapped hunters groups to work with them so legislation could be developed that would tighten up the access to these permits. Act 1226 of the 1995 Regular Session was passed that mandated the Department and Commission to do certain things. One was the development of three classes of disabled permits, and these included: wheelchair bound; mobility impaired and amputee of the upper extremity. The Commission was mandated to adopt rules and regulations to put this new system into place. Mr. Prickett then discussed how the rule was developed and how it would work. The process to obtain one of these three class permits was then explained. The permits would be issued for life and would represent a permanent permit. This permit system is rather complicated, stated Mr. Prickett, but should provide quality access to the outdoors. Chairman Carver

stated he did not know how anyone could obtain a permit that should not have one. Hearing no questions or comments, Commissioner Gisclair made a motion to adopt this Notice of Intent and was seconded by Commissioner Hanchey. This motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing the issuance and methods by which Disabled Hunters Permits will be issued.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting

Chapter 1. Resident Game Hunting Seasons

§105. Physically Challenged Hunters Permit

A. Definitions

Amputee of the Upper Extremity - an individual suffering the loss of at least one arm, hand, or five fingers from one hand.

ATV - a small motorized vehicle designed for off road use, weighing less than 600 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch.

Commission - the Louisiana Wildlife and Fisheries Commission.

Commission Approved Physician - a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners that has entered into an agreement with the Commission to evaluate permit applicants to determine if the applicants are permanently disabled as specified in the Disabled Hunter Rule.

Department - the Louisiana Department of Wildlife and Fisheries.

Disabled Hunter Oversight Committee - a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for Disabled Hunter Permits. The five members of the committee shall be appointed by the Commission from the Louisiana Outdoorsmen With Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the Commission.

Disabled Hunter Review Board - a board of five individuals which collectively review and approve or reject, by majority vote, applications for Disabled Hunter Permits. The Board shall be selected by the Commission with recommendations from: the Louisiana Outdoorsmen With Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).

Disabled Hunter Permit - a permit issued by the Department of Wildlife and Fisheries to qualified disabled individuals.

Enforcement Division - the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Handicap ATV Permit - a permit issued by the Wildlife Division to certain disabled hunters to allow access to the specially designated handicapped ATV trails on Wildlife Management Areas.

Helper - an individual who accompanies a permitted disabled hunter to assist the disabled hunter in accessing a hunting area, carrying hunting gear, and retrieving harvested game.

Mobility Impaired - a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.

Permanent Disability - a qualifying disability that a Commission Approved Physician, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee have determined will not improve over time or with medical treatment.

Special Deer Season - a special deer season only for individuals with valid Disabled Hunter Permits established by the Louisiana Wildlife and Fisheries Commission.

Special Handicapped Hunt - special hunt or hunts on certain W.M.A.s only for individuals with valid Disabled Hunter Permits.

Wheelchair Bound - a permanent disability that prohibits mobility by any means other than a wheelchair.

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

W.M.A. - a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must permanently confine the applicant to the use of a wheelchair. If the Applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

- (a) a Commission Approved Physician;
- (b) the Disabled Hunter Review Board; and
- (c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is not permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Wildlife Division and The Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide handicapped hunts.

ii. May take either-sex deer on private lands statewide during the entire gun deer season and during the muzzle loader season. This provision does not include W.M.A.'s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.

c. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

d. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

e. Hunting From Vehicles. May hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.

f. Helpers. Permittee may be accompanied by helpers as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See B.2.f.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specifically designated on W.M.A. maps.

ii. Approved individuals (Permittees & Helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer, is prohibited.

iii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on or within 100 yards of handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative actions.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and impair the applicant sufficiently to preclude walking farther than very short distances (less than 150 yards) even with mechanical aids. If the applicant may eventually recover, he or she does not qualify. If the future prognosis is uncertain, the applicant does not qualify at this time.

ii. Qualifying disabilities under this class may include, but are not limited to:

(a) Permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect.

(b) Defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect.

iii. Non-Qualifying disabilities may include, but are not limited to:

(a) Vision impairment;

(b) Arm, hand, shoulder, or other impairments that do not effect walking;

(c) Any impairment considered to be a part of or resulting from the normal aging process;

(d) Any impairment resulting from or due to a lack of physical conditioning.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

(a) a Commission Approved Physician;

(b) the Disabled Hunter Review Board; and

(c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is not permanently mobility impaired, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or Class. II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

d. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See C.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to enable the permittee to walk more than 150 yards, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one hand to qualify for a permit of this class.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a Commission Approved Physician.

ii. Should the Commission Approved Physician determine the applicant is not an amputee of the upper extremity, the application shall be rejected. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not qualify for this permit.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access to Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails of W.M.A.s.

d. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

e. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand

and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See D.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the Permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 22:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. Tommy Prickett, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898 prior to 4:30 p.m., Tuesday, July 2, 1996.

Glynn Carver
Chairman

Public Comments on the 1996-97 Resident Game Hunting Season Recommendations was the next item on the agenda. Mr. Emmett Braud, representing a group of deer hunters, presented the Commissioners with a petition request. The petition requested the creation and establishment of a quality deer area in Pointe Coupee Parish. The request would also include the taking of bucks with a minimum of 3 points on one side to be legal. The area entails 21,235 acres and encompasses 12,380 acres woodlands. Mr. Braud explained the different types of hunting clubs within this area and then showed two maps of the area. He concluded by asking the Commission to consider this request when the final rule was voted on. Chairman Carver stated trophy management has been discussed and the Wildlife Division would take this under advisement and would give a recommendation back.

Mr. Randy Lanoux, Southern Louisiana Dog Hunters Association, stated in 1990, a deer advisory council was developed to discuss the problems facing deer hunters. Area 6 was devised by this council and this year's season was cut by two days and has an opening date on a Monday. The request was to have the dog season open December 14 and close January 26. This would give 44 days for Area 6 and open the season on a Saturday. He then asked Mr.

Bateman if there was a biological reason why this could not be done. He then offered to be available if anyone had any questions. Chairman Carver stated the Commission has taken this under advisement.

Mr. Tom Cogburn, Bayou State Muzzleloader Association, stated the proposed muzzleloader season set to open in January was totally unacceptable. All of the neighboring states have opening dates in October. The second suggestion was allowing the taking of does at the beginning of the season prior to the rut. Two recommendations given were to open muzzleloader one week prior to gun season or to have the weekend prior to gun season with a week again during the split. Chairman Carver stated he knew Mr. Bateman was considering these suggestions and options.

Mr. Cliff Boland, Bayou Muzzleloaders of Central Louisiana, felt they know what the black powder and muzzleloader hunters want and need. The members of the organization have found out hunters are in favor of a season that is separate from gun season and prior to gun season. Mr. Boland also suggested a three-day weekend prior to gun season and the remainder of the season fall in the middle of gun season.

Mr. Gary Carroll, Grand Hunting Club in the Atchafalaya Basin, asked the Commission to reconsider the Monday opening date to the traditional Saturday opening date. Then he asked the Commission to give the muzzleloader hunters a season the week before rifle season.

Mr. JoJo Medine, White Castle Hunting Club, asked the Commission for the Saturday opening weekend and then asked for the change in muzzleloader season as has already been discussed.

Discussion of Hawking Regulations was presented by Mr. Hugh Bateman. The falconry regulations are controlled by the federal government and the regulations allowed the taking of small game during the regular season. A change that was suggested was to extend the season on the legal take of squirrels to the end of February 1997. Mr. Bateman then explained there are only 60 to 80 falconers in the State. He also stated the staff would be sitting down with the falconers and going over other wording changes and details of changes. Mr. Bateman asked the Commission to approve the extension that would take care of this issue. Commissioner Hanchey made a motion to extend the season and was seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Bateman then stated the public comments on the hunting seasons were being reviewed by the staff and would be discussed with the Commission. A copy of six proposed options for changing the muzzleloader and deer seasons was included in the Commissioners packets for their review and possible adoption at the May Commission Meeting. Mr. Bateman then suggested Mr. Braud meet with

the District Supervisor and Enforcement agents from his area and discuss the proposal.

National Fishing Week Resolution was the next item presented by Mr. Paul Jackson. He presented the resolution by reading from the fourth Whereas through the end. Commissioner Cormier made a motion to accept the Resolution and was seconded by Commissioner Babin. Chairman Carver asked how long has fishing week been conducted? Mr. Jackson stated since 1989. This motion passed with no opposition.

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

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and

WHEREAS, the estimated 898,000 plus sportfishermen in Louisiana spend in excess of one billion dollars annually, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE, BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 3-9, 1996 as

FISHING WEEK

in the State of Louisiana, and

BE IT FURTHER RESOLVED, that June 8 and 9, 1996 are hereby declared free recreational fishing days, during which residents and non-residents may exercise the privileges

of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

DATE: April 11, 1996

Glynn Carver
Chairman

Perry Gisclair
Vice-Chairman

John F. "Jeff" Schneider

Joseph B. Cormier

Edmund McIlhenny, Jr.

Daniel Babin

Jerald Hanchey

James H. Jenkins, Jr., Secretary

Chairman Carver stated the consensus of the Commission was to have the **Monthly Law Enforcement/Aviation Report for March** and the **Division Reports** presented at the May Meeting.

After several minutes of discussion, Commissioner Cormier made a motion to hold the **August 1996 Meeting** on Thursday, August 8, 1996 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Gisclair and passed with no opposition.

Chairman Carver then asked for **Public Comments**. Mr. Anthony Carlson stated he had a list of 380 signatures from dog hunters in Area 2 who had heard the Commission was going to change their Area from 2 to 3 for the 1997 season. This change would eliminate the legal running of dogs. Mr. Carlson asked the Commission if this was true or would they be left in Area 2 without being allowed to run dogs? Mr. Prickett stated they have not even discussed possible season dates for 1997. Mr. Carlson stated someone within the Department told them they may or may not have a dog season for 1997. Chairman Carver assured Mr. Carlson there was nothing to worry about right now. Mr. Carlson asked if any of the Commissioners had a problem with dog hunting whether from hunters or private landowners? Chairman Carver stated they do receive these type complaints and they consider them and do what is felt to be fair. Finally Mr. Carlson asked who set the dog hunting seasons? Mr. Prickett answered the Department's staff makes a recommendation to the Commission.

Mr. Greg Crane, a hunter from DeRidder, stated he backed up everything Mr. Carlson had said. The first time they discussed this was with John Robinette. Then Mr. Crane stated Dave Moreland was the one beginning to talk about this change. He also stated he did not want to see Area 2 changed to Area 3.

Mr. J. D. Milstead, a houndsman, also came to talk about the 1997 dog season. He also did not want to see the dog season cut. Chairman Carver reiterated that neither the Commission nor the Department knew where this rumor was coming from. He then stated he felt they were addressing something that was not there and if it did come up, the Commission would remember that it was brought to their attention.

There being no further business, Commissioner Babin made a motion to Adjourn the meeting and was seconded by Commissioner Hanchey.



James H. Jenkins, Jr.
Secretary

JHJ:sch

Draft
Corrections made 4/23
4/24/96-sch

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 11, 1996

Chairman Glynn Carver presiding.

- Daniel Babin
- Jerald Hanchey
- Edmund McIlhenny
- Jeff Schneider
- Perry Gisclair
- Joseph Cormier

Secretary James H. Jenkins, Jr. was also present.

Chairman Carver called for a motion for approval of the **March 7, 1996 Commission Minutes**. A motion for approval was made by Commissioner Gisclair and seconded by Commissioner Babin. The motion passed with no opposition.

Dr. Paul Coreil made the **Louisiana Wildlife Biologists Association Presentation of the Outstanding Field Biologist Award**. The Association tries to recognize outstanding work by a professional biologist each year and for the second year in a row, a Department employee has received this recognition. This year's recipient is Mr. Kenny Ribbeck, the Forestry Program Supervisor. Mr. Ribbeck was responsible for the supervision of 2200 acres of seedling being planted last year which will promote tremendous opportunities for hunting and fishing. The restoration of lands performed by Mr. Ribbeck and the Department as being part of an outstanding accomplishment for the State, stated Dr. Coreil. Mr. Ribbeck thanked the Louisiana Wildlife Biologists Association and also Mr. Hugh Bateman for his support with the program.

Chairman Carver stated the next three items, **Discussion of Recreational Flounder Fishery Regulations, Including Size and Creel Limits, and Possible Declaration of Emergency and/or Notice of Intent; Southern Flounder - Declaration of Emergency, Notice of Intent; and Discussion of Declaration of Emergency on Southern Flounder** were all related and would be discussed at the same time. Commissioner Gisclair asked if each one should be explained? Chairman Carver stated the Department proposed to close the flounder season and then asked Secretary Jenkins if he wanted to make a statement. Secretary Jenkins explained Act 1316, passed in 1995, stated that if the spawning potential ratio (SPR) on any of the four fish referenced in the Act fell below 30 percent, the Secretary was to close that season for one year. The flounder's SPR was between 16 and 44 percent and being a Conservation Department, he felt it was below 30 percent, and as such closed the

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season. Commissioner Babin stated he agreed with Secretary Jenkins in the sense that Act 1316 required him to take action, but the intent of the Act was to address gill netting. Then he asked, the information provided was from 1994 data, and with the law being imposed in 1995, was there any data from what was caught in set nets for year 1995? Also he asked, the information encompasses the total flounder fishery and if only one sector was being cut out, how would this affect the total picture? Secretary Jenkins stated there was a meeting with the Assistant Secretary for Office of Fisheries, Enforcement Division and the Legal Section to discuss this issue. He then asked Mr. John Roussel to explain the fishing aspect. Mr. Roussel stated in 1993, there ~~was~~ 900,000 pounds landed, 1994 - 979,000 and in 1995 - total landed was 532,000 pounds which was a reduction in 1995 from previous years. Act 1316 only affected a portion of the poundage with an implementation date of August 1995. Commissioner Babin then asked if there was any data to show the recreational landings went down also during the same period of time? Mr. Roussel stated the most recent recreational landings was from 1994. Recreational landings are collected by the National Marine Fisheries Service. Mr. Roussel stated he had information on a monthly basis for 1995 that showed a substantial reduction from August through December as compared with previous years. Commissioner Babin asked if in 1994, was there 450,000 to 500,000 pounds of flounder landed recreationally? He then pointed out that Act 1316 took care of the SPR by doing away with the nets. He felt the Act should be in effect for at least a year before any drastic measures took place. Commissioner Schneider stated, according to the law, he felt the Commission could not overrule anyone. Chairman Carver asked Mr. Roussel to read two Declarations of Emergency into the record. Commissioner Babin stated he asked, during January's meeting, the definition of "the season" and if a closure was to take place. Then he asked if the species was in danger or was the problem with enforcement? Mr. Don Puckett stated the closure would come about once the SPR was at or below 30 percent, and once it becomes effective in order for it to be effectively enforced, you could not be gear specific. Commissioner Babin asked if the intent of Act 1316 was to be enforced the first year or maybe after the law had been in effect for at least one year? Commissioner Schneider asked, by closing the commercial season on flounder, how much would the SPR go up? Mr. Harry Blanchet stated this could not be addressed completely, but they worked on the effects of a multi-year closure under stable conditions. The estimates showed the SPR would increase to the high 60's over a long period. Commissioner Schneider then asked if a one year closure was enough? Then he asked what effect would imposing a ten fish creel limit on recreational fishing have on SPR for flounder? Mr. Blanchet informed the Commissioners they have no catch data on gig fishing. But for rod and reel fishermen, a ten fish limit would be a small reduction in flounder harvest, stated Mr. Blanchet.

Chairman Carver asked what was the average catch for a recreational fisherman for the hours spent. Mr. Roussel stated, *with* from interviews ~~from~~ rod and reel fishermen, 75 percent of the fishermen possessed one flounder, 14 percent possessed two, 4 percent possessed three, 3 percent possessed four and 1 percent or less possessed five or more flounder when they returned to the docks. Chairman Carver asked Mr. Roussel to explain, from a biological viewpoint, what a 10 fish creel limit, 14 inch size limit would mean for the flounder? Mr. Roussel stated length limits work best when an undersized fish can be returned to the waters and survive. He then stated there was a significant difference in the growth rates of flounder with the males rarely getting to 14 inches. Commissioner Gisclair asked if ~~the~~ Declaration of Emergency did not include the wording "The Secretary has determined that a limited closure of the commercial harvest of flounder using pompano strike nets would be ineffective and unenforceable", could the Commission include trawl nets into the Declaration of Emergency? Mr. Puckett stated the reasons for including trawls in the Declaration of Emergency was for enforcement purposes. Commissioner Gisclair then asked how many commercial fishermen were licensed to use commercial gear in saltwater areas and how many pompano strike net fishermen were in the State of Louisiana? Then he commented that one statement in the Declaration of Emergency would penalize ~~the~~ 18,000 licensed commercial fishermen. Commissioner Gisclair asked Secretary Jenkins if he agreed with that statement? Secretary Jenkins stated the state's best estimate came from what was previously said. Commissioner Gisclair asked Secretary Jenkins if the numbers he used were correct and would the mortality rates for flounder be high from a by-catch on shrimp boats? Secretary Jenkins agreed that if the mortality rate on by-catch was high, it would be wasteful to throw those fish back, but ~~it was an enforcement problem.~~ *Added* Commissioner Gisclair asked for the dates on the pompano strike net season and ~~were only the shrimp trawlers being penalized for the closure of the season?~~ *Asked* He then stated that Act 1316 did not intend to affect trawlers but it has affected trawlers now with the statement of "ineffective and unenforceable". Commissioner Gisclair then asked Secretary Jenkins if he could have closed the flounder season without having certain language included in it. *that, regarding* Commissioner Schneider stated ~~as far as~~ Act 1316, the Commission could not change any aspect of it. He then suggested discussing what options the Commission had ~~the~~ authority over and move on with the meeting. Commissioner Babin stated in 1994 approximately 1.5 million pounds of flounder were landed between commercial and recreational fishermen. Then in 1995, because of Act 1316, the 1 million pounds of commercially caught flounder went down to 532,000 pounds and if the recreational fishery would decrease by one-half, then he felt the fishery was being saved just because of Act 1316 without any other action being taken. Secretary Jenkins agreed with Commissioner Babin except there was no data to back up this point. Commissioner Babin then asked if there was data to shut down the fishery over unenforceability and ~~why not shut the entire~~

industry down for an entire year to rebuild? He then felt this Declaration of Emergency would prompt a lawsuit because it affects one group and not another segment. He also stated, in his opinion, the impact of 18,000 fishermen versus 150 people was not equitable. Mr. Roussel stated in 1995 there 16,687 licensed commercial fishermen and in 1996, there have been 112 pompano strike net permits issued. Commissioner Cormier asked if the mortality rate from by-catch from shrimp boats could be as high as 85 percent and then he asked for the percentage of flounders caught by recreational fishermen. ~~Then~~ he felt the Commission should look at what action they would take, whether politically or conservatively. Commissioner Babin felt the total catch of fish by the recreational fishermen during 1994 was a substantial amount. Chairman Carver stated the Commission did not have the authority to change Act 1316 and once the SPR on flounder was at or below 30 percent, the season would have to be closed. He then asked the Commissioners to get to the main point of this discussion - should there be a limit on the saltwater sport fishermen? Commissioner Gisclair asked what correspondence did the legislature take on this matter? Commissioner Babin asked if the legislature could override any action the Commission took. Chairman Carver asked the pleasure of the Commission. Commissioner Gisclair made a motion that the recreational catch of flounder be at zero for one year. Chairman Carver then asked Commissioner Gisclair if he wanted to make a motion that, instead of a minimum length limit and catch per day, ~~then~~ the saltwater fishery should be closed? Commissioner Babin seconded the motion. The motion failed with Commissioner Babin and Commissioner Gisclair voting for it ~~while~~ Commissioner Schneider, Commissioner McIlhenny, Commissioner Hanchey and Commissioner Cormier voting against it. Commissioner Schneider made another motion that the creel limit be 10 with no length limit. This motion was seconded by Commissioner McIlhenny. This motion passed with Commissioner Babin and Commissioner Gisclair opposing the motion. AND

After a brief discussion, Chairman Carver apologized for not taking any public comments and asked Mr. Puckett to clarify ~~on~~ what was needed next. Mr. Puckett stated public comments could be taken in the Commission wished ~~also~~ they could vote on the Declaration of Emergency and Notice of Intent with one vote with an effective ~~date~~ ^{that} of May 1 and would extend as a permanent rule until modified by the Commission. Chairman Carver asked if another vote could be taken after public comments? Commissioner Babin asked if public comments were taken and then ^{re-}vote, would the previous vote be null and void? Chairman Carver then asked if it would be out of order to allow public comments and then take another vote? Commissioner McIlhenny felt it would be out of order because Commissioner Schneider had already left the meeting and the motion had also been voted on and passed. Mr. Puckett stated an alternative would be to allow public comments after the vote, but he wanted it on the record that the motion was for a Declaration of

Emergency and Notice of Intent. Chairman Carver then asked for public comments.

Ms. Marilyn Rotolo, Louisiana Seafood Management Council and Delta Commercial Fisheries Association, asked if anyone contacted the biologists and asked for material on creel limits and size limits? Mr. Roussel stated he had a phone conversation with Commissioner Schneider and maybe Chairman Carver, Commissioner Babin and Commissioner Gisclair. Other questions posed by Ms. Rotolo included, was the decision for creel and size limits reached by the GCCA or by the Commission; would it take six years to rebuild the SPR back to 60 percent; and would the fishery SPR increase quicker if there was no allowed harvest of the flounder? Then, she recommended the flounder industry be closed to all segments in order to get a SPR of 100 percent. *what he termed*

Mr. Ted Loupe, a commercial fisherman, explained a few blunders associated with red snapper and speckled trout. Then he asked if anyone knew what was needed for SPR on flounders? Mr. Loupe agreed with Mr. Roussel when it was stated the legislature picked 30 percent for the SPR. He also stated the commercial fishermen have sacrificed a lot being in that industry. Finally, Mr. Loupe explained how costly a season would be if the shrimpers ~~would~~ have to cull the flounder.

ARE Mr. George Barisich, United Commercial Fisherman's Association, stated 75 percent of flounders harvested came from shrimp trawls. He then stated the shrimpers are not targeting flounders but they ~~were~~ being caught. Mr. Barisich felt the ultimate goal was to put the commercial trawling industry out of business. There were at one time 32,000 commercial trawlers, but with the impacts of TED's and other laws, there are only 16,900 now. Mr. Barisich also stated the Governor promised him that there would be no impact to the commercial trawling industry ~~of industry,~~ but this action was definitely impacting these people.

Chairman Carver stated the legislature passed the law and the Commission was only to implement the rules.

Mr. Pete Gericca, Lake Pontchartrain Fisherman's Association, stated the Act did say it would not impact shrimp trawls. He felt his organization had enough ~~of the~~ rules imposed ~~of~~ them.

Mr. Chris Antee, Houma, stated he was representing small businessmen trying to make a living. He then asked how would his boat captains be able to get rid of the flounders that were caught in the nets before they could trawl again. The only way a shrimper can make it these days was to run his boat himself, stated Mr. Antee. He then remarked if the fishing industry was stopped, then there would be no support for the people in the fishing industry. He then suggested the Commission take a closer look at what they were doing.

Mr. Steve Broussard, a commercial fisherman, asked why there were no studies being conducted on water content. He has seen waters where the shrimp have stopped growing and possibly affected the flounders. He asked why the commercial fishermen were not involved with the surveys being conducted and why were the fishermen being penalized from catching flounders when they enjoy eating them also?

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Dr. Bruce Thompson stated he has been conducting biology on southern flounder for almost 10 years and knew it was a difficult species to understand. The flounder is a short lived animal with the males being almost a dwarf. In their data sets, they have one 3 year old flounder, and the maturity for the flounder is around its first birthday and stays alive approximately two years. Most of the recognized edible flounders are females with the oldest animal being 6 years old. Dr. Thompson stated the best data came from shrimp by-catch and probably the only source of unbiased set of biological information. In order to get the biology of the flounder was to allow some of the fishery to remain open and sample it in order to build a biological data set.

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Ms. Nita Vath asked if each recreational fisherman was bringing in only one flounder? Then she stated with the vote for a 10 fish limit, this would increase the catch by 10 fold. Then she asked if this was a conservation measure? Chairman Carver stated that there was no limit on flounder and as such that was not a true statement. Ms. Vath felt the recreational poundage would have stayed status quo if the creel limit would have been set at 1 fish. Commissioner Gisclair stated there was no data on gigging the flounder at night and now with placing a limit will address the recreational poundage and bring it down. Commissioner Cormier stated, before the action was taken, fishermen could catch 30 or 40 fish. But the action taken by the Commission would only allow the fishermen to take 10 fish.

Mr. Kerry Labauve, a commercial fisherman, stated Act 1316 took away their constitutional rights to have seasons closed for biological reasons. He then requested the Commission keep a ~~copy~~ on Secretary Jenkins. If the industry was in danger, Mr. Labauve suggested closing the industry to everyone. He also suggested giving the commercial fishermen the 10 fish limit similar to that given to the recreational fishermen.

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Mr. Don Guilbeau, a shrimper, asked if restaurants could sell broiled flounder after May 1 unless these fish were bought from out-of-state? Chairman Carver stated he felt this was true. He then stated the agents should check the restaurants and leave the commercial fishermen alone.

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Commissioner Gisclair asked Secretary Jenkins if he would consider modifying the Declaration of Emergency. Before that could be discussed, Mr. Puckett made a point of order, on the issue of an

effective date and if the creel limit was to be concurrent with the Secretary's Declaration of Emergency. Commissioner McIlhenny made the motion to accept the effective date of May 1, 1996 to be concurrent with Secretary Jenkins' Declaration of Emergency. Commissioner Cormier seconded the motion and it passed with opposition from Commissioner Babin and Commissioner Gisclair.

(The full text of the Declaration of Emergency and Notice of Intent is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby exercise the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and pursuant to its authority under R.S. 56:6(25)(a), 56:326.1 and 56:326.3 adopts the rule set forth below. This emergency rule is necessary to expedite the enforceability and effectiveness of regulations on the commercial flounder fishery, which becomes effective May 1, 1996. It is therefore in the best interest of the state, and appropriate that these regulations be enacted concurrently, thereby requiring emergency action. This emergency rule shall be effective on May 1, 1996 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§353. Rules for Recreational Harvest of Southern Flounder

The daily take and possession limit for the recreational taking of southern flounder (Paralichthys lethostigma) caught within or without Louisiana waters shall be ten fish per day and in possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:326.1 and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:

Glynn Carver
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a rule (Title 76:VII.353) to provide rules for the recreational harvest of southern flounder (Paralichthys lethostigma) within and without Louisiana's territorial waters. Authority for adoption of this rule is included in R.S. 56:6(25)(a), 56:326.1 and 56:326.3

Title 76

WILDLIFE AND FISHERIES

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HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:

Interested persons may submit written comments on the proposed rule to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, July 3, 1996.

Glynn Carver
Chairman

the Then Commissioner Gisclair asked Secretary Jenkins to modify his rule to allow commercial people that are licensed recreational fishermen to possess the recreational limit aboard a commercial vessel. Secretary Jenkins stated he would like to discuss this ~~with~~ Enforcement Division but felt there would be no problem. Commissioner Gisclair asked if this action could be taken? Mr. Puckett acknowledged this action could be taken but requested the Commission be specific on the type of gear to be included with the request. Commissioner Gisclair stated he would be happy to discuss this with Enforcement and work out the details. Commissioner Babin asked if the agents knew the difference between southern flounder, hog choker and baywiffs, because they looked very similar and then

he asked that the agents keep this in mind when checking fishermen. Chairman Carver then called for a 15 minute break in the meeting.

Reconvening from a break, Commissioner Gisclair asked Mr. Puckett to read a Resolution for the record. Commissioner Gisclair made a motion to accept the Resolution as read. Commissioner Hanchey seconded the motion and it passed with no opposition. Commissioner Gisclair reiterated the fishermen could have a recreational limit but would not be allowed to sell their catch. Mr. Puckett also stated this does not allow commercial fishermen to sell their catch.

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

RESOLUTION
April 11, 1996

WHEREAS, the Secretary of the Department of Wildlife and Fisheries announced last week that it will ban commercial southern flounder fishing for a year beginning May 1, 1996, and

WHEREAS, at the time of the announcement there were no limits on the recreational catch of southern flounder; however, this Commission has since implemented daily bag and possession limits for recreational fishermen, and

WHEREAS, many commercial fishermen are also licensed recreational fishermen, and

WHEREAS, it is the desire of this Commission that fishermen aboard a vessel not containing pompano strike nets be allowed to possess the recreational daily take limit of southern flounder.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby request the Secretary to modify his closure action to allow licensed recreational fishermen aboard a vessel which contains any legal commercial fishing gear, other than pompano strike nets, to possess recreationally the daily possession limit of southern flounder.

Glynn Carver, Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife &
Fisheries

Oyster Lease Moratorium - Notice of Intent began with Mr. Don Puckett stating a final problem was being worked out and asked the Commission to go with the agenda. But Commissioner Babin made a motion that this item be deferred to the May meeting. Commissioner

Hanchey seconded the motion. Chairman Carver asked Mr. Puckett if this would create a problem? Mr. Puckett stated he would ask the other representatives if they would prefer to go ahead and make an informational presentation to the Commission. Chairman Carver stated they could take an informational presentation. Secretary Jenkins felt it would be good to go through the presentation for informational purposes. Chairman Carver stated several Commissioners did not have enough information on this item to make a vote. Mr. Phil Bowman, a Department representative, stated he had a slide show and also a GIS presentation which would deal with coastal restoration and the changes that may or may not occur to fish and wildlife populations. Chairman Carver asked for a vote on the motion. The motion passed with no opposition.

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Mr. Bowman ~~stated~~ an effort with the states and federal agencies to address coastal restoration. *SEPARATE* The restoration of the wetlands has a potential impact ~~and potentials~~ to fish and wildlife resources. A slide presentation was given that tried to establish the ties between fish and wildlife resources and coastal vegetated wetlands. In Louisiana, in 1992, 36 percent of the commodities produced were marine fisheries. Louisiana is also number one in shrimp production and either first or second in oyster production. Not only does Louisiana have a commercial fishing industry, but it also has a vibrant recreational marine fishery. A list of other providers from the coastal wetlands was given by Mr. Bowman. The wetlands provides energy needed for the fishery, such as shelter for the juvenile fishery and the basis for the fishery food chain. A bar chart was shown representing the linkage between fisheries and vegetated wetlands. A theoretical graph showed *with* wetlands loss, there could be an increase in fishery production but eventually there would come a time when wetlands ~~loss~~ would not produce an increase in fishery production. A chart showing the commercial landings from 1930's to 1994 ~~which~~ showed the tail of the curve was bending over *which* coincided with the theoretical curve. One of the reasons for wetlands loss was the coast of Louisiana and ~~salinity has changed over time.~~ *constant* Different slides showed the areas in Barataria Bay that have been leased for oysters from the years 1947, 1969, and 1975. With coastal restoration occurring, salinity regimes would be changed and also the fish and wildlife production would change.

Mr. Bowman then turned the presentation over to Dr. Bill Good with the Department of Natural Resources. Dr. Good discussed two estuaries, one of the east side of the Mississippi River which has been influenced by the flood control levees and the other on the west side of the Mississippi River. Unless preventive actions are taken, an additional 50 square miles of marsh would be lost. Since the Caernarvon Freshwater Diversion was brought on line in August 1991 and since the structure put river water back into the marshes, there has been an increase in muskrats and alligator nests. Also with the structure has ~~been~~ the increase in the fresh, *come* intermediate, brackish and saline conditions which are the

conditions the fishery was developed under and the types of conditions the life cycles are dependent upon. The public seed ground data has shown a dramatic increase in catch since the reintroduction of the river water. On the west side of the River, the Davis Pond project has been proposed, funded and should be on line by the year 2000. In order to accomplish this, arrangements have been made to relocate oyster leases on the upper end of the Barataria Basin. An increase in other species of fish should occur from the Davis Pond project as has occurred with the Caernarvon project. Then Dr. Good listed some of the economic benefits projected from the two projects.

Dr. Good then presented Mr. Andy Wilson, who has been working with the Department of Wildlife and Fisheries and Department of Natural Resources on the mechanism of the oyster leases. Mr. Wilson stated a negative effect from the Caernarvon project was a class action suit seeking compensation for 80,000 acres of oyster leasings. Before any new projects are initiated, a plan should be developed on the effects, stated Mr. Wilson. The oyster industry, Department of Wildlife and Fisheries and Department of Natural Resources have been cooperating to relocate the oyster leases affected by Davis Pond before the project is started. It was planned to set aside an area for relocation. It was hoped these smaller areas would be enhanced for productivity that would be equivalent in value ~~at~~ a larger area in which the oyster lessee would be relocated. It was also hoped the projection of effects would be felt from the different coastal restoration projects. Mr. Wilson requested a moratorium on taking applications for new oyster leases until the new areas could be confirmed.

A Mr. Bowman stated fish and wildlife resources are linked to the health of coastal wetlands and the loss of these wetlands could pose serious threat to the fishery production. Mr. Don Puckett stated the Departments of Natural Resources and Wildlife and Fisheries have requested that the Commission issue a moratorium on the taking of new oyster lease applications. He then stated one possible course of action would be to direct the Secretary not to accept applications for the next 30 days. Chairman Carver stated the Commission was not going to be taking any action on the moratorium but asked if they needed action on holding the leases? Commissioner Gisclair asked if the Commission could receive copies of the graphs shown during the presentation before the May Meeting? Chairman Carver asked if the Commission should vote not to accept any new leases until the next meeting? Mr. Puckett suggested a motion to direct the Secretary not to accept new lease applications pending the May Meeting. Commissioner Gisclair asked if this was not in fact a moratorium? Mr. Puckett stated it would be a 30-day moratorium. Commissioner Gisclair then reminded Mr. Puckett a vote was already taken not to take any action on a moratorium because of the lack of information. Commissioner Gisclair asked what projects could be foreseen within the next 30 days and could the Commission only take action on a moratorium for those leases that may be in

to the path of the projects and restoration areas? Secretary Jenkins asked for Mr. Bowman and the Department of Natural Resources representative explain ~~of~~ any consequences that may occur by delaying for 30 days. Mr. Bowman stated the main project of concern is the Davis Pond project. There are other projects that are in the coastal restoration plan that will be presented to the legislature this year. The moratorium was to allow time for the delineation of the new areas, develop relocation areas, work with the oyster industry, and develop in any other mitigation areas that may be necessary.

Mr. Ralph Pausina, President of the Louisiana Oyster Dealers and Growers Association, stated a committee of the Oyster Task Force has been working and developing what needed to be accomplished associated with the coastal restoration. With the committee not having a clear answer to what action should be taken on this, Mr. Pausina felt there was a problem with the moratorium as it related to the non-renewal of existing oyster leases. The committee has proposed options that could be used to solve this problem. He then asked the Commission to coordinate the language to agree with the language the committee would come up with. Commissioner Babin asked if each Commissioner could receive copies of the minutes of the oyster committee meetings that were held. Then he asked if the group had any recommendations? Mr. Pausina stated the only recommendation he had was to follow ~~along~~ the same procedure and the MOU be changed in accordance.

Captain Peter Vujnovich stated his biggest objection was not being able to renew his oyster lease next year. He stated he did not mind a moratorium, but would like to keep what he has. Captain Pete stated no one knows what effects, good or bad, the Davis Pond project will have in the Barataria Bay area.

Commissioner Cormier asked Mr. Puckett if his suggestion was imperative and what would happen ultimately if this action would not take place. Mr. Puckett stated the consequences were impossible to predict. Chairman Carver asked again what would be the impact if they did not act? Dr. Good stated if the State grants a lease, then the leases are good for a 15 year duration and the State cannot revoke the leases if the proposed projects renders ~~an area for oyster cultivation impossible~~. Dr. Good felt they needed time to work out the details in relocating oyster leases that could not be used because of the Davis Pond project. Chairman Carver asked, because of lack of information, what impact would two and one-half weeks have on delaying the moratorium? Commissioner Cormier asked if an applicant would apply for an area, would the State then have to honor it? Commissioner Babin asked, if he applied for an oyster lease, how long would it take for the process to be completed? Mr. Wilson stated the process could take up to three years. He then stated what they were trying to do was to stop taking applications for leases that will never be leased. Commissioner Gisclair asked what happens if the Commission does not

vote for the moratorium at the next meeting? Mr. Bowman stated they would provide as much information to the Commission as possible prior to the next meeting.

file Mr. Dennis Pixon, a oyster fisherman, asked where does he stand with his relocated area in St. Bernard Parish that is not associated with any of the areas in Plaquemines Parish? He then asked if ~~they~~ ^{he} would be delayed in working his leases and bettering himself? Mr. Puckett stated if it was not directly affected by the project or an area set aside for mitigation, then they would go ahead and issue the lease.

Mr. George Barisich stated ~~from~~ ^{ON} the Caernarvon project has resulted in the loss of oyster production, private oyster leases, eliminated brown shrimp production for the past four to five years, and now, because of the increase in freshwater, the oysters created are covered with mussels and are worthless. Secretary Jenkins asked for Mr. Bowman to come and state the truth on what Mr. Barisich just stated. Mr. Bowman stated they could provide the correct data. Chairman Carver stated, with the Commission ~~voted~~ ^{voting} to delay action on the moratorium, there was a need for more information and asked it be supplied.

Resolution and Declaration of Emergency to Re-open Oyster Season on Public Oyster Seed Grounds was presented by Mr. Ron Dugas. A joint resolution was passed by the legislature during the Special Session urging the Commission to consider extending the oyster season until April 30, 1996 on all grounds previously opened. The Department has reviewed the information and was now presenting a Resolution and Declaration of Emergency for the Commission to act upon. A massive health closure occurred in one of the primary public grounds that prompted this request from the legislature. Chairman Carver asked Mr. Dugas to read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion to accept the Resolution. Commissioner Cormier seconded the motion and it passed with no opposition. Captain Peter Vujnovich asked when would this action go into effect? Mr. Dugas stated it would effective immediately.

be (The full text of the Resolution and Declaration of Emergency is made a part of the record.)

RESOLUTION

Emergency Re-Opening of the
1995/96 Season on the Public Oyster Grounds

Adopted by the
Louisiana Wildlife and Fisheries Commission
Louisiana Department of Wildlife and Fisheries
April 11, 1996

WHEREAS, R.S. 56:433 provides that the Public Oyster Seed Grounds may be opened on the Wednesday following Labor Day which in 1995 was September 6, and

WHEREAS, the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservation" were surveyed and the available supply and size variation has been determined, and

WHEREAS, the Wildlife and Fisheries Commission established the 95/96 season on the "Louisiana Public Oyster Seed Grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservation" not currently under lease to open one-half hour before sunrise on September 6, 1995, and established the season in Calcasieu Lake.

WHEREAS, these areas were scheduled to close on April 1, 1996.

WHEREAS, there are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendation of the Oyster Task Force, and

WHEREAS, R.S. 56:6(25)(a) allows the Commission, through its Secretary to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and

WHEREAS, House Current Resolution No. 5 of the 1996 Special Session urges and requests the Commission to extend the season on all the previously opened public oyster grounds to one-half hour after sunset April 30, 1996.

THEREFORE BE IT RESOLVED, that the season on those public oyster grounds previously opened by extended to one-half hour after sunset April 30, 1996, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

Glynn Carver, Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 967, and under the authority of R.S. 56:6(25)(a), R.S. 56:433 and R.S. 56:435.1, notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The oyster season on the public oyster grounds are to be re-opened and extended to one-half hour after sunset April 30, 1996.
2. The Bay Junop Oyster Seed Reservations will remain closed during this extension.

Glynn Carver
Chairman

A **Notice of Intent on Disabled Hunters Permit** was presented by Mr. Tommy Prickett. The Notice of Intent would promulgate a rule that would provide additional access to the outdoors for disabled hunters. The Department currently issues disabled permits in various forms with the most popular being for the use of a crossbow during the deer season. This action would also provide special hunts on ~~the~~ Wildlife Management Areas, and special ATV trails. One of the biggest problems was the availability of the permit as long as a doctor's note was received. The Department asked handicapped hunters groups to work with them so legislation could be developed that would tighten up the access to these permits. Act 1226 of the 1995 Regular Session was passed that mandated the Department and Commission to do certain things. One was the development of three classes of disabled permits, and these included: wheelchair bound; mobility impaired and amputee of the upper extremity. The Commission was mandated to adopt rules and regulations to put this new system into place. Mr. Prickett then discussed how the rule was developed and how it would work. The process to obtain one of these three class permits was then explained. The permits would be issued for life and would represent a permanent permit. This permit system is rather complicated, stated Mr. Prickett, but should provide quality access to the outdoors. Chairman Carver stated he did not know how anyone could obtain a permit that should not have one. Hearing no questions or comments, Commissioner Gisclair made a motion to adopt

this Notice of Intent and was seconded by Commissioner Hanchey. This motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules governing the issuance and methods by which Disabled Hunters Permits will be issued.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting

Chapter 1. Resident Game Hunting Seasons

§105. Physically Challenged Hunters Permit

A. Definitions

Amputee of the Upper Extremity - an individual suffering the loss of at least one arm, hand, or five fingers from one hand.

ATV - a small motorized vehicle designed for off road use, weighing less than 600 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch.

Commission - the Louisiana Wildlife and Fisheries Commission.

Commission Approved Physician - a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners that has entered into an agreement with the Commission to evaluate permit applicants to determine if the applicants are permanently disabled as specified in the Disabled Hunter Rule.

Department - the Louisiana Department of Wildlife and Fisheries.

Disabled Hunter Oversight Committee - a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for Disabled Hunter

Permits. The five members of the committee shall be appointed by the Commission from the Louisiana Outdoorsmen With Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the Commission.

Disabled Hunter Review Board - a board of five individuals which collectively review and approve or reject, by majority vote, applications for Disabled Hunter Permits. The Board shall be selected by the Commission with recommendations from: the Louisiana Outdoorsmen With Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).

Disabled Hunter Permit - a permit issued by the Department of Wildlife and Fisheries to qualified disabled individuals.

Enforcement Division - the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Handicap ATV Permit - a permit issued by the Wildlife Division to certain disabled hunters to allow access to the specially designated handicapped ATV trails on Wildlife Management Areas.

Helper - an individual who accompanies a permitted disabled hunter to assist the disabled hunter in accessing a hunting area, carrying hunting gear, and retrieving harvested game.

Mobility Impaired - a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.

Permanent Disability - a qualifying disability that a Commission Approved Physician, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee have determined will not improve over time or with medical treatment.

Special Deer Season - a special deer season only for individuals with valid Disabled Hunter Permits established by the Louisiana Wildlife and Fisheries Commission.

Special Handicapped Hunt - special hunt or hunts on certain W.M.A.s only for individuals with valid Disabled Hunter Permits.

Wheelchair Bound - a permanent disability that prohibits mobility by any means other than a wheelchair.

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

W.M.A. - a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must permanently confine the applicant to the use of a wheelchair. If the Applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

(a) a Commission Approved Physician;

(b) the Disabled Hunter Review Board; and

(c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is not permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Wildlife Division and The Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide handicapped hunts.

ii. May take either-sex deer on private lands statewide during the entire gun deer season and during the muzzle loader season. This provision does not include W.M.A.'s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.

c. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

d. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

e. Hunting From Vehicles. May hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.

f. Helpers. Permittee may be accompanied by helpers as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See B.2.f.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specifically designated on W.M.A. maps.

ii. Approved individuals (Permittees & Helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer, is prohibited.

iii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on or within 100 yards of handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative actions.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and impair the applicant sufficiently to preclude walking farther than very short distances (less than 150 yards) even with mechanical aids. If the applicant may eventually recover, he or she does not qualify. If the future prognosis is uncertain, the applicant does not qualify at this time.

ii. Qualifying disabilities under this class may include, but are not limited to:

(a) Permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect.

(b) Defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect.

iii. Non-Qualifying disabilities may include, but are not limited to:

(a) Vision impairment;

(b) Arm, hand, shoulder, or other impairments that do not effect walking;

(c) Any impairment considered to be a part of or resulting from the normal aging process;

(d) Any impairment resulting from or due to a lack of physical conditioning.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

(a) a Commission Approved Physician;

(b) the Disabled Hunter Review Board; and

(c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is not permanently mobility impaired, the application is rejected and no permit shall be issued. If approved

by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

d. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See C.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to enable the permittee to walk more than 150 yards, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one hand to qualify for a permit of this class.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a Commission Approved Physician.

ii. Should the Commission Approved Physician determine the applicant is not an amputee of the upper extremity, the application shall be rejected. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not qualify for this permit.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access to Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails of W.M.A.s.

d. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

e. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See D.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the Permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 22:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. Tommy Prickett, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898 prior to 4:30 p.m., Tuesday, July 2, 1996.

Glynn Carver
Chairman

Public Comments on the 1996-97 Resident Game Hunting Season Recommendations was the next item on the agenda. Mr. Emmett Braud, representing a group of deer hunters, presented the Commissioners with a petition request. The petition requested the creation and establishment of a quality deer area in Pointe Coupee Parish. The request would also include the taking of bucks with a minimum of 3 points on one side to be legal. The area entails 21,235 acres and encompasses ~~of that~~ 12,380 acres woodlands. Mr. Braud explained the different types of hunting clubs within this area and then showed two maps of the area. He concluded by asking the Commission to consider this request when the final rule was voted on. Chairman Carver stated trophy management has been discussed and the Wildlife Division would take this under advisement and would give a recommendation back.

ON ~~Area 6 was devised from this~~ ~~opening date of~~ ~~open December 14 and close January 26. This would give 44 days for~~ ~~Area 6 and it opens the season on a Saturday.~~ ~~He then asked Mr. Bateman if there was a biological reason why this could not be done.~~ He then offered to be available if anyone had any questions. ~~by~~

Chairman Carver stated the Commission has taken this under advisement.

Mr. Tom Cogburn, Bayou State Muzzleloader Association, stated the proposed muzzleloader season set to open in January was totally unacceptable. All of the neighboring states have opening dates in October. The second suggestion was allowing the taking of does at the beginning of the season prior to the rutting. Two recommendations given were to open muzzleloader one week prior to gun season or to have the weekend prior to gun season with a week again during the split. Chairman Carver stated he knew Mr. Bateman was considering these suggestions and options.

Mr. Cliff Boland, Bayou Muzzleloaders of Central Louisiana, felt they know what the black powder and muzzleloader hunters want and need. The members of the organization have found out hunters are in favor of a season that is separate from gun season and prior to gun season. Mr. Boland also suggested a three-day weekend prior to gun season and the remainder of the season fall in the middle of gun season.

Mr. Gary Carroll, Grand Hunting Club in the Atchafalaya Basin, asked the Commission to reconsider the Monday opening date to the traditional Saturday opening date. Then he asked the Commission to give the muzzleloader hunters a season the week before rifle season.

Mr. JoJo Medine, White Castle Hunting Club, asked the Commission for the Saturday opening weekend and then asked for the change in muzzleloader season as has already been discussed.

Discussion of Hawking Regulations was presented by Mr. Hugh Bateman. The falconry regulations are controlled by the federal government and the regulations allowed the taking of small game during the regular season. A change that was suggested was to extend the season on the legal take of squirrels to the end of February 1997. Mr. Bateman then explained there are only 60 to 80 falconers in the State. He also stated the staff would be sitting down with the falconers and going over other wording changes and details of changes. Mr. Bateman asked the Commission to approve the extension that would take care of this issue. Commissioner Hanchey made a motion to extend the season and was seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Bateman then stated the public comments on the hunting seasons were being reviewed by the staff and would be discussed with the Commission. A copy of six proposed options for changing the muzzleloader and deer seasons was included in the Commissioners packets for their review and possible adoption at the May Commission Meeting. Mr. Bateman then suggested Mr. Braud meet with the District Supervisor and Enforcement agents from his area and discuss the proposal.

National Fishing Week Resolution was the next item presented by Mr. Paul Jackson. He presented the resolution by reading from the fourth Whereas through the end. Commissioner Cormier made a motion to accept the Resolution and was seconded by Commissioner Babin. Chairman Carver asked how long has fishing week been conducted? Mr. Jackson stated since 1989. This motion passed with no opposition.

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

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and

WHEREAS, the estimated 898,000 plus sportfishermen in Louisiana spend in excess of one billion dollars annually, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE, BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 3-9, 1996 as

FISHING WEEK

in the State of Louisiana, and

BE IT FURTHER RESOLVED, that June 8 and 9, 1996 are hereby declared free recreational fishing days, during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

DATE: April 11, 1996

Glynn Carver
Chairman

Perry Gisclair
Vice-Chairman

John F. "Jeff" Schneider

Joseph B. Cormier

Edmund McIlhenny, Jr.

Daniel Babin

Jerald Hanchey

James H. Jenkins, Jr., Secretary

Chairman Carver stated the consensus of the Commission was to have the **Monthly Law Enforcement/Aviation Report for March** and the **Division Reports** presented at the May Meeting.

After several minutes of discussion, Commissioner Cormier made a motion to hold the **August 1996 Meeting** on Thursday, August 8, 1996 in the Baton Rouge office, beginning at 10:00 a.m. This motion was seconded by Commissioner Gisclair and passed with no opposition.

Chairman Carver then asked for **Public Comments**. Mr. Anthony Carlson stated he had a list of 380 signatures from dog hunters in Area 2 who had heard the Commission was going to change their Area from 2 to 3 for the 1997 season. This change would eliminate the legal running of dogs. Mr. Carlson asked the Commission if this was true or would they be left in Area 2 without being allowed to run dogs? Mr. Prickett stated they have not even discussed possible season dates for 1997. Mr. Carlson stated someone within the Department told them they may or may not have a dog season for 1997. Chairman Carver assured Mr. Carlson there was nothing to worry about right now. Mr. Carlson asked if any of the Commissioners had a problem with dog hunting whether from hunters or private landowners? Chairman Carver stated they do receive these type complaints and they consider them and do what is felt to be fair. Finally Mr. Carlson asked who set the dog hunting seasons? Mr. Prickett answered the Department's staff makes a recommendation to the Commission.

Mr. Greg Crane, a hunter from DeRidder, stated he backed up everything Mr. Carlson had said. The first time they discussed this was with John Robinette. Then Mr. Crane stated Dave Moreland was the one beginning to talk about this change. He also stated he did not want to see ~~his~~ Area 2 changed to Area 3.

Mr. J. D. Milstead, a houndsman, also came to ~~take~~ ^{NEETHOR} talk about the 1997 dog season. He also did not want to see the dog season cut. Chairman Carver reiterated that ~~the~~ ^{talk} Commission nor the Department ~~did not know~~ where this rumor was coming from. He then stated he felt they were addressing something that was not there and if it

did come up, the Commission would remember that it was brought to their attention.

There being no further business, Commissioner Babin made a motion to **Adjourn** the meeting and was seconded by Commissioner Hanchey.

James H. Jenkins, Jr.
Secretary

JHJ:sch

RESOLUTION

Emergency Reopening of the
1995/96 Season on the Public Oyster Grounds

Adopted by the
Louisiana Wildlife and Fisheries Commission
Louisiana Department of Wildlife and Fisheries
April 11, 1996

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed grounds may be opened on the Wednesday following Labor Day which in 1995 was September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservation" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 95/96 season on the "Louisiana Public Oyster Seed grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 6, 1995, and established the season in Calcasieu Lake.
- WHEREAS,** these areas were scheduled to close on April 1, 1996.
- WHEREAS,** There are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendation of the Oyster Task Force and
- WHEREAS,** R. S. 56:6(25)(a) allows the Commission, through its secretary to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and
- WHEREAS,** House Current Resolution No. 5 of the 1996 Special Session urges and requests the Commission to extend the season on all the previously opened public oyster grounds to one-half hour after sunset April 30, 1996.
- THEREFORE BE IT RESOLVED,** that the season on those public oyster grounds previously opened be extended to 1/2 hour after sunset April 30, 1996, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.



Glynn Carver,
Chairman
La. Wildlife & Fisheries
Commission



James H. Jenkins, Sr.
Secretary
Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, R. S. 49:953 (B) and 967, and under the authority of R.S. 56:6(25)(a), R.S.56:433 and R.S. 56:435.1 notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The oyster season on the public oyster grounds are to be reopened and extended to 1/2 hour after sunset April 30, 1996.
2. The Bay Junop Oyster Seed Reservations will remain closed during this extension.

Glynn Carver
Chairman

RESOLUTION
April 11, 1996

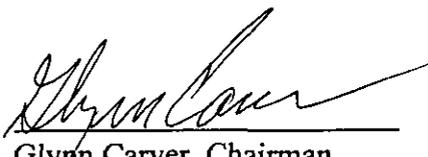
WHEREAS, the Secretary of the Department of Wildlife and Fisheries announced last week that it will ban commercial southern flounder fishing for a year beginning May 1, 1996, and

WHEREAS, at the time of the announcement there were no limits on the recreational catch of southern flounder; however this Commission has since implemented daily bag and possession limits for recreational fishermen, and

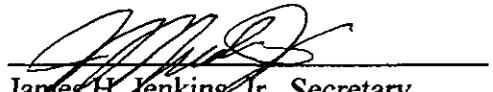
WHEREAS, many commercial fishermen are also licensed recreational fishermen, and

WHEREAS, it is the desire of this Commission that fishermen aboard a vessel not containing pompano strike nets be allowed to possess the recreational daily take limit of southern flounder.

THEREFORE, BE IT RESOLVED that the Wildlife and Fisheries Commission does hereby request the Secretary to modify his closure action to allow licensed recreational fishermen aboard a vessel which contains any legal commercial fishing gear, other than pompano strike nets, to possess recreationally the daily possession limit of southern flounder.



Glynn Carver, Chairman
La. Wildlife & Fisheries Commission



James H. Jenkins, Jr., Secretary
La. Department of Wildlife & Fisheries

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

- WHEREAS,** sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and
- WHEREAS,** sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and
- WHEREAS,** the estimated 898,000 plus sportfishermen in Louisiana spend in excess of one billion dollars annually, and
- WHEREAS,** Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and
- WHEREAS,** Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.
- NOW THEREFORE, BE IT RESOLVED,** that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 3-9, 1996 as

FISHING WEEK

in the State of Louisiana, and

BE IT FURTHER RESOLVED, that June 8 and 9, 1996 are hereby declared free recreational fishing days, during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

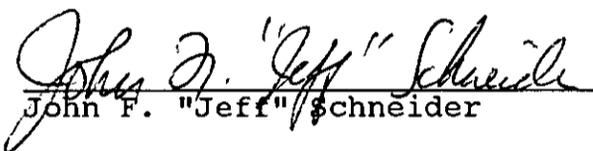
DATE: April 11, 1996



Glynn Carver
Chairman



Perry Gisclair
Vice-Chairman

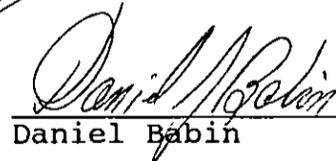


John F. "Jeff" Schneider



Joseph B. Cormier

Edmund McIlhenny, Jr.



Daniel Babin



Gerald Hanchey



James H. Jenkins, Jr., Secretary

Commission puts limit on flounder

By **JOE MACALUSO**
Advocate outdoors writer

Recreational fishermen can add southern flounder to the long list of species with a daily creel limit.

At its monthly meeting Thursday, the Louisiana Wildlife and Fisheries Commission voted to implement a 10-flounder daily limit on recreational anglers. Flounder have never been a regulated species, not for commercial or recreational fishermen.

The new regulation came as a companion to the closure of the commercial season on flounder. Under new special pompano nets rules allowed in the 1995 gill nets-ban law, special nets were allowed to be used for commercially catching black drum, sheepshead, pompano and flounder.

Commercial fishermen gained a concession that will allow them to have the recreational limit of flounder in their possession for each person holding a recreational license on their boat, even if they are engaged in shrimp trawling. It prohibits fishermen with pompano gills nets from having flounder, and also prohibits the sale of flounder in the state. The new regulations take effect May 1, and will be enforced for one year, subject to commission renewal.

The recreational-based Gulf Coast Conservation Association called for flounder creel and size limits, but after testimony from LSU Coastal Fishery Institute professor Bruce Thompson, the LWFC voted in a creel limit only.

The commission originally voted on an emergency resolution by Wildlife and Fisheries secretary Jimmy Jenkins Jr. that called for a ban on commercially-caught southern flounder.

A flounder assessment report supplied by LDWF marine biologists in February documented that the species fell into range that indicated present adult stocks in state waters may be insufficient to continue the species at its current numbers. The index is called the Spawning Potential Ratio (SPR).

Using various biological models, the reported SPR indices were be-

tween 16 and 44 percent. Act 1316 — the gill nets-ban law — provides that if the index falls below 30 percent the species must be removed from the commercially available-catch list for one year.

Jenkins said the reason for his emergency commercial-closure declaration is that "... we're a conservation group and we look at 16 percent as conservation. If we're a resource department then we'd go with the 44 percent. We're closing the (commercial) season because the numbers could be below 30 percent."

Jenkins' proposed ban would have included all commercial catch, including by shrimp trawls.

His statements touched off a verbal barrage from commission member's Perry Gisclair and Daniel Babin. Both men are shrimp wholesalers, and objected that trawls were included in the ban, but were specifically not included in gill nets-ban law.

In other action, the LWFC postponed a vote on issuing a moratorium on future leasing of oyster grounds in state waterbottoms, but re-opened the public oyster grounds through April 30. The public grounds were closed April 1, according to state rules.

The LWFC also voted in a Notice of Intent that will stiffen eligibility regulations to obtain a handicapped hunters permit. The new regulations go through the public comment period and will be voted in, or voted down, at the August 8 meeting in Baton Rouge.

Also approved for proposed 1996-97 state hunting regulations was an allowance for falconers to have both rabbits and squirrels in their possession through February, the traditional end of the rabbit season, and a month after the close of the squirrel season.

The LWFC also heard several objections about proposed deer-hunting-with-dogs and muzzleloader-for-deer seasons. The Wildlife Division said it will offer several options for restructuring the deer season in several areas.

The final vote on the deer, squirrel, rabbit and quail season comes in the July 9 meeting.

COMMISSION MEETING
ROLL CALL

Thursday, April 11, 1996
Baton Rouge, LA
Wildlife & Fisheries Building

	Attended	Absent
Glynn Carver (Chairman)	<u>✓</u>	—
Perry Gisclair	<u>✓</u>	—
Jeff Schneider	<u>✓</u>	—
Daniel Babin	<u>✓</u>	—
Joseph Cormier	<u>✓</u>	—
Jerald Hanchey	<u>✓</u>	—
Edmund McIlhenny	<u>✓</u>	—

Mr. Chairman:

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

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
April 11, 1996
10:00 AM

- ✓1. Roll Call
- ✓2. Approval of Minutes of March 7, 1996
- ✓3. Louisiana Wildlife Biologists Association Presentation of Outstanding Field Biologist Award - Paul Coreil
- ✓4. Discussion of Recreational Flounder Fishery Regulations, Including Size and Creel Limits, and Possible Declaration of Emergency and/or Notice of Intent - Glynn Carver
- ✓5. Southern Flounder - Declaration of Emergency, Notice of Intent - Jeff Schneider
- ✓6. Discussion of Declaration of Emergency on Southern Flounder - Danny Babin
- ✓7. Oyster Lease Moratorium - Notice of Intent - Don Puckett/Phil Bowman
- ✓8. Declaration of Emergency - Re-open Oyster Season on Public Oyster Seed Grounds - Ron Dugas
- ✓9. Notice of Intent - Disabled Hunters Permit - Tommy Prickett
- ✓10. Public Comments on the 1996-97 Resident Game Hunting Season Recommendations
- ✓11. Discussion of Hawking Regulations - Hugh Bateman
- ✓12. National Fishing Week Resolution - Al Carver
- 13. Enforcement & Aviation Reports/March - Winton Vidrine
- 14. Division Reports
- ✓15. Set August 1996 Meeting Date
- ✓16. Public Comments
17. Adjourn



SENATE
STATE OF LOUISIANA

MICHAEL R. ROBICHAUX, M.D.
State Senator
District 20

P. O. BOX 45
MATHEWS, LA 70375
DISTRICT OFFICE:
(504) 537-7064
(504) 537-3803 FAX
CAPITOL OFFICE:
(504) 342-2040

**Comments of Senator Michael Robichaux, MD
to the
Commission of Natural Resources, State of Louisiana**

April 11, 1996

Dear Sirs:

Several Senators and I had requested to be placed on your agenda this morning but because of our schedules we are not able to attend. However, there are a few comments that I would like to make to you on issues involving your department.

On Tuesday of this week Wildlife and Fisheries Secretary Jimmy Jenkins and members of his staff were kind enough to attend a meeting of the Senate Committee of Natural Resources where they were questioned about the recent closure of the commercial season for flounder. Secretary Jenkins indicated in his opening remarks that he was simply following the mandate of Act 1316 when he made this decision and he had no leeway in this matter. He maintained this position throughout our discussion. When it was pointed out that I could find no provisions in 1316 for closing just the commercial season when the fishery stock was in jeopardy, Counsel for the department pointed out that it was his interpretation that Act 1316 was a bill aimed solely at commercial fisheries. Counsel was then questioned about two paragraphs on page 24 of the bill which stated the following:

Furthermore, conservation and management decisions shall be fair and equitable to all the people of the state and implemented in such a manner that no individual, corporation or other entity acquires an excessive share of such rights and privileges. The right to fish does not convey any property right or ownership in the fishery resource, but rather recognizes continued public access to fishing opportunities in marine waters.

Further on in the document there is the following statement:

While elimination or restriction may have uneven impacts on different groups of fishermen, the proposed measures should be applicable to all people of the state. In addition to acquiring the best available biological data, the department shall use all practicable means to collect all relevant social and economic data in support of such allocation decision making efforts.

The attorney for the department explained that this language is contained in most legislation of this type and my interpretation of his statement was that this is a "Feel Good" message and was not to be given a literal interpretation. As a legislator, I will attempt to eliminate any language from a bill that is misleading or downright dishonest.

Following Mr. Jenkins testimony, Mr. John Roussell testified that as a biologist he was required to use but one parameter of biological sampling to make his decision that the Spawning Stock Potential was between 16 and 44. It was my interpretation of his comments that he did not feel that this was an accurate assessment of the flounder population but he was restrained by the legislation from using other parameters in making his decision. He went on to state that in his professional opinion, he did not feel that the flounder stock in Louisiana waters was in anyway threatened.

At this point I was forced to leave the meeting but I was later told that several of the commercial fishermen were allowed to make statements to the Committee.

I would like to commend Secretary Jenkins and his staff for attending the meeting and for their candor and cooperation in our discussions.

With reference to their testimony I would like to submit the following observations:

- 1) Secretary Jenkins stated that he was following the mandates of Act 1316 when he closed the commercial season for flounder and that current regulations would not allow him to suspend or retract his directive.
- 2) In spite of the language in this bill that would suggest otherwise, Secretary Jenkins stated that he did not have the authority to close the recreational fisheries. I inferred from his statements that even if he felt the resource was threatened, he did not have the authority to do so.
- 3) Aside from the Spawning Potential Ratio, biological data available to the department does not suggest that there is any threat to the resource. The biologist made the point that using but one parameter of data could be grossly erroneous. I might offer the following analogy. A blanket statement that if someone weighs 300 pounds he is grossly obese would probably be accurate in the majority of cases. However, if the person were 7 foot tall, this might be an appropriate weight.

It is my impression that the Wildlife and Fisheries Commission may be considering a size and creel limit on the catch of flounder. I would like to go on record as opposing this decision. If the resource is not threatened, there is no reason to prevent the sports fisherman from catching these fish. I have polled a cross section of the commercial fishermen in my district and they have overwhelmingly supported this position. To limit the catch of flounder to any user group when the resource is not threatened is as foolish as having commercial fishermen throw away dead flounder that they may capture in their nets.

As prudent and well meaning public officials, I know you share my concerns on this matter and I would appreciate your suggestions in the form of a report on this issue. It is obvious that there are provisions of Act 1316 that are faulty and your input on how to correct these faults would be appreciated.

In closing, I would like to emphasize that it is not my intent to revisit the gill net portion of this legislation. While I am disappointed that proper biological data was not applied to that decision, I do not want to reopen a war between the commercial and sports fishing interests in this state. We truly have a sportsman paradise which can be shared by all.

I would appreciate your consideration of including this document as an official part of your minutes.

Mile



**LOUISIANA HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES**

Post Office Box 44486
Baton Rouge, Louisiana 70804
Telephone: (504) 342-2402

Representative John R. Smith
Chairman

Representative Jack D. Smith
Vice Chairman

Michelle Vallot
Attorney

Sue Anderson
Secretary

April 10, 1996

Mr. Glynn Carver, Chairman
Louisiana Wildlife Commission
Route 1, Box 693
Many, LA 71449

Dear Sir:

Please let this advise you of HR8 which urges and requests the Louisiana Wildlife Commission to impose a limit on the recreational take of flounder.

Because fourteen (14) of the eighteen (18) members of the House Committee on Natural Resources plan to vote favorably on HR8 in committee on Thursday, April 11, 1996, let this serve to notify you of their strong support in favor of limiting the recreational take of flounder.

Enclosed please find a copy of HR 8 for your information.

Sincerely,

Michelle Vallot
Staff Attorney

MV:sa
Enclosure

cc: Mr. James H. Jenkins, Jr.
Secretary
Department of Wildlife & Fisheries

HLS 96A-524

ORIGINAL

First Extraordinary Session, 1996

HOUSE RESOLUTION NO. 8

BY REPRESENTATIVE FAUCHEUX

FISHING: Urges and requests the Louisiana Wildlife and Fisheries Commission to impose a limit on the recreational catching of flounder

HR 8 FAUCHEUX

FISHING: Urges and requests the Louisiana Wildlife and Fisheries Commission to impose a limit on the recreational catching of flounder

Handwritten initials: K. L. W. R.

Handwritten initials: BOLTJ

Handwritten initials: MF

Handwritten signature

Handwritten signature

Handwritten initials: W. D. R.

Handwritten initials: J. H. G.

1

A RESOLUTION

2

To urge and request the Louisiana Wildlife and Fisheries Commission to

3

impose a limit on the recreational taking of flounder.

4

WHEREAS, information now indicates that the flounder stock might

5

be in jeopardy; and

6

WHEREAS, the Department of Wildlife and Fisheries announced last

7

week that it will bar commercial flounder fishing for a year beginning May

8

1, 1996; and

9

WHEREAS, no such legal limits currently exist on recreational

10

flounder catches; and

11

WHEREAS, for the sake of maintaining the fishery, it is only fair and

12

just for all involved that a limit also be imposed on the recreational catches

13

of flounder.

14

THEREFORE, BE IT RESOLVED that the House of Representatives

15

does hereby urge and request the Louisiana Wildlife and Fisheries

16

Commission to impose a limit on recreational flounder catches, similar to

17

the ban imposed on commercial catches.

HLS 96A-524

ORIGINAL

- 1 BE IT FURTHER RESOLVED that a copy of this Resolution be
2 transmitted to the Louisiana Wildlife and Fisheries Commission.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Faucheux

HR No.

Urges and requests the Wildlife and Fisheries Commission to impose a limit on the recreational catching of flounder.

HCAHR8 1098 VII

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources to
Original House Resolution No. 8 by Representative Fauchaux

1 AMENDMENT NO. 1

2 On page 1, line 16 after "catches" delete the remainder of the line and delete
3 line 17 in its entirety and insert in lieu thereof "of five fish per day and no
4 less than twelve inches in total length."

HCAHR8 1098 VI

HOUSE COMMITTEE AMENDMENTS

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Original House Resolution No. 8 by Representative Faucheux

1 AMENDMENT NO. 1

- 2 On page 1, line 16 after "catches" delete the remainder of the line and delete
3 line 17 in its entirety and insert in lieu thereof "of ten fish per day and no
4 less than fourteen inches in total length."

FAX TRANSMISSION

HOUSE NATURAL RESOURCES COMMITTEE

P. O. BOX 44486
BATON ROUGE, LA 70804-4486
(504) 342-2402
FAX: (504) 342-1698

To: Susan Hawkins
LA Dept. of Wildlife & Fisheries

Date: April 10, 1996

Fax #: 765-2607

Pages: 4 Pages (including cover sheet),
including this cover sheet.

From: Sue Anderson

Subject: HR8 - Limit of flounder by recreational fishermen

COMMENTS:

Susan, please deliver a copy of this letter and HR8 to both Mr. Glynn Carver and Secretary Jenkins.

Thank you for your cooperation.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Vallot".

Michelle Vallot
Staff Attorney

MV:sa

Enclosure

cc: Mr. James H. Jenkins, Jr.
Secretary
Department of Wildlife & Fisheries

HLS 96A-524

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First Extraordinary Session, 1996

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WRP

BOH

MF



Hudson

[Signature]

[Signature]

[Signature]

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HLS 96A-524

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Faucheux

HR No.

Urges and requests the Wildlife and Fisheries Commission to impose a limit on the recreational catching of flounder.

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Office of Fisheries

In accordance with the emergency provisions of R.S. 49:953(B) the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:325.4 which provides that the Secretary of the Department must declare a closed season when it is determined that the spawning potential ratio of southern flounder (Paralichthys lethostigma) is below 30 percent, and R.S. 56:317, which allows the Secretary to close a fishing season or restrict fishing in the closed season in any manner deemed advisable, upon securing evidence that the fish in state waters have been depleted through overfishing or that fishing is detrimental to the interest of the State; the Secretary of the Department of Wildlife and Fisheries hereby finds that an imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

Effective 12:01 a.m., May 1, 1996, the commercial harvest of southern flounder (Paralichthys lethostigma) in Louisiana waters will close and remain closed until 12:01 a.m., May 1, 1997.

Effective with the closure, no vessel possessing any commercial fishing gear including, but not limited to, any pompano strike net, shall have southern flounder (Paralichthys lethostigma) aboard the vessel, whether caught within or without the territorial waters of the state.

Effective with the closure, the sale, barter, or exchange of, and the commercial possession of southern flounder (Paralichthys

lethostigma) shall be prohibited.

Act 1316 of the 1995 Louisiana Regular Legislative Session, the Louisiana Marine Resources Conservation Act of 1995, enacts §325.4 of Title 56, LRS, providing that the Wildlife and Fisheries Commission shall make an annual peer reviewed and evaluated report to the Legislature no later than March 1st containing the following information on southern flounder (Paralichthys lethostigma): (a) the spawning potential ratio (SPR), (b) a biological condition and profile of the species and stock assessment. The Act also provides that if the SPR is below 30 percent, the Department shall close the season within two weeks for the period of at least one year.

The Department has reviewed the information on the SPR of southern flounder (Paralichthys lethostigma), and has determined that the SPR is probably between 16 percent and 44 percent. The most conservative of these estimates is below the 30 percent criterion established by the Legislature. The Secretary has determined that a limited closure of the commercial harvest of flounder using pompano strike nets would be ineffective and unenforceable. The Secretary therefore has determined that it is in the best interest of the state and most appropriate that the commercial season for southern flounder (Paralichthys lethostigma) in Louisiana waters be completely closed, and remain closed for one year. In order to simplify temporal changes in regulations for fishermen, the closure is placed as May 1, 1996 until May 1, 1997.

James H. Jenkins, Jr.

Secretary

Louisiana Seafood Management Council

P. O. Box 874
Metairie, LA 70004
(504) 834-5785
FAX (504) 657-7755

April 11, 1996

Mr. Perry Gisclair
Vice-Chairman
Louisiana Wildlife & Fisheries Commission
141 West 139th Street
Cut Off, LA 70345

Dear Commissioner Gisclair:

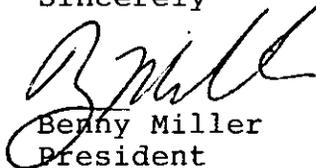
RE: COMMERCIAL BAN OF FLOUNDERS

The Louisiana Seafood Management Council would appreciate going on record at this commission meeting, April 11, 1996, as follows:

If the Secretary of the Department of Wildlife & Fisheries, James Jenkins, must take the stand that if the SPR for the flounder fishery is below 30% and in the name of conservation close the fishery until the SPR is returned to 30%, that the fishery be closed to all takings, not **ONLY** commercial fishing.

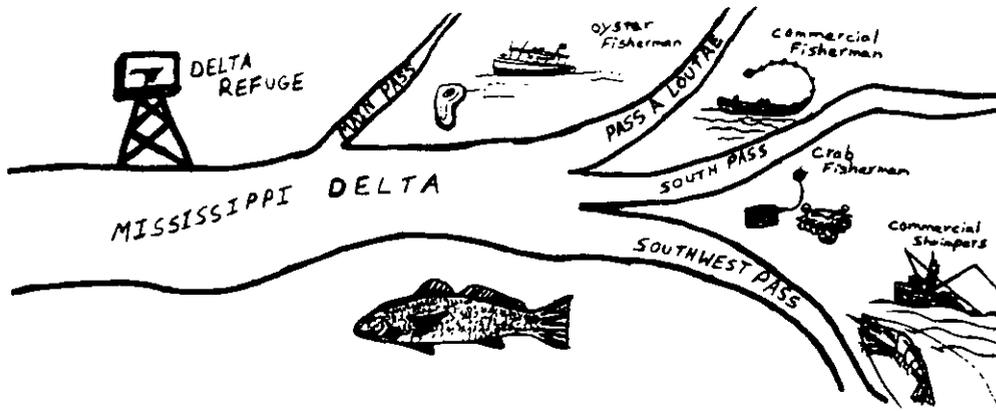
We firmly believe that a fishery can only attain rebuilding if the take is ZERO.

Sincerely


Benny Miller
President

BM:mr





P.O. Drawer 190
Venice, LA 70091-0190

Lower Plaquemines Parish, Louisiana

DELTA COMMERCIAL FISHERIES ASSOCIATION

April 11, 1996

Mr. Joseph B. Cormier
Commissioner
Louisiana Wildlife & Fisheries Commission
804 E. Alexander Street
Lafayette, LA 70501

Dear Commissioner Cormier:

RE: COMMERCIAL BAN OF FLOUNDERS

We have received a notice that the Department of Wildlife & Fisheries announced that it must ban commercial fishing for flounder in Louisiana for one year beginning May 1, 1996.

Therefore, if flounder must be shut down in Louisiana, it must be shut down for both commercial and recreational alike, giving flounders every chance to get SPR back to 30%.

Give **NO LIMITS OR QUOTAS** to commercial or recreational fishermen until the flounder stock is safe and back to normal.

Sincerely,

Larry B Loga
Larry Loga
President

LLmr

Louisiana Seafood Management Council

P. O. Box 874
Metairie, LA 70004
(504) 834-5785
FAX (504) 657-7755

April 11, 1996

Mr. Joseph B. Cormier
Commissioner
Louisiana Wildlife & Fisheries Commission
804 E. Alexander Street
Lafayette, LA 70508

Dear Commissioner Cormier:

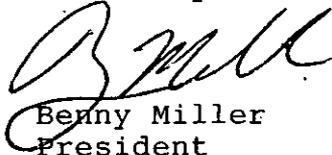
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We firmly believe that a fishery can only attain rebuilding if the take is **ZERO**.

Sincerely


Benny Miller
President

BM:mr



March 25, 1996

Mr. Joseph B. Cormier
804 E. Alexander Street
Lafayette, La. 70501
318-232-4268

Dear Mr. Cormier,

It is my understanding the flounder fisheries will close, through the Secretarial rule, on May 1, 1996. I think that this is a shame that we will lose another fish to ignorance or greed. As a fisherman, I have seen more flounders landed by shrimp trawls, wing nets and skimmers and also tiedown gill nets in the past three years. I find it very hard to believe that this species is in any trouble. I think the trouble is the method of gathering up flounder information is either slow or inefficient. As far as landings in 1994 and 1995, was it taken into consideration the elimination of certain fishing gear? I know that reporting shrimp trawl landings on flounder is not mandatory, so there is no way that the department has accurate figures on about 75% of the landings.

In closing I feel that if the Marine Finfish Panel had been meeting, as mandated, for the past four years we would have had a better idea on just how many flounders they do have in State waters and we wouldn't be taking a valuable resource away from the consumers, tourist and commercial fishermen and simply giving it to Jimmy Jenkins' people exclusively. I feel that if the Department and Jimmy Jenkins thinks that these fish are in jeopardy then we should have a state wide closure on flounders for all user groups, including the G.C.C.A.

Sincerely,

Harry Phillippe
Commercial Fisherman

March 25, 1996

Mr. Joseph B. Cormier
804 E. Alexander Street
Lafayette, LA 70501
318-232-4268

Dear Mr. Cormier,

I feel as a consumer of fresh Louisiana seafood that the State of Louisiana is short changing us. It seems unfair that the state would close down the flounder fishery to commercial fishermen, who supply the wholesale and retail dealers to which we receive our seafood from exclusively. Why is there only a shortage when it comes to the commercial fishermen and not for those people who are fortunate enough to own their own boats or have access to a facility to catch their own fish?

As a consumer I feel that if the fish are in danger or there is a shortage of them that maybe it would be to the best interest of the State to have the whole fishery shut down and not just a select group.

I hope you will be able to convince the Wildlife and Fisheries Commission to consider our rights as a consumer in their decisions on allocation of a fishery.

Sincerely,

Harry Phillip
Concerned Louisiana Citizen

Dear Sir

Can we count on your support in this matter?
Thank you for your time.

March 25, 1996

Mr. Harry Blanchet
La. Dept. of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, La. 70898-9000

Dear Mr. Blanchet:

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Sincerely,


Commercial Fisherman

March 25, 1996

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Sincerely,



Concerned Louisiana Citizen

RESOLUTION

WILDLIFE AND FISHERIES COMMISSION

April 11, 1996

Oyster Lease Application Moratorium

- WHEREAS,** the Secretary of the Department of Wildlife and Fisheries pursuant to R.S. 56:425 has the authority to lease state waterbottoms to residents of the state for the purpose of oyster cultivation, and
- WHEREAS,** the Department of Natural Resources is in the process of constructing coastal restoration projects to conserve and restore coastal vegetated wetlands, and
- WHEREAS,** the restoration of these vegetated wetlands will benefit the fish and wildlife resources of the state, and
- WHEREAS,** as a result of saltwater intrusion, the areas of optimum oyster production have shifted northward, and
- WHEREAS,** as a result of these coastal restoration projects the area of optimum oyster production may change, and
- WHEREAS,** in an effort to develop a mechanism to value areas as to their suitability for oyster production, the Department of Wildlife and Fisheries and the Department of Natural Resources hosted a workshop that was attended by representatives of the Louisiana Oyster Industry as well as representatives of academia and private industry, and
- WHEREAS,** one of the consensus recommendations of the workshop was to have a moratorium on the taking of oyster lease applications through January 1, 1997, and
- WHEREAS,** in order to set up the relocation areas, mitigation methodologies and recommend legislative changes that may be necessary, it will be necessary to extend the moratorium on the taking of oyster lease applications through January 4, 1998,
- NOW THEREFORE BE IT RESOLVED,** the Wildlife and Fisheries Commission does hereby establish a moratorium on the taking of oyster lease applications through January 4, 1998, and

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission directs the Secretary to immediately cease the acceptance and processing of oyster lease applications.

Glynn Carver, Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Department of Wildlife &
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 amend LAC 76:VII.505 relative to the oyster lease moratorium.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§500. Oyster Lease Moratorium

A. A moratorium on the taking of oyster lease applications is established and will extend through January 4, 1998.

B. The moratorium for the taking of oyster lease applications established by the Wildlife and Fisheries Commission in 1996 will be lifted on January 5, 1998. At that time, applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below. One week prior to the date the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised. For the purpose of and only for the purpose of this lifting of the moratorium, the New Orleans Canal Street Office will not be the site for taking applications.

C. On the date for taking of applications only one applicant at a time will be allowed in to the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for.

D. After the applicant pays the application and survey fees,

he may return to the end of the line for another application.

E. Applications will be taken 24 hours a day (on a first come basis) until the Department feels the influx of people can be handled during regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and 56:422.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:808 (August 1991); amended LR 22:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the amended rule to Mr. Philip Bowman, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, Louisiana, 70898-9000 no later than 4:30 p.m., Wednesday, July 3, 1996.

Glynn Carver

Chairman

RESOLUTION

Emergency Reopening of the
1995/96 Season on the Public Oyster Grounds

Adopted by the
Louisiana Wildlife and Fisheries Commission
Louisiana Department of Wildlife and Fisheries
April 11, 1996

- WHEREAS,** R.S. 56:433 provides that the Public Oyster Seed grounds may be opened on the Wednesday following Labor Day which in 1995 was September 6, and
- WHEREAS,** the oyster resources on the "Public Oyster Seed Grounds and Oyster Seed Reservation" were surveyed and the available supply and size variation has been determined, and
- WHEREAS,** the Wildlife and Fisheries Commission established the 95/96 season on the "Louisiana Public Oyster Seed grounds and the Sister Lake, Hackberry Bay and Bay Gardene Oyster Seed Reservations" not currently under lease to open one-half hour before sunrise on September 6, 1995, and established the season in Calcasieu Lake.
- WHEREAS,** these areas were scheduled to close on April 1, 1996.
- WHEREAS,** There are provisions under R.S. 56:433 B(1) for extensions through May 15th of each season after considering the recommendation of the Oyster Task Force and
- WHEREAS,** R. S. 56:6(25)(a) allows the Commission, through its secretary to set seasons, times and places, based on biological and technical data for all fish for the purposes of management of fishery species for the maximum continuing social and economic benefit to the State without over fishing, and
- WHEREAS,** House Current Resolution No. 5 of the 1996 Special Session urges and requests the Commission to extend the season on all the previously opened public oyster grounds to one-half hour after sunset April 30, 1996.
- THEREFORE BE IT RESOLVED,** that the season on those public oyster grounds previously opened be extended to 1/2 hour after sunset April 30, 1996, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action if necessary, to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of shell in seed oyster loads, and

BE IT FURTHER RESOLVED, that the Secretary will also have the authority to take emergency action to reopen areas previously closed if the threat to the resource has ended.

Glynn Carver,
Chairman
La. Wildlife & Fisheries
Commission

James H. Jenkins, Jr.
Secretary
Department of Wildlife &
Fisheries

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

In accordance with the emergency provisions of the Administrative Procedure Act, R. S. 49:953 (B) and 967, and under the authority of R.S. 56:6(25)(a), R.S.56:433 and R.S. 56:435.1 notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declares:

1. The oyster season on the public oyster grounds are to be reopened and extended to 1/2 hour after sunset April 30, 1996.
2. The Bay Junop Oyster Seed Reservations will remain closed during this extension.

**Glynn Carver
Chairman**

STATE OF LOUISIANA
HOUSE OF REPRESENTATIVESDANIEL T. "DAN" FLAVIN
District 36

April 2, 1996

4320 Lake Street
P.O. Box 6027
Lake Charles, Louisiana 70606
Telephone: (318) 477-1334
Fax: (318) 477-1336437 Marshall Street
Cameron, Louisiana 70631Commerce
Natural Resources
RetirementMr. James H. Jenkins, Jr., Secretary
Department of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, La. 70898-9000Re: Additional Item For Consideration By Wildlife & Fisheries Commission Meeting
April 11, 1996 - Extension of Oyster Season

Dear Mr. Jenkins:

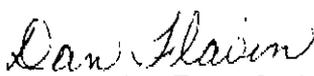
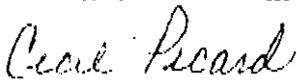
As I am sure you are aware, HCR No. 5 recently passed both the House and the Senate and is to come before the Wildlife and Fisheries Commission at its April 11, 1996 meeting. This legislation requests the Wildlife and Fisheries Commission to extend the season for taking oysters on all presently opened public oyster grounds.

Senator Cecil Picard and I would like to request that the Commission hear this legislation and to extend the oyster season in Calcasieu Lake until one-half hour after sunset on April 30, 1996 as is outlined in the legislation.

Your consideration of this matter is greatly appreciated.

With best personal regards,

Sincerely yours,


Representative Dan Flavin
Senator Cecil Picard

DF:CP/gg

cc: Mr. Glynn Carver, Chairman
Wildlife & Fisheries Commission

The Louisiana House of Representatives



The following document is from:

REPRESENTATIVE DAN FLAVIN

Date: 4/3/96 Time: 1:10

Sent by: Genque Gomez

Number of pages including cover: 2

IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CONTACT

AT (318) 477-1334 . Thank you!

Remarks: To: Susan Hurkins

Hi Susan,
Please put a copy of this request in
each commissioner's folder for the meeting.
Thanks for your help.

Genque

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 governing the issuance and methods by which Disabled Hunters Permits will be issued.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting

Chapter 1. Resident Game Hunting Seasons

§105. Physically Challenged Hunters Permit

A. Definitions

Amputee of the Upper Extremity - an individual suffering the loss of at least one arm, hand, or five fingers from one hand.

ATV - a small motorized vehicle designed for off road use, weighing less than 600 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch.

Commission - the Louisiana Wildlife and Fisheries Commission.

Commission Approved Physician - a physician licensed to practice medicine by the Louisiana State Board of Medical Examiners that has entered into an agreement with the Commission to evaluate permit applicants to determine if the applicants are permanently disabled as specified in the Disabled Hunter Rule.

Department - the Louisiana Department of Wildlife and

Fisheries.

Disabled Hunter Oversight Committee - a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for Disabled Hunter Permits. The five members of the committee shall be appointed by the Commission from the Louisiana Outdoorsmen With Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the Commission.

Disabled Hunter Review Board - a board of five individuals which collectively review and approve or reject, by majority vote, applications for Disabled Hunter Permits. The Board shall be selected by the Commission with recommendations from: the Louisiana Outdoorsmen With Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).

Disabled Hunter Permit - a permit issued by the Department of Wildlife and Fisheries to qualified disabled individuals.

Enforcement Division - the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Handicap ATV Permit - a permit issued by the Wildlife Division to certain disabled hunters to allow access to the specially designated handicapped ATV trails on Wildlife Management Areas.

Helper - an individual who accompanies a permitted disabled hunter to assist the disabled hunter in accessing a

hunting area, carrying hunting gear, and retrieving harvested game.

Mobility Impaired - a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.

Permanent Disability - a qualifying disability that a Commission Approved Physician, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee have determined will not improve over time or with medical treatment.

Special Deer Season - a special deer season only for individuals with valid Disabled Hunter Permits established by the Louisiana Wildlife and Fisheries Commission.

Special Handicapped Hunt - special hunt or hunts on certain W.M.A.s only for individuals with valid Disabled Hunter Permits.

Wheelchair Bound - a permanent disability that prohibits mobility by any means other than a wheelchair.

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

W.M.A. - a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must **permanently** confine the applicant to the use of a wheelchair. If

the Applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

- (a) a Commission Approved Physician;
- (b) the Disabled Hunter Review Board; **and**
- (c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is **not** permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Wildlife Division **and** The Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following

Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide handicapped hunts.

ii. May take either-sex deer on private lands statewide during the entire gun deer season and during the muzzle loader season. This provision **does not** include W.M.A.'s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.

c. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

d. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

e. Hunting From Vehicles. May hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.

f. Helpers. Permittee may be accompanied by helpers as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may **not** use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See B.2.f.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specifically designated on W.M.A. maps.

ii. Approved individuals (Permittees & Helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer, is prohibited.

iii. Permittee may not transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on or within 100 yards of handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other

license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative actions.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and

impair the applicant sufficiently to preclude walking farther than very short distances (less than 150 yards) even with mechanical aids. If the applicant may eventually recover, he or she does not qualify. If the future prognosis is uncertain, the applicant does not qualify at this time.

ii. Qualifying disabilities under this class may include, but are not limited to:

(a) Permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect.

(b) Defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect.

iii. **Non-Qualifying** disabilities may include, but are not limited to:

(a) Vision impairment;

(b) Arm, hand, shoulder, or other impairments that do not effect walking;

(c) Any impairment considered to be a part of or resulting from the normal aging process;

(d) Any impairment resulting from or due to a lack of physical conditioning.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

(a) a Commission Approved Physician;

(b) the Disabled Hunter Review Board; **and**

(c) the Wildlife Division.

ii. Should the Commission Approved Physician determine the applicant is **not** permanently mobility impaired, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board **and** the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access To Wildlife Management Areas. Upon request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

d. Helpers. Permittee may be accompanied by

helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may **not** use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See C.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

ii. Permittee may **not** transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other

license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to enable the permittee to walk more than 150 yards, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one

hand to qualify for a permit of this class.

b. Certification By Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a Commission Approved Physician.

ii. Should the Commission Approved Physician determine the applicant is not an amputee of the upper extremity, the application shall be rejected. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or Class II or above wildlife convictions, as determined by the Enforcement Division, shall not qualify for this permit.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts. May participate in special W.M.A. hunts.

b. Special Deer Seasons. May participate in special statewide handicapped hunts.

c. Access to Wildlife Management Areas. Upon

request, permittees of this class shall receive a Handicap ATV permit/sticker for access to specially designated ATV trails of W.M.A.s.

d. Crossbow. May use a crossbow to archery hunt during the statewide archery season.

e. Helpers. Permittee may be accompanied by helpers as necessary to get to and from the hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a Helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the Helper is hunting.

3. Conditions of Approval

a. Non-Transferable. The Disabled Hunter Permit is non-transferable and is valid for named permittee only.

b. Permit In Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See D.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on

W.M.A. maps.

ii. Permittee may **not** transport other non-disabled hunters or their harvested game, firearms/bows/crossbows or other equipment while on handicapped ATV trails.

e. Other Licenses Required. The issuance of a Disabled Hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the Permittees possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the Department.

ii. The Department shall retain the right to change the duration and/or conditions of the Disabled Hunter Permits to comply with future Commission or Legislative action.

h. Cost

i. Disabled Hunter Permits shall be issued to approved applicants after payment of a \$10.00 issuing fee to the Department.

ii. A reissuing fee of \$5.00 will be assessed for replacing lost or destroyed permits.

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife

and Fisheries, Wildlife and Fisheries Commission LR 22:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. Tommy Prickett, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898 prior to 4:30 p.m., Tuesday, July 2, 1996.

Glynn Carver

Chairman

PETITION FOR QUALITY DEER AREA

To the honorable members of the Louisiana Wildlife and Fisheries Commission; we the undersigned owners and/or lease holders of the woodland properties listed herein, do hereby request that the state of Louisiana create and establish the first Quality Deer Area in Louisiana in the parish of Pointe Coupee.

The area in general is bounded on the north by Louisiana Highway 1 and the Lacour Levee; on the south by Louisiana Highway 10; on the east by the East Guide Levee of the Morganza Floodway and on the west by the Atchafalaya River.

We also request that this quality area have a restriction on buck deer, allowing only bucks with a minimum of three (3) points on one (1) side to be legal. A point must be at least one (1) inch in length. We request that the appropriate number of "either sex" days, be allotted to insure a proper balance to maintain a healthy deer herd.

Because this request is not fully detailed, we realize that additional requirements or restrictions may be imposed by the Wildlife and Fisheries Game or Enforcement Divisions.

Respectively Submitted,

Ernest Grand

Howard C. Morsy III (Butch)

Jacques V. LaRue

Paul Bohannon

Joseph P. Beaudry

Mary L. Hardy

**QUALITY DEER AREA INFORMATIONAL SHEET
(3 POINTS ON ONE SIDE)**

**POINTE COUPEE PARISH
MORGANZA FLOODWAY**

BOUNDARY DESCRIPTION:

**NORTH - LA. HIGHWAY 1 AND LACOUR LEVEE
SOUTH - LA HIGHWAY 10
EAST - EAST GUIDE LEVEE
WEST - ATCHALAFAYA RIVER**

LAND MASS AREA:

**8 MILES LONG AND 4 MILES WIDE
33 SQUARE MILES, 21,235 ACRES
WOODLAND - 19 SQUARE MILES, 12,380 ACRES
AGRICULTURAL(OPEN FIELDS) - 14 SQUARE MILES, 8,855 ACRES**

OTHER INFO:

The entire area is within the Morganza Floodway, which mandates: **No Permanent Dwellings; such as homes, schools, churches etc.** Its eternal land use is limited to forestry and agriculture, an ideal area for long term deer management. The area supports the largest concentration of Louisiana Black Bear in the state, due to the remoteness and limited human access; only one gravel road traverses across the area.

Currently, six (6) hunting clubs in the proposed area are engaged in D.M.A.P., three (3) of which are on "Buck Management" programs. There is an undetermined number of other hunting clubs in the proposed area not on D.M.A.P. There is also an undetermined number of individual landowners who do not lease their land for hunting. Some of these other hunting clubs and landowners are also practicing "Buck Management". The most lenient "Buck Management" program allows for the taking of "forkhorn" bucks; In the most restrictive program, bucks must have eight (8) points with a fifteen (15) inch spread..

All of the signatures on the attached petition represent clubs on D.M.A.P., clubs not on D.M.A.P., and individual landowners who do not lease their property for hunting. Hunting clubs represented in the petition are; Sugarland, Viva, Latnache, and Mossy Oak.

The clubs and landowners who have signed this petition, own or have the hunting privileges on 9,135 acres of woodland. This is 74% of all woodland in the proposed area.



DEER SEASON OPTIONS

Two issues have been raised with regards to the 1996-97 deer season proposal. We have been asked to offer some options that would place a seven day muzzle loader season before the regular gun season in each deer hunting area of the state. Another request is to present options would open the with or without dogs segment of the deer season in Areas 6 & 7 on a Saturday.

Option #1

<u>AREA</u>	<u>ARCHERY</u>	<u>MUZZLE LOADER</u>	<u>STILL HUNT</u>	<u>WITH/WITHOUT DOGS</u>
1	Oct1-Jan31	Nov9-15	Nov16-Dec1 Jan4-19	Dec7-Jan3
2	"	Oct19-25	Oct26-Dec6	Dec7-Jan5
3	"	Oct12-18	Oct19-Dec6 Dec21-Jan5	
4	"	Nov16-22	Nov23-Jan5	
5	"	Nov16-22 BUCKS ONLY	Nov23-Jan5	
6	"	Nov9-15	Nov16-Dec1	Dec7-Jan19
7	"	Oct12-18	Oct19-Nov3 Nov16-Dec1	Dec14-Jan19

Option #2

AREA	ARCHERY	MUZZLE LOADER	STILL HUNT	WITH/WITHOUT DOGS
1	Oct1-Jan31	Nov9-15	Nov16-Dec1 Jan4-19	Dec7-Jan3
2	"	Oct19-25	Oct26-Dec6	Dec7-Jan5
3	"	Oct19-25	Oct26-Dec13 Dec21-Jan5	
4	"	Nov9-15	Nov23-Jan5	
5	"	Nov9-15	Nov23-Dec1	
6	"	Nov9-15	Nov16-Dec1	Dec7-Jan19
7	"	Oct19-25	Oct26-Nov10 Nov16-Dec1	Dec14-Jan19

Option #3

1	Oct1-Jan31	Oct19-25	Nov16-Dec1 Jan4-19	Dec7-Jan3
2	"	"	Oct26-Dec6	Dec7-Jan5
3	"	"	Oct26-Dec13 Dec21-Jan5	
4	"	"	Nov23-Jan5	
5	"	"	Nov23-Dec1	
		BUCKS ONLY		
6	"	"	Nov16-Dec1	Dec7-Jan19
7	"	"	Oct26-Nov10 Nov16-Dec1	Dec14-Jan19

Option #4

<u>AREA</u>	<u>ARCHERY</u>	<u>MUZZLE LOADER</u>	<u>STILL HUNTING</u>	<u>WITH/WITHOUT DOGS</u>
1	Oct1-Jan31	Nov9-15	Nov16-Dec1 Jan4-19	Dec7-Jan3
2	"	"	Oct26-Nov8 Nov16-Dec6	Dec7-Jan5
3	"	"	Oct19-Nov8 Nov16-Dec6 Dec21-Jan5	
4	"	"	Nov23-Jan5	
5	"	"	Nov23-Dec1	
		BUCKS ONLY		
6	"	"	Nov16-Dec1	Dec7-Jan19
7	"	"	Oct19-Nov3 Nov16-Dec1	Dec14-Jan19

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

- WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and
- WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and
- WHEREAS, the estimated 898,000 plus sportfishermen in Louisiana spend in excess of one billion dollars annually, and
- WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and
- WHEREAS, Free Fishing Days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.
- NOW THEREFORE, BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially declare the week of June 3-9, 1996 as

FISHING WEEK

in the State of Louisiana, and

- BE IT FURTHER RESOLVED, that June 8 and 9, 1996 are hereby declared free recreational fishing days, during which residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

DATE: April 11, 1996

Glynn Carver
Chairman

Perry Gisclair
Vice-Chairman

John F. "Jeff" Schneider

Joseph B. Cormier

Edmund McIlhenny, Jr.

Daniel Babin

Jerald Hanchey

James H. Jenkins, Jr., Secretary

RESOLUTION

WHEREAS: Sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS: Sportfishing, through the payment of millions of dollars annually for licensed, taxes and fees, has provided the funding for federal and state programs that contributes significantly to the preservation and protection of our natural environment, and

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Date

Commission members names

MANAGEMENT OF NUTRIA IN COASTAL LA.

MARKETS

Since 1962 nutria has been the backbone of the Louisiana fur industry. For 20 years (1962-1982) the annual harvest of nutria never dropped below 1 million and in many years was over 1.5 million. During the 1976-77 season the harvest reached 1.8 million pelts worth over \$14 million to the trappers of the state. During the late 1970's and early 1980's average pelt prices were over \$8.

However, nutria markets in Northern Europe began changing in the early 1980's and pelt prices dropped. During the mid and late 1980's many of the state's large dealers passed away and that capital was removed from the Louisiana industry. The last harvest near 1 million pelts occurred in 1987-88. Harvest dropped to near 300,000 by 1989-90. During the late 1980's ranch mink were over produced internationally, resulting in lower prices for all wild fur including nutria.

By 1986 Fur and Refuge Division personnel began observing vegetative damage in some Southeast coastal marshes. The Division recommended aerial surveys to determine the distribution and severity of the damage, however funds were not available. Increasing reports of marsh damage from large coastal land companies and concerns of trappers related to lack of markets and increasing anti-trapping activity resulted in the creation of the Fur and Alligator Advisory Council (FAAC) in 1986. In the early 1990's the sugar cane industry began reporting serious damage.

Market development during the early 1990's resulted in new markets for La. nutria in Canada, Eastern Europe, and now Russia and mainland China. However, to fully take advantage of these markets dealers must buy in December, January, February, and March and hold until summer and early fall. This requires capital that is not available from remaining state fur dealers. If dealers had capital they could pay more to trappers, buy more (increasing harvest) and sell later when prices are higher. Low prices (\$2-4) to trappers for several years have reduced participation, farther reducing harvest and resulting in over population in some coastal marshes. Harvest during the last three years has ranged from slightly over 100,000 to 200,000 animals. Markets this past season (1995-96) could have resulted in sales of over 400,000 pelts if dealers had available capital to pay slightly more and hold until summer. That was not the case and the resulting harvest will likely be low with all nutria already sold and demand and price increasing.

DEPARTMENT ACTION

The Department has been actively involved with this issue since the mid 1980's. Had aerial survey data on marsh damage been collected, beginning in 1988, strong justification for an incentive payments project could have been made through the Coastal Wetlands Planning, Protection, and Restoration Act(CWPPRA). Everytime damage was discussed with the federal agencies the question was asked; how many acres are being damaged and in what areas? Unfortunately, the Department did not have funding to conduct aerial surveys and could not provide answers. In an attempt to use some CWPPRA funds a "Nutria Control Cost Share Program" was created by Act 552 in 1990. This program provided \$50,000 to be matched 1 to 1 by participating land companies. The program required information including trapping history, location of the damage, and a payment of 50 cents per pelt sold and provided a 50 cent match from CWPPRA funds. However, there were no provisions for the cost of administering the program, including locating, verifying, and monitoring the damage sites by LDWF. Land companies did not know where damage was occurring and the \$1.00 payment was not adequate. Thus, the program has been unsuccessful. ...

Declining mineral revenues and tremendous competition for CWPPRA projects from local government in recent years has made this potential source of funding much less available. However, concern from local government, land companies, state and federal agencies continues to grow.

Taking advantage of this interest, Fur and Refuge Division conducted an aerial survey under contract to Barataria -Terrebonne National Estuary Program (BTNEP) in May and December of 1993. This survey, conducted from Atchafalaya Bay to the Mississippi River, found over 15,000 acres of damaged marsh along transects, indicating total damaged acres of over 60,000 acres. Recovery from the May to December survey was not very encouraging, with only 38% of the damaged sites showing partial recovery. The Division is now conducting an aerial survey of the same area for BTNEP. This survey will provide an update on the status of damaged marsh in Southeast Louisiana. Funding has not been available for surveys in Southwest Louisiana, therefore the distribution and severity of vegetative damage is unknown except for spotty reports from land companies.

A meeting with major coastal land companies to discuss nutria management was held in the fall of 1994. Land companies felt that LDWF should seek state funding for incentive payments to trappers to increase harvest to at least 400,000 pelts in an attempt to reduce or halt marsh damage. I believe they would strongly support such a funding request. Strong support would also come from local governments and most state and federal agencies. Land companies also felt that FAAC should continue to develop markets and search for innovative financing to assist fur dealers.

During this past fall and winter FAAC and Division personnel worked with interested dealers and land companies encouraging the development of a Louisiana Fur Corporation. Several land companies indicated interest and this project has continued. Meetings with the Department of Agriculture and Forestry have indicated an interest on the part of Commissioner Odum to support a bill creating the Louisiana Fur Marketing and Development Authority. This type of legislation provided funding for the development of several alligator tanneries in the state through guaranteed loans and could provide the needed capital to state fur dealers.

Division personnel have been working for over two years with Departments of Health and Hospitals and Agriculture and Forestry to allow the sale of nutria meat for human consumption. Regulations were completed in late 1995 and five processors were selected. The potential for meat sales is good, with strong interest from the Pacific Rim. However, markets will require time for development and financial arrangements. Nutria meat for human consumption is not new. This meat has been considered a delicacy in Europe for many years. The FAAC provided funding in 1995 for a nutritional analysis of the meat conducted by Pennington Biomedical Research. This analysis showed that nutria meat is lower in fat than chicken or turkey and is as high in protein as other commonly consumed meats (chicken, beef, pork and turkey). The meat is similar in taste to rabbit but milder. FAAC and LDWF have continued to encourage this market working cooperatively with many state agencies and conservation organizations.

The Division also continues to conduct nutria pelt quality research through a combination of research projects. The goal of these projects are to determine the factors which dictate variation in pelt quality and to subsequently develop management practices which may enhance pelt quality to improve marketability, increased price, and result in an increased harvest.

The problem of over population of nutria is not entirely new. Before a market for the fur developed in the early 1960's the same reports of crop and marsh damage were heard. However, the long term impacts of such vegetative damage may not

have been understood. After considering poisoning, listing as an outlaw quadruped, and a possible bounty, the problem was solved by the creation of a market and fairly stable prices to trappers through the mid 1980's.

SUMMARY OF RECOMMENDATIONS

- 1- Continue to survey Southeast marsh damage through BTNEP in order to support requests for action.
- 2- Request funding for aerial surveys in Southwest marshes.
- 3- Work cooperatively with local government, state and federal agencies, and coastal land companies to secure funding for an incentive payment program to increase pelt price and harvest (a payment of \$1.50 per nutria for up to 500,000 would require \$750,000 plus administrative cost. This is not much compared to \$20 to \$40 million spent annually on coastal restoration and protection).
- 4- Support efforts of FAAC to enhance and develop fur markets.
- 5- Work cooperatively with FAAC, land companies, and the Department of Agriculture and Forestry to secure funding for the creation of the Louisiana Fur Marketing and Development Authority in order to provide innovative financing to Louisiana fur corporations resulting in more capital to pay more to trappers, buy more nutria, and sell at higher prices.
- 6- Work cooperatively with FAAC, Department of Agriculture and Forestry on development of the nutria meat market.
- 7- Continue research on pelt quality with the goal of increasing pelt price and harvest.

ENFORCEMENT CASE REPORT

MARCH 1996

ENFORCEMENT CASE REPORT-MARCH 1996

REGION I

TOTAL CASES-84

ENFORCEMENT-84

OTHER DIV. - 0

15-Boating

24-Angling W/O A License

5-Fishing W/O Non-Resident License

29-Fishing W/O Cane Pole License

1-Take Game Fish Illegally

3-Take Illegal Size Black Bass

1-Failnre To Have Commercial License In Possession

1-Failure To Have Comm. Gear License In Possession

1-Selling Fish W/O Wholesale/Retail Dealers License

1-Transport W/O Required License

1-Hunting W/O Resident License

1-Hunt Rabbits Closed Season

1-Operating A Vehicle While Intoxicated

CONFISCATIONS:

4 black bass, 1-70 foot trammel net.

TOTAL OF EACH CATEGORY FOR REGION 1:

15-Boating

1-Other

62-Sport Fishing

4-Commercial Fishing

2-Hunting

REGION 2

TOTAL CASES-81

ENFORCEMENT-80

OTHER DIV. - 1

23-Boating

1-Take Or Sell Commercial Fishing W/O Commercial License

5-Sell Or Buy Fish W/O Wholesale/Dealers License

2-Transport W/O Required License

19-Angling W/O A License

2-Angling W/O A Non-Resident License

6-Fish W/O A Resident Pole License

1-Take Overlimit Of Freshwater Game Fish

19-Take Illegal Size Black Bass

1-Littering

2-Not Abiding By Rules And Regs. On WMA

CONFISCATIONS:

126 crappie, 1 Evinrude Motor.

TOTAL OF EACH CATEGORY FOR REGION 2:

23-Boating

3-Other

8-Commercial Fishing

47-Sports Fishing

REGION 3

TOTAL CASES-181

ENFORCEMENT-164

OTHER DIV. - 17

36-Boating

49-Angle W/O License In Possession

3-Fish W/O Resident Pole License

9-Angle W/O Non-Resident License

4-Possession Over Limit Black Bass

14-Take Undersize Black Bass

1-Possession Of Illegally Taken Gamefish

3-Take Illegal Size Black Bass (Slot Fish)

1-Take Commercial Fish W/O Commercial License

1-Blocking Passage Of Fish

1-Failure To Tag Nets

1-Buying Comm. Fish From Unlicensed Commercial Fisherman

1-Buy/Sell Fish W/O Resident Wholesale/Retail License

3-Fail To Maintain Records

1-Possess Sturgeon In Closed Season

1-Failure To Comply W/Reptile/Amphibian Shipping Regs.

1-Operate W/O Wholesale/Retail Reptile License

1-Hunt Turkey W/O Basic License

4-Hunt Turkey W/O Turkey Stamp

1-Hunt Turkey W/O Big Game License

1-Hunt Turkey W/O Non-Resident Big Game License

REGION 3 CONT'D.

2-Hunt Turkey Over Baited Area

1-Take Turkey In Closed Season

1-Hunt With Unplugged Gun

1-Take Non-Game Animals Illegally (Bobcat)

1-Possession Of Live Non-Game Quadrupeds (Bobcat)

1-Illegal Possession Of Wild Quadrupeds (Squirrel)

19-Failure To Abide By R&R On WMA

3-Trapping In Closed Season

2-Criminal Trespass On State Property

6-Littering

2-DWI

2-Careless Operation Of Motor Vehicle

1-Driving Under Suspension

1-No Drivers License

1-Operate ATV On Public Road

CONFISCATIONS:

2 bobcats, 1 deer, 458 turtles, 3 sturgeon, 28 crappie, 53 black bass, 4 basic resident fishing license, 1 vhs tape, 10 snares, 2 steel traps.

TOTAL OF EACH CATEGORY FOR REGION 3:

36-Boating

2-Amphib./Reptile

5-Public Assistance

9-Commercial Fishing

15-Other

83-Sport Fishing

36-Hunting

REGION 4

TOTAL CASES-63

ENFORCEMENT-51

OTHER DIV. -12

10-Boating

15-Angling W/O A License

7-Angling W/O A Non-Resident License

7-Fishing W/O Resident Pole License

1-Using Recreational Gear W/O A Gear License

1-Take Commercial Fish W/O Commercial License

1-Take Commercial Fish W/O Commercial Gear License

1-Selling Or Buying Fish W/O A Retail Dealer's License

1-Using Lead Nets In Other Than Overflow

1-Hunting W/Unplugged Gun

6-Hunting Turkeys W/O A Turkey Stamp

12-Not Abiding By Rules And Regs. On WMA

CONFISCATIONS:

8 hoop nets.

TOTAL CASES EACH CATEGORY FOR REGION 4:

10-Boating

34-Fishing

7-Hunting

12-Other

REGION 5

TOTAL CASES-101

ENFORCEMENT-78

OTHER DIV. - 23

17-Boating

1-Illegal Poss. Of Game Fish

3-Taking O/L Red Snapper

1-Poss. O/L Red Drum Exceed 27"

20-Angling W/O A License

6-Angling W/O A Non-Res. License

1-Poss. O/L Red Drum

10-Poss. U/S Black Drum

1-Poss. Ducks C/S

1-Transport Illegally Taken MGB

2-Take Coots C/S

2-Take Ducks C/S

2-Take Rails C/s

8-Trespass National Wildlife And Refuge

1-Illegal Poss. Of Alligators Eggs/Skins

1-Poss. Of Live Alligators W/O A Permit

1-Failure To Tag Gill Net

6-Take Comm Fish W/O A Comm. License

3-Take Comm. Fish W/O A Gear License

3-Take Comm. Fish W/O A Vessel License

1-Buy Fish W/O A Wholesale/Retail Dealer License

REGION 5 CONT'D.

2-Failure To Maintain Records

2-No Transport License

1-Illegal Shipping Of Comm.Fish

1-Buy Comm. Fish From Unlicensed Fishermen

2-Permit Unlicensed Person To Operate Comm. Vessel

1-No Oyster Harvester License

1-Poss. O/L Oysters

CONFISCATIONS:

3 gill nets, 1 rod and reel, 1 fishing license, 2 sale receipts, 1 flounder, 2 catfish, 21 perch, 21 black drum, 58 1/4 sacks of oysters, 28 red snapper, 1 box crabs, 5 redfish, 12 rails, 3 coots, 2 teal, 3 scaup, 2 alligators.

TOTAL OF EACH CATEGORY FOR REGION 5:

17-Boating

66-Fishing

18-Hunting

REGION 6

TOTAL CASES-128

ENFORCEMENT-114

OTHER DIV. - 14

39-Boating

41-Angling W/O A License

20-Fish Without A Resident Pole License

1-Take Game Fish Illegally

2-Possess Over The Limit Of Red Drum In Excess Of 27"

5-Take Illegal Size Black Bass

1-Fail To Maintain Records

1-Transport Without Required License

1-Use Crab Traps Without Required Markings

2-Possess Undersize Crabs

2-Hunt Without Resident License

2-Hunt From Moving Vehicle

3-Hunting Turkey Without Turkey Stamp

2-Hunt Raccoons Illegally

2-Taking Robins-No Season

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

2-Hunt MGB From Public Road

1-Littering

CONFISCATIONS:

40 sacks of oysters, 40 boxes of oysters, 50 gallons of oysters, 1 sack of crabs, 1 crate of crabs, 1-5 gallon bucket of crabs, 25 untagged crab traps, 16 black bass, 9 red drum, 4 raccoons, 3

Page (9)

REGION 6 CONT'D.

CONFISCATIONS CONT'D.

robins, 2 mockingbirds, 1 spotlight, 1 rifle, 2 seafood purchase records.

TOTAL OF EACH CATEGORY FOR REGION 6:

39-Boating

69-Sport Fishing

5-Commercial Fishing

15-Hunting

Page (10)

REGION 7

TOTAL CASES-184

ENFORCEMENT-180

OTHER DIV. - 4

31-Boating

56-Angling W/O A License

10-Angling W/O Non-Resident License

5-Fish W/O Cane Pole License

1-Take Game Fish Illegally

4-Sell Shrimp W/O Wholesale Retail License

7-Transport W/O License

3-Failure To Fill Our Oyster Tags Correctly

1-Possession Of Untagged Oysters

25-Take Undersize Crabs

4-Hunting Turkey Over Bait

3-Hunting Turkey W/O Turkey Stamp

2-DWI

1-Sanitary Code Violation

10-Injuring Public Records

10-Filing False Public Records

1-Littering

1-Allow Another To Use Recreational License

3-Possess Over The Limit Of Cobia

1-Fail To Maintain Records

Page (11)

REGION 7 CONT'D.

2-Illegal Shipping Of Commercial Fish

1-Take Undersize Commercial Fish

1-Possess Alligator W/O Permit

1-Allow Another To Use Commercial License

CONFISCATIONS:

8 cobia, 273 catfish, 1 alligator, 4300 lbs. of crabs, 338 sacks of oysters, 14 gallons of oysters, 3 black bass, 3 shotguns, 1 castnet.

TOTAL OF EACH CATEGORY FOR REGION 7:

31-Boating

68-Commercial Fishing

73-Sport Fishing

7-Hunting

1-Reptile/Amphibian

4-Other

REGION 8

TOTAL CASES-196

ENFORCEMENT-195

OTHER - 1

32-Boating

1-Allow Another To Use Commercial License

2-Allow Another To Use Restricted Species Permit/Spotted Sea Trout

14-Angling W/O Saltwater License

36-Angling W/O Basic License

5-Angling W/O Basic License-Non-Resident

1-Buy Commercial Fish From Un-Licensed Fisherman

2-Commercial Fishing W/O Gear License

1-Commercial Fishing W/O Vessel License

5-Fail To Tag Sacked Oysters

1-Fail To Fill Out Oyster Tags Correctly

1-Fail To Provide Adequate Covering For Shellstock

4-Fail To Cull Oysters In Proper Location

1-Flight From An Officer

1-Harvest Oysters W/O Harvest License

2-Hunt Raccoons Illegally

1-Illegal Possession Of Drug Paraphernalia

1-Illegal Possession Of Marijuana

1-Illegal Shipping/No Invoices

REGION 8 CONT'D.

1-Improper Tag Information

2-Littering

2-Misrepresentation Of Booking Information

3-No Commercial Fisherman's License

1-No Owner Display On Commercial Truck

1-No Transport License

3-Over The Limit Of Redsnapper

1-Permit Un-Licensed Person To Operate Commercial Vessel

2-Permit Un-Licensed Person To Use Commercial Gear

3-Possess Gill Net Illegally

4-Possess Over-the-Limit Of Red Snapper

1-Possess Untagged Oysters

1-Possess Over-the-Limit Of Red drum

1-Possess Schedule Two Narcotic/Valium

1-Possess Commercial Fish W/O Vessel License/Sheephead, Puppy Drum

2-Removing Contents Of Crab Traps

5-Rules And Regs. Over-the-Limit Of Cobia

1-Sell Fish W/O Wholesale/Retail License

3-Take Commercial Fish Without A Commercial License

2-Take Commercial Fish Without A Gear License

4-Take Commercial Fish Without A Vessel License

1-Take Commercial Seafood Without Vessel License

2-Take Game Fish Illegally/Cast Net/Bass, Crappie, Bream

REGION 8 CONT'D.

- 2-Take Quadrupeds In Illegal Hours**
- 2-Take Trout With Mullet Strike Net In Excess Of 1200 Feet**
- 9-Take Oysters From And Unapproved Area/Polluted**
- 1-Take Over The Limit Of Black Drum**
- 3-Take Undersized Black Drum**
- 5-Take Undersized Red Snapper**
- 2-Take Undersized Hard Crabs**
- 3-Take Undersized Commercial Finfish**
- 2-Use Saltwater Net Illegally/Trout**
- 1-Use Saltwater Net Illegally/Trout**
- 1-Use Gear W/O Recreational Gear License**
- 1-Violate Commercial Rules And Regs. On Restricted Species**
- 1-Violating National Refuge Regs./Trot Line**
- 1-Violation Of Sanitation Code/Refrigeration**
- 3-Unlawfully Take Oysters From State Waters**

CONFISCATIONS:

3,781 whole fish, 4 boxes of crabs, 118 sacks of oysters, 6 raccoons, 2 rabbits, 38 cobia, 378 channel catfish, 1 ice chest, 1 hunting light, 3 guns, 1 drug container, 2 oyster dredges, 1 cast net, 1 vessel license, 2 marijuana cigarettes, 1 trot line, 1 trailer, 1 boat, 3 gill nets totalling 3,750 feet, 5 hoop nets, 1 Valium pill.

TOTAL OF EACH CATEGORY FOR REGION 8:

32-Boating	76-Sport Fishing	2-MGB
72-Commercial Fishing	4-Hunting	10-Other

REGION 9

TOTAL CASES-235

ENFORCEMENT-234

OTHER DIV. - 1

37-Boating

1-Allow Another To Use Recreational License

52-Angling W/O A License

2-Angling W/O Non-Resident License

8-Fish W/O Resident Pole License

2-Use Gear W/O Recreational Gear License

3-Angling W/O Saltwater License

1-Fail To Have Saltwater Stamp

1-Poss. Game Fish Illegally

2-Take Overlimit Of Undersize Freshwater Gamefish

4-Possess Overlimit Of Red Drum

1-Fail To Have Redfish Intact

14-Take Illegal Size Black Bass

4-Take Undersize Black Drum

1-Fail To Have Commercial License In Possession

4-Take Commercial Fish W/O Commercial License

8-Take Commercial Fish W/O Commercial Gear License

10-No Commercial License

3-Sell Fish W/O Wholesale Retail License

3-Fail To Maintain Records

1-Transport W/O Required Resident License

REGION 9 CONT'D.

1-Take Commercial Fish W/Non-Approved Device

1-Use Elevated Trotline

4-Take Undersize Commercial Finfish

2-Sell Game Fish

3-Buy Commercial Fish From Un-License Fisherman

3-Use Crab Traps W/O Required Markings

1-Fail To Comply W/Permit Requirements

2-Theft Of Crab Trap

10-Possess Undersize Hard Crabs Commercial

15-Sell Undersize Commercial Hard Crabs

1-Commercial Truck W/O Display Of Owner Name And Address

6-Failure To Tag Containerized Oysters

3-Buying For Resale Untagged Oysters

1-Fail To Cull Oysters In Proper Location

1-Fail To Comply W/Oyster Packaging Regs.

4-Possess F.B.A. W/O Resident License

1-Take Non-Game Quadrupeds

2-Possess Untagged MGB

1-Poss. Of Completely Dressed MGB

1-Criminal Damage Of State Property

1-Interfere With Officer

1-Littering

8-Violation Of Sanitary Code

CONFISCATIONS:

4,100 lbs. of hard crabs, 1,193 lbs. of catfish sold for \$596.50, 93 catfish released, 788 catfish evidence, 908 lbs. of shad sold for \$101. 2 1/2 sacks of oysters, 3 otters-2 sold for \$30.00, 1 otter disposed, 19 black bass, 157 red drum, 13 black drum, 4 packs of fillet fish, 9 sac-a-lait, 4 dressed MGB, 45 crab traps, 700 feet of gill net, 2 dip nets, 2 wire traps, 1 boat motor and trailer, 1 fish trap, 1 needle nose cutting pliers.

TOTAL OF EACH CATEGORY FOR REGION 9:

37-Boating

95-Sport Fishing

82-Commercial Fishing

3-MGB

18-Other

Page (18)

S.W.E.P.

TOTAL CASES-17

33-HOURS RUNNING TIME

37-BOATS CHECKED

5-Angling W/O A License

2-Angling W/O A License Non-Resident

4-Transport W/O Required License

2-Possess Undersize Crabs

1-Commercial Truck W/O Display Of Owner/Name And Address

1-BUI

1-Possess Untagged Oysters

1-Violation Of Sanitation Code-Failure To Refrigerate Oysters

CONFISCATIONS:

2,700 lbs. of crabs returned-to-water, 270 sacks of oysters returned-to-water, 8 gallons of oysters,

1,200 feet of unattended gill net.

TOTAL OF EACH CATEGORY FOR S.W.E.P.:

7-Sport Fishing

9-Commercial Fishing

1-Other

SPECIAL STRIKE FORCE

TOTAL CASES-33

1-Take Or Sell Commercial Fish W/O Commercial License

1-Take Commercial Fish W/O Commercial Gear License

2-Take Possess Alligators Closed Season

2-Illegal Possession Of Alligators

2-Take Alligators W/O License

2-Theft Of Alligators

1-Other Than Wildlife And Fisheries

1-Take Or Possess Overlimit Of Bass

1-Use Lead Nets In Other

4-Buy Or Sell Fish W/O Wholesale/Retail License

1-Angling W/O Saltwater License Non-Resident

2-Transport W/O Required License

3-Fail To Have Saltwater Stamp

2-Angling W/O Saltwater License

5-Angling W/O Basic License

1-Angling W/O Basic License Non-Resident

1-Driving Under Suspension

1-Possession Of Untagged Crab Traps

CONFISCATIONS:

1-70 foot trammel net, 2 red drum, 2 black drum, 2 white alligators, 12 black bass, 4 crab traps.

Page (20)

SPECIAL STRIKE FORCE CONT'D.

TOTAL OF EACH CATEGORY FOR SPECIAL STRIKE FORCE:

10-Commercial Fishing

13-Sport Fishing

8-Reptile/Amphibian

2-Other

SPECIAL INVESTIGATION SECTION:

TOTAL CASES-59

1-Take Game Fish Illegally

4-Violate Commission Rules And Regs.

3-Buy And Sell Fish Without Wholesale Dealers License

3-Fail To Maintain Records

1-Transport Fish Without Required License

3-Illegal Shipping Of Commercial

1-Buy Fish From Unlicensed Fisherman

1-Allow Another To Use Commercial Licenses

2-Possess Undersize Hard Crabs

11-Sell Undersize Hard Crabs Commercial

2-Take Oysters From Unapproved Area

1-Take Oysters Closed Season

1-Operate W/O Wholesale/Retail Reptile Amphib. Lic.

1-Fail To Comply With Reptile Amphib. Shipping Regs.

1-DWI

1-Other Than Wildlife and Fisheries

11-Injuring Public Records

11-Filing False Public Records

CONFISCATIONS:

3,862 lbs. of red snapper sold for \$3,862.00, 228 lbs. of b-liner sold for \$171.00, 488 lbs. of cobia sold for \$870.00, 63 lbs. of trigger fish sold for \$9.45, 70 lbs. of grouper sold for \$70.00, 45 lbs.

Page (22)

SPECIAL INVESTIGATION SECTION CONT'D.

CONFISCATIONS CONT'D.

of greater amberjack sold for \$22.50, 9 lbs. of white trout sold for \$4.50, 458 red ear turtles,
2,290 lbs. of undersize crabs returned to water, 3 black bass, 1 cast net.

TOTAL OF EACH CATEGORY FOR SPECIAL INVESTIGATION SECTION:

33-Commercial Fishing

2-Reptile/Amphibian

24-Other

March 1996

Page (23)

OYSTER STRIKE FORCE

TOTAL CASES-43

- 2-Taking Oysters From Unapproved Area (Polluted)**
- 3-Buy Commercial Fish From Unlicensed Fisherman**
- 3-Buying For Resale Untagged Oysters**
- 3-Sell And Buy Fish Without Wholesale/Retail Dealer's License**
- 4-Fail To Maintain Records**
- 4 -Failure To Tag Sacked Oysters**
- 8-Violation Of Sanitation Code-Misbranded Foods**
- 1-Aiding And Abetting**
- 2-Failure To Tag Containerized Oysters**
- 1-Fail To Comply With Oyster Packaging Regs.**
- 1-Fail To Cull Oysters In Proper Location**
- 1-Unlawfully Take Oysters From State Water Bottoms**
- 1-Commercial Truck W/O Display Of Owner Name And Address**
- 1-Transport W/O Required License**
- 2-Take Game Fish Illegally**
- 2-Use Saltwater Net Illegally**
- 1-Take Commercial Fish Or Bait Species W/O Commercial License**
- 1-Take Commercial Fish W/O Commercial Gear License**
- 2-Contribute To The Delinquency Of Juvenile**

CONFISCATIONS:

1 red drum, 1 sheepshead, 1 flounder, 2-100 feet of gill net, 7 sacks of oysters.

March 1996

Page (24)

TOTAL OF EACH CATEGORY FOR OYSTER STRIKE FORCE:

41-Commercial Fishing

2-Other

Page (25)

TOTAL CASES ENFORCEMENT-1332

TOTAL CASES OTHER DIV. - 73

GRAND TOTAL -1405

TRAWLING ACTIVITY REPORT

**REGION 8 NO COMPLAINTS OF ILLEGAL SHRIMPING ACTIVITY FOR THE
MONTH OF MARCH 1996**

**WE RECEIVED A NUMBER OF INQUIRIES FOR TED INFORMATION
WHICH WERE REFERRED TO NMFS.**

**WE RECEIVED A SMALL NUMBER OF CALLS REGARDING MESH
SIZE, NET AND FRAMES SIZE, LICENSE REQUIREMENTS AND
TRYING OUT NETS IN A CLOSED SEASON.**

A NUMBER OF INQUIRIES WERE MADE ABOUT SHRIMP SEASON.

**REGION 9 THERE HAS BEEN NO SHRIMPING ACTIVITY IN INSIDE WATERS
AND LITTLE ALONG THE BEACH. WE ARE EXPECTING ACTIVITY
TO PICK UP QUICKLY IN THE NEAR FUTURE. PATROLS ARE
BEING ORGANIZED AND EQUIPMENT IS BEING REPAIRED FOR THE
UPCOMING SHRIMP PATROL.**

**THREE DAY SCALE OPERATION
24 HOURS A DAY**

- 3 - NOT ABIDE BY COMMISSION RULES AND REGS.
(POSSESS OVER COMMERCIAL LIMIT COBIA)**
- 2 - NO WHOLESALE/RETAIL DEALERS LICENSE.**
- 1 - FAILURE TO MAINTAIN RECORDS**
- 7 - TRANSPORT WITHOUT REQUIRED LICENSE**
- 2 - ILLEGAL SHIPPING OF COMMERCIAL FISH**
- 1 - ALLOW ANOTHER TO USE COMMERCIAL LICENSE.**
- 4 - POSSESS UNDERSIZE CRABS.**
- 33- SELL/POSSESS UNDERSIZE CRABS.**
- 3 -FAILURE TO FILL OUT OYSTER TAGS CORRECTLY**
- 2 -VIOLATION OF STATE SANITATION CODE
(FAIL TO PROPERLY REFRIGERATE OYSTERS)**

***58* - TOTAL CITATIONS ISSUED**

**TOTAL SEAFOOD INSPECTED TRAVELING INTERSTATE
SYSTEM OF LOUISIANA IN THREE DAY PERIOD.**

****691,000 POUNDS****

****54,700 POUNDS OF SEAFOOD seized**

**47,500 LBS OYSTERS APPROX. 340 SACKS - RET. TO WATER
5,000 LBS UNDERSIZE CRABS RET. TO WATER
200 LBS COBIA - SOLD 250.00**

ENFORCEMENT AVIATION REPORT
MARCH, 1996

185-Amph. - 61092
Hrs. - 48.6

185-Float - 70365
Hrs. - 43.5

210 - 9467Y
Hrs. - 60.8

AC-50 - 57266
Hrs. - 10.3

Total Plane Use - 163.2 Hrs.

Cases Made in Conjunction with Aircraft Use Resulted in Citations issued for:

11 - Boating

1 - Fishing W/O Non-Resident License

8 - Fishing W/O a Commercial License

5 - Fishing W/O a Commercial Gear License

5 - Fishing W/O a Vessel License

2 - Possess Undersize Drum

2 - Possess Undersize Speckled Trout

1 - Possess Overlimit of Redfish

1 - Possess Overlimit of Oysters

3 - No Tarp On Oysters

7 - Possess Undersized Crabs

1 - No Crab Trap License

4 - Trespass On National Wildlife Refuge

51 Total Cases

Confiscations: 2,500 Lbs. of Undersize Crabs, 1 Unattended Gill Net

August 1996

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SCHEDULE FOR FINAL RULES TO BE PUBLISHED IN STATE REGISTER

MAY-96 RULE - Eagle Lake, Black Bass Regulations

JULY-96 RULE - 1996-97 Resident Game Hunting Seasons

MONTHLY CIVIL RESTITUTION REPORT

PERIOD	NO. CASES ASSESSED	AMOUNT ASSESSED	CREDIT FOR SALE GOODS	NO. CASES PAID	AMOUNT PAID	DISCOUNTS TAKEN	Percent Dollars Paid	Percent Cases Paid
<u>FISCAL YEAR 1993-94</u>								
July, 1993	25	21,039	(9,778)	29	4,855	2,545		
Aug., 1993	53	44,922	(1,137)	41	7,950	3,603		
Sept., 1993	42	137,635	(17,938)	35	6,783	3,048		
Oct., 1993	49	21,471	(11,282)	40	3,285	1,519		
Nov., 1993	57	31,207	(13,260)	32	3,053	2,845		
Dec., 1993	53	13,777		27	6,507	6,713		
Jan., 1994	38	18,918		32	4,423	2,831		
Feb., 1994	68	38,131	(8,238)	46	9,124	5,993		
Mar., 1994	38	22,739	(2,482)	51	10,854	6,796		
April, 1994	14	44,732	(1,404)	27	7,307	4,632		
May, 1994	10	4,504	(165)	7	5,447	3,808		
June, 1994	29	26,167	(2,986)	12	1,886	1,214		
Total FY 1994	476	425,242	(68,670)	379	71,474	45,547	27.5%	79.6%
<u>FISCAL YEAR 1994-95</u>								
July, 1994	17	2,127	(335)	23	2,101	1,437		
Aug., 1994	41	96,403	(3,035)	20	1,010	605		
Sept., 1994	34	14,614	(14,002)	26	2,596	2,342		
Oct., 1994	94	17,426	(8,677)	38	2,922	3,179		
Nov., 1994	43	103,592		45	3,992	2,803		
Dec., 1994	68	31,400		35	4,315	2,329		
Jan., 1995	55	27,601		52	7,493	4,921		
Feb., 1995	70	61,119		41	6,472	3,973		
Mar., 1995	31	25,072		44	8,315	4,737		
Apr., 1995	13	15,353		16	3,565	1,538		
May., 1995	23	11,632		16	4,315	654		
June 1995	45	31,008		18	2,630	1,025		
Total FY 1995	534	437,347	(26,049)	374	49,726	29,543	18.1%	70.0%
<u>FICAL YEAR 1995-96</u>								
July, 1995	0	0						
Aug., 1995	46	17,425		27	9,028	1,729		
Sept., 1995	1	125		21	3,093	2,049		
Oct., 1995	122	206,244		29	2,720	1,161		
Nov., 1995	55	23,124		62	10,151	6,383		
Dec., 1995	50	18,607		32	4,781	2,803		
Jan., 1996	49	13,815	(15,296)	36	5,297	3,473		
Feb., 1996	50	14,717		38	5,778	3,417		
Mar., 1996	33	24,937		36	6,035	3,422		
Apr., 1996								
May., 1996								
June 1996								
Total FY 1996	406	318,994	(15,296)	281	46,882	24,436	22.4%	69.2%

FISHING COMMERCIAL SPOTTED SEATROUT LANDINGS

YEAR	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST
95-96	814	16,874	143,428	189,848	138,472	58,852	49,544	82,128	3,128	121,884	141,483	7,592
94-95	94,614	119,719	115,160	199,159	246,130	194,176	(close 3/9)	176,625	(close 5/1)	121,884	141,483	7,592
93-94	88,407	118,592	191,211	194,585	285,989	154,317	49,544	176,625	(close 5/1)	121,884	141,483	7,592
92-93	59,338	109,169	135,400	191,337	209,715	121,882	(close 3/6)	82,128	(close 4/16)	121,884	141,483	7,592
91-92	25,922	47,403	105,759	139,433	144,822	57,710	94,215	176,625	(close 5/1)	121,884	141,483	7,592
90-91	42,663	54,724	64,693	158,523	243,771	83,986	59,778	121,674	(close 5/1)	121,884	141,483	7,592
89-90	183,277	132,166	146,300	325,410	75,449	76,145	67,441	92,265	(close 5/6)	0	767	0
88-89	61,227	123,541	141,184	302,241	316,866	178,001	146,669	59,173	(close 5/6)	447	2	7
87-88	58,017	74,114	90,913	87,988	249,086	143,565	98,287	196,722	(close 5/6)	12,717	34,919	5,546
86-87	78,603	158,250	157,276	233,756	204,314	110,792	126,569	245,782	(close 5/6)	191,870	217,832	149,539
85-86	15,440	66,576	88,509	214,576	219,796	68,111	120,639	246,287	254,854	191,966	160,520	87,982
CUMULATIVE THROUGH MONTH												
95-96	0	814	17,688	161,116	350,964	489,436						
94-95	94,614	214,333	329,493	583,929	830,059	1,024,235	1,083,087					
93-94	88,407	206,999	398,210	592,795	878,784	1,033,101	1,082,645					
92-93	59,338	168,507	303,907	495,244	704,959	826,841	967,325	1,049,453				
91-92	25,922	73,325	179,084	318,517	463,339	521,049	615,264	791,889	795,017			
90-91	42,663	97,387	162,080	320,603	564,374	648,360	708,138	829,812	1,000,448	1,122,332	1,263,815	1,271,407
89-90	183,277	315,443	461,743	787,153	862,598	938,743	1,006,184	1,098,449	1,124,475	1,124,475	1,125,242	1,125,242
88-89	61,227	184,768	325,952	628,193	945,059	1,123,060	1,269,729	1,328,902	1,329,462	1,329,909	1,329,911	1,329,918
87-88	58,017	132,131	223,044	311,032	560,118	703,683	801,970	998,692	1,063,065	1,075,782	1,110,701	1,116,247
86-87	78,603	236,853	394,129	627,885	832,199	942,991	1,069,560	1,315,342	1,559,486	1,751,356	1,969,188	2,118,727
85-86	15,440	82,016	170,525	385,101	604,897	673,008	793,647	1,039,934	1,294,788	1,486,754	1,647,274	1,735,256

CONFIDENTIAL

CONTAINS LEGALLY CONFIDENTIAL DATA - NOT FOR PUBLIC RELEASE

Southern
Louisiana
Dog
Hunters
Association

P. O. Box 1536
Praieville, La. 70769
Phone (504) 622-5908



April 10, 1996

Dear Commissioner Schnieder,

At the March Commission Meeting the department made the following recommendations in relation to the Area 6 deer season:

November 16 thru December 1 (16 days) STILL HUNT ONLY

December 2 thru December 8 (7 days) MUZZLE LOADER

December 9 thru January 19 (42 days) WITH OR WITHOUT DOGS

The S.L.D.H.A. is requesting that this recommendation not be accepted. This recommendation increases the still hunting season to 16 days over 14 days in 95-96. It also cuts the with or without dogs portion of the season by 2 days, which was 44 in 95-96, The 96-97 recommendation leaves it at 42 days. It not only cuts the dogs portion but it opens the season December 9, which is a Monday.

The S.L.D.H.A. does not believe this is a fair appropriation in Area 6. In 1990 the Deer Advisory Council met and numerous compromises were made in which Area 6 was developed. Area 6 is the predominant dog area in the state and opening the season on a Monday is unrealistic. Deer Hunting with dogs in these mainly Cypress/Tuppello swamp areas is a group oriented sport and again opening it on a Monday is totally unrealistic.

The S.L.D.H.A. has stuck by its compromises of 1990 and has not asked for any increases or changes over the past 5 years. We kept our word and have supported the department without hesitation, all we ask in return is to be fairly treated. The cutting of days for dog hunting and opening of the season on a Monday is unfair. The S.L.D.H.A. hopes that we can again reach a fair compromise as we have in the past and our support of the department continue.

The following are three recommendations the S.L.D.H.A. is presenting for serious consideration and hopes that one be adopted for the 96-97 deer season in Area 6.

- 1) November 16 thru December 1 (16 days) STILL HUNTING ONLY
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December 7 thru January 19 (44 days) WITH OR WITHOUT DOGS
January 20 thru January 26 (7 days) MUZZLE LOADER

3. November 16 thru November 29 (14 days) STILL HUNTING ONLY
November 30 thru December 1 (2 days) WITH OR WITHOUT DOGS
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December 9 thru January 19 (42 days) WITH OR WITHOUT DOGS

If I can be of any assistance, please feel free to contact me. My home number is (504) 622-5908 and my work number is (504) 642-3306 Ext. 291.



Randy Lanoux
President S.L.D.H.A.

JOHN F. "JEFF" SCHNEIDER

23473 Hwy. 22
PONCHATOULA, LA. 70454
Phone 504-386-2694
FAX 504-386-8593

Jimmy :

10 fish limit increases Spr 3%

75% of Rod & Reel Recs catch 1 flounder

25% 2 or more

MUST have some fish caught to continue scientific evaluation.

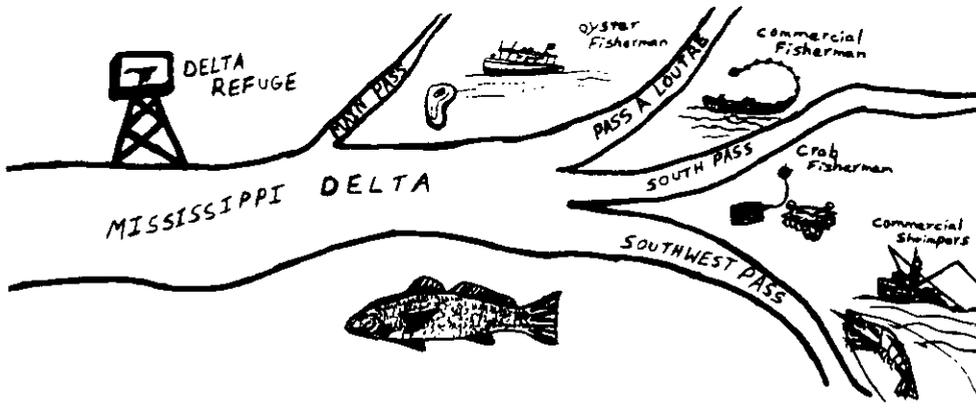
Fishery was basically closed by act 1316 to net fishermen.

Shrimp trawls only way they are now caught in any numbers.

i.e. if shrimpers can keep some for their own consumption (10/pair with a recreational license)

There should be no gapes

I think all of this crap is because they fear GCCA is coming after everything, especially since you got appropriated.



P.O. Drawer 190
Venice, LA 70091-0190

Lower Plaquemines Parish, Louisiana

DELTA COMMERCIAL FISHERIES ASSOCIATION

April 11, 1996

Mr. John F. Schneider
Commissioner
Louisiana Wildlife & Fisheries Commission
Rt. 1, Box 201
Leranger, LA 70443

Dear Commissioner Schneider:

RE: COMMERCIAL BAN OF FLOUNDERS

We have received a notice that the Department of Wildlife & Fisheries announced that it must ban commercial fishing for flounder in Louisiana for one year beginning May 1, 1996.

Therefore, if flounder must be shut down in Louisiana, it must be shut down for both commercial and recreational alike, giving flounders every chance to get SPR back to 30%.

Give **NO LIMITS OR QUOTAS** to commercial or recreational fishermen until the flounder stock is safe and back to normal.

Sincerely,

Larry B Loga
Larry Loga
President

LLmr

Louisiana Seafood Management Council

P. O. Box 874
Metairie, LA 70004
(504) 834-5785
FAX (504) 657-7755

April 11, 1996

Mr. John F. Schneider
Commissioner
Louisiana Wildlife & Fisheries Commission
Rt. 1, Box 201
Leranger, LA 70443

Dear Commissioner Schneider:

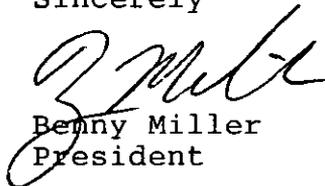
RE: COMMERCIAL BAN OF FLOUNDERS

The Louisiana Seafood Management Council would appreciate going on record at this commission meeting, April 11, 1996, as follows:

If the Secretary of the Department of Wildlife & Fisheries, James Jenkins, must take the stand that if the SPR for the flounder fishery is below 30% and in the name of conservation close the fishery until the SPR is returned to 30%, that the fishery be closed to all takings, not **ONLY commercial fishing**.

We firmly believe that a fishery can only attain rebuilding if the take is ZERO.

Sincerely


Benny Miller
President

BM:mr



Louisiana Seafood Management Council

P. O. Box 874
Metairie, LA 70004
(504) 834-5785
FAX (504) 657-7755

April 11, 1996

Mr. Edmund McIlhenny, Jr.
Commissioner
Louisiana Wildlife & Fisheries Commission
Avery Island, LA 70513

Dear Commissioner McIlhenny:

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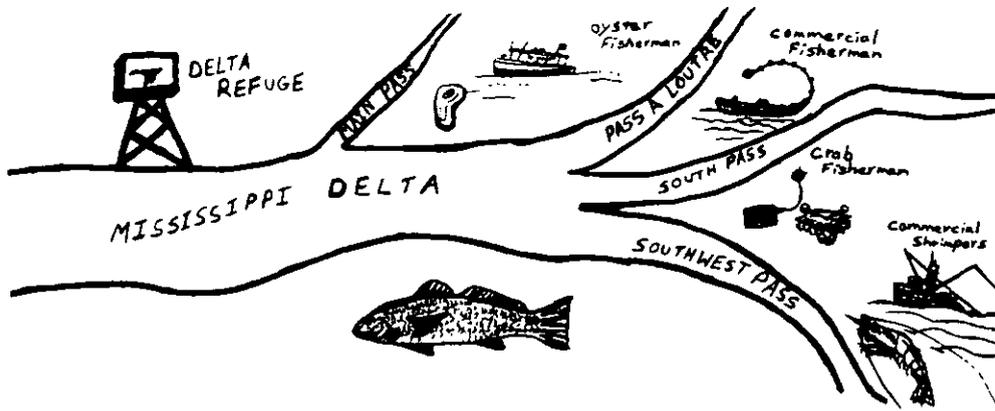
Sincerely



Benny Miller
President

BM:mr





P.O. Drawer 190
Venice, LA 70091-0190

Lower Plaquemines Parish, Louisiana

DELTA COMMERCIAL FISHERIES ASSOCIATION

April 11, 1996

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Commissioner
Louisiana Wildlife & Fisheries Commission
Avery Island, LA 70513

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Sincerely,

Larry Loga
Larry Loga
President

LL:mr

Southern
Louisiana
Dog
Hunters
Association

P. O. Box 1536
Praieville, La. 70769
Phone (504) 622-5908



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If I can be of any assistance, please feel free to contact me. My home number is (504) 622-5908 and my work number is (504) 642-3306 Ext. 291.



Randy Lanoux
President S.L.D.H.A.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

96-73a

4/10/96

APRIL WILDLIFE & FISHERIES COMMISSION MEETING REVISED

The Louisiana Wildlife and Fisheries Commission has amended the agenda for its next regular meeting, scheduled for 10 a.m. Thursday, April 11, 1996. The meeting will convene in the Louisiana Room of the Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge.

The meeting is open to the public. The revised agenda follows.

1. Roll call.
2. Approval of minutes of March 7, 1996.
3. Louisiana Wildlife Biologists Association presentation of Outstanding Field Biologist award.
4. Discussion of recreational flounder fishery regulations, including size and creel limits, and possible Declaration of Emergency and/or Notice of Intent.
5. Declaration of Emergency and Notice of Intent: southern flounder.
6. Discussion of Declaration of Emergency on southern flounder.
7. Notice of Intent: oyster lease moratorium.
8. Declaration of Emergency: re-open oyster season on public oyster seed grounds.
9. Notice of Intent: disabled hunters permit.
10. Public comments on the 1996-97 resident game hunting seasons.
11. Discussion of hawking regulations.
12. Resolution: National Fishing Week.
13. Enforcement and Aviation reports — March.
14. Division reports.
15. Set August 1996 meeting date.
16. Public comments.
17. Adjourn.

April 9, 1996

NEWS RELEASE

APPROVED: _____



AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, April 11, 1996, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of March 7, 1996
3. Louisiana Wildlife Biologists Association Presentation of Outstanding Field Biologist Award
4. Discussion of Recreational Flounder Fishery Regulations, Including Size and Creel Limits, and Possible Declaration of Emergency and/or Notice of Intent
5. Southern Flounder - Declaration of Emergency, Notice of Intent
6. Discussion of Declaration of Emergency on Southern Flounder
7. Oyster Lease Moratorium - Notice of Intent
8. Declaration of Emergency - Re-open Oyster Season on Public Oyster Seed Grounds
9. Notice of Intent - Disabled Hunters Permit
10. Public Comments on 1996-97 Resident Game Hunting Seasons
11. Discussion of Hawking Regulations
12. National Fishing Week Resolution
13. Enforcement & Aviation Reports/March
14. Division Reports
15. Set August 1996 Meeting Date
16. Public Comments
17. Adjourn

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

96-73

4/4/96

APRIL WILDLIFE & FISHERIES COMMISSION MEETING SET

The Louisiana Wildlife and Fisheries Commission will conduct its next regular meeting at 10 a.m. on Thursday, April 11, 1996, in the Louisiana Room of the Wildlife and Fisheries headquarters, 2000 Quail Dr., Baton Rouge.

The meeting is open to the public. The agenda follows.

1. Roll call.
2. Approval of minutes of March 7, 1996.
3. Louisiana Wildlife Biologists Association presentation of Outstanding Field Biologist award.
4. Notice of Intent: disabled hunters permit.
5. Public comments on the 1996-97 resident game hunting seasons.
6. Discussion of hawking regulations.
7. Discussion of Declaration of Emergency on southern flounder.
8. Discussion of 14-inch, 10-fish limit on the recreational flounder fishery.
9. Declaration of Emergency: re-open oyster season on public oyster seed grounds.
10. Resolution: National Fishing Week.
11. Enforcement and Aviation reports — March.
12. Division reports.
13. Set August 1996 meeting date.
14. Public comments.
15. Adjourn.

-30-

RECEIVED

APR 03 1996

April 3, 1996

NEWS RELEASE

OFFICE OF THE SECRETARY

APPROVED: _____

AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, April 11, 1996, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

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2. Approval of Minutes of March 7, 1996
3. Louisiana Wildlife Biologists Association Presentation of Outstanding Field Biologist Award
4. Notice of Intent - Disabled Hunters Permit
5. Public Comments on 1996-97 Resident Game Hunting Seasons
6. Discussion of Hawking Regulations
7. Discussion of Declaration of Emergency on Southern Flounder
8. Discussion of 14" γ 10 Fish Limit on Recreational Flounder Fishery
9. Declaration of Emergency - Re-open Oyster Season on Public Oyster Seed Grounds
10. National Fishing Week Resolution
11. Enforcement & Aviation Reports/March
12. Division Reports
13. Set August 1996 Meeting Date
14. Public Comments
15. Adjourn

April 1, 1996

NEWS RELEASE

APPROVED: _____

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7. Discussion of Declaration of Emergency on Southern Flounder
8. Discussion of 14"⁷⁻¹⁰ Fish Limit on Recreational Flounder Fishery
9. National Fishing Week Resolution
10. Enforcement & Aviation Reports/March
11. Division Reports
12. Set August 1996 Meeting Date
13. Public Comments
14. Adjourn

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster
Governor

April 1, 1996

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
SUBJECT: April Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Thursday, April 11, 1996, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following will be on the agenda:

1. Approval of Minutes of March 7, 1996
2. Louisiana Wildlife Biologists Association Presentation of Outstanding Field Biologist Award

OFFICE OF WILDLIFE

3. Notice of Intent - Disabled Hunters Permit
4. Public Comments on 1996-97 Resident Game Hunting Seasons
5. Discussion of Hawking Regulations

COMMISSIONER BABIN

6. Discussion of Declaration of Emergency on Southern Flounder

CHAIRMAN CARVER

7. Discussion of 14", 10 Fish Limit on Recreational Flounder Fishery

Page 2
Commission Meeting
April 1, 1996

INFORMATION & EDUCATION

8. National Fishing Week Resolution

WINTON VIDRINE

9. Enforcement & Aviation Reports/March
10. Division Reports
11. Set August 1996 Meeting Date
12. Public Comments

JHJ:sch

C: Clyde Kimball
Fred Prejean
Johnnie Tarver
John Roussel
Don Puckett
John Medica
Division Chiefs

FAX TRANSMITTAL

TO: Glynn Carver, Chairman

FAX# _____

FROM Susan Hawkins

RE: April Commission Agenda

Please review the attached agenda. The hawking item is from the Louisiana Wildlife Federation's Resolution which I believe you received a copy of. The Wildlife Division will be available to discuss this item if you approve.

Thank you.

DATE: 4/1/96

TIME SENT _____

FOR INFORMATION CALL (504) 765-2806

OUR FAX # (504) 765-2607

PAGES TO FOLLOW 2

MEMORANDUM

TO: Chairman and Members of Commission
FROM: James H. Jenkins, Jr., Secretary
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Commission Meeting

WINTON VIDRINE

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Division Chiefs

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster
Governor

March 6, 1996

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, and Assistant Secretary-Office of
Fisheries

FROM: James H. Jenkins, Jr., Secretary 

SUBJECT: Commission Meeting Agenda - April 11, 1996.

Please write on the bottom of this memo and return to Susan Hawkins by Monday, March 18th any agenda items your office may have for the Thursday, April 11th Commission Meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, 2000 Quail Drive. This meeting will begin at 10:00 a.m. on April 11th. 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!

JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Corky Perret
Wynnette Kees
Karl Turner
Al Carver
James Manning

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
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(504)765-2800

M.J. "Mike" Foster
Governor

March 6, 1996

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-Office of Wildlife, and Assistant Secretary-Office of Fisheries

FROM: James H. Jenkins, Jr., Secretary *[Signature]*

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Karl Turner
Al Carver
James Manning

*Butch + James
any items for consideration?
[Signature]
3-14-96
REC'D
Over*

REC'D

MAR 07 96

OFFICE OF WILDLIFE
ASSISTANT SECRETARY

① Public Hearings For 1996-97 Hunting Seasons

② Notice of Intent - Handcapped Hunting Permits

✓

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster
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March 6, 1996

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Wynnette Kees
Karl Turner
Al Carver
James Manning

*Susan:
I have no agenda items
for the April Commission
meeting.
B. J. H. / cs
3/18/96*

REC'D

MAR 07 1996

ASST. SECRETARY
OFFICE OF FISHERIES

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

M.J. "Mike" Foster
Governor

March 6, 1996

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Al Carver
James Manning

NO AGENDA ITEMS FOR 4/11/96
[Signature]

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000
(504)765-2800

3/15/96
Susan H. ✓

The only item I have
for the April 11 agenda is
listed below.

Car
M.J. "Mike" Foster
Governor

cc: J. Roussel

March 6, 1996

MEMORANDUM

TO: Deputy Secretary, Undersecretary, Assistant Secretary-
Office of Wildlife, and Assistant Secretary-Office of
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Corky Perret ✓
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Al Carver
James Manning

L.A. WILDLIFE BIOL. ASSOCIATION OUTSTANDING
FIELD BIOLOGIST AWARD PRESENTATION.
(Requires no Commission action)

State of Louisiana



James H. Jenkins, Jr.
Secretary

Department of Wildlife and Fisheries
Post Office Box 98000
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M.J. "Mike" Foster
Governor

March 6, 1996

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Wynnette Kees ✓
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Al Carver
James Manning

Nothing
W. Kees
3-8-96

State of Louisiana



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March 6, 1996

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