

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

SEPTEMBER 3, 1998

**THOMAS M. GATTLE, JR.
CHAIRMAN**

BATON ROUGE, LOUISIANA

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

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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

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

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
SEPTEMBER 3, 1998

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 3, 1998

Chairman Tom Gattle presiding.

Bill Busbice
Danny Babin
Glynn Carver
Tom Kelly
Jerald Hanchey

Secretary James Jenkins, Jr. was also present.

Commissioner Norman McCall was absent from the meeting.

Chairman Gattle called for a motion for approval of the **August 6, 1998 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Carver. The motion passed with no opposition.

Before starting the next item, Mr. Gary Lester stated there were copies of publications included in their packets. Then on the agenda item, **Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board**, he stated the Natural Areas Registry Program began in 1987. The legislation gave the Department the authority to set up an agreement with landowners of ecologically sensitive areas throughout the State. A summary of the Program was then given by Mr. Lester, such as 60 landowners, both private and public being enrolled. The Program does something special for rare or endangered species and it initiates dialogue with landowners. On these lands are found 7 endangered animal species, 43 rare plant species and 35 unique natural habitats. The Wildlife Division initiated dialogue with the Tangipahoa Parish School Board a few years ago. Then Mr. Lester asked Mr. Hugh Bateman to come forward and explain the relationship the Wildlife Division has had and then Ms. Nelwyn McInnis with the Nature Conservancy would make the presentation. Mr. Bateman stated in 1994 or 1995, dialog began with the Tangipahoa Parish Police Jury on leasing a school board section adjacent to a wildlife management area. A 5-year free lease is in effect on a piece of property adjacent to Sandy Hollow WMA. Mr. Bateman then thanked the School Board for their cooperation and hoped the lease would be renewed in the year 2000. Ms. McInnis stated the Nature Conservancy has been administering the landowner contact program since its inception in 1987 and was happy to be working with the Department on this program. The Tangipahoa Parish School system's long-leaf natural area is one of the highest quality natural areas remaining in the parish. There is only 2 percent of the long-leaf habitat left and

is considered rare in the State. The School Board was receptive in continuing to conserve the long-leaf habitat. This area will provide a classroom for the Tangipahoa Parish students to see their natural heritage. Ms. McInnis then introduced and asked Mr. Mark Coleway, Assistant Superintendent of the School System, to come up and accept a plaque. Mr. Coleway stated on behalf of the Superintendent and the School Board, they are happy to continue the commitment to conservation of the resources. He then added they look forward to a long relationship and hoped to continue the long-leaf pine. Chairman Gattle expressed his appreciation for their efforts of conservation and management of the wildlife resources.

Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits was handled by Mr. Dave Morrison. The Wildlife Division presented tentative dates at the last Commission Meeting. The U.S. Fish and Wildlife Service has formally adopted the season frameworks with no major changes. Mr. Morrison then asked the Commission to formally adopt the tentative seasons as the final rule. An addition to the Declaration of Emergency on land acquired by the Corps of Engineers and the opportunity for lottery duck hunts on Sherburne WMA was explained. At this point, Mr. Morrison read the season dates. The applications for the lottery hunts both at Sherburne and Red River WMAs would be available at the beginning of the next week. He then read the Therefore Be It Resolved portion of a Resolution. Chairman Gattle asked if any public comments were received since announcing the dates at the last meeting? Mr. Morrison answered no. Commissioner Babin made a motion to adopt the Resolution. Commissioner Hanchey seconded the motion and it passed with no opposition.

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

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 3, 1998

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 3, 1998.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D. C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the attached season dates, bag limits, and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED, that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's selections for ducks, geese and coots.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting seasons for Ducks, Coots and Geese during the 1998-99 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone:	(60 days)	Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)
East Zone:	(60 days)	Nov. 14 (Sat.)-Dec. 6 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)
Catahoula Lake Zone:			
	(60 days)	Nov. 14 (Sat.)-Dec. 6 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)

Youth Waterfowl Day - December 5 in West Zone, January 23 in East Zone.

Daily Bag Limits - The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be

females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback, and 2 redheads. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

GEESE:

LIGHT GEESE (SNOW AND BLUE)

STATEWIDE SEASON:

Nov. 7 (Sat.)-February 21 (Sun.)	107 days
Daily bag limit (snow and blue):	20
Possession limit (snow and blue):	none

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
Dec. 12 (Sat.)-Jan. 27 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 19-Jan. 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 19 (Tues)-Jan. 27 (Wed) 9 days

During the Canada Goose Season (January 19-January 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows:

Beginning at the Texas State Line, proceeding east along Highway 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with La. Highway 82, then south along La. Highway 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at La. Highway 82.

Open waters of Lake Mermentau and the Mermentau River from the Highway 14 bridge southward will also be closed to Canada Goose hunting.

A special permit shall be required to participate in the Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District Office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1999 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

Shooting Hours: one-half hour before sunrise to sunset.

The Department will also have a lottery duck hunt on the South Farm Complex of the Sherburne WMA. Details of the lottery will be available from any regional office. In addition to the lottery hunt, no hunting will be allowed on this portion of the WMA from November 1, 1998 through January 24, 1999 except for the youth waterfowl hunt. Additionally, access to the South Farm will be limited during this period. This action is necessary because access to this property was acquired by the U.S. Army Corps of Engineers after final ratification of the 1998-99 Resident Hunting Pamphlet. Lottery hunts and restricting access will provide the Department the ability to manage hunters and minimize disturbance of wintering waterfowl. This provides both optimum habitat conditions for migratory birds and appropriate levels of public use during the waterfowl hunting season.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 1998 and extend through sunset on March 20, 1999.

Thomas M. Gattle, Jr.
Chairman

Chairman Gattle began the next item, **Public Comments - 1999 Turkey Season Dates**, stating he had a question. In north Louisiana, Union Parish, the season opens one week earlier than in the past. The question posed to him was why and what has changed? Mr. Bateman asked Mr. Mike Olinde to give information on how this decision was made. Mr. Olinde stated the public was polled and over 50 percent wanted an earlier opening date in that area. Staff

discussion involved three areas of rationale for moving the season dates, and one was considering a statewide opening date. The staff felt the move of one week would not adversely affect the turkey population in north Louisiana. Chairman Gattle asked if biologically this move would be detrimental? Mr. Olinde answered no, not by moving it one week.

The next agenda item, **Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife** was handled by Mr. Hugh Bateman. At the last meeting, the staff introduced a notice to prohibit the use of feeding corn to wildlife for one year or until information showed the aflatoxin problem had abated itself. The Commission delayed taking action until the staff could provide additional information or look at alternatives. Dr. Vic Nettles, Director, Southeastern Cooperative Disease Study in Athens, Georgia was invited to the meeting and accepted. Prior to Dr. Nettles' presentation, Mr. Bateman stated Mr. Dave Moreland and Mr. Larry Savage has done sampling of deer corn and a packet of summarized results was given to the Commissioners. Of the 61 samples taken, some were corn produced last year and some were obtained from distributors from the mid-west. Twenty-seven samples were taken from corn produced in 1998 and 7 of those 27 samples were above the 100 ppb. Commissioner Carver asked, on the 100 ppb, it was ppb of what? Mr. Bateman stated it was ppb of material tested and it was the corn itself that was tested. Commissioner Carver asked what are the methods to test? Mr. Savage stated the Department of Agriculture tested the samples for the Department and they would grind the corn, pass methanol through it, send it through a filtration process and then an automatic machine would read the aflatoxin levels. Commissioner Busbice asked if the Department of Agriculture regularly tests corn and if they have any historical data? Chairman Gattle stated it was a normal course of buying. Commissioner Busbice asked if this was a good test and was every elevator using the same test? Chairman Gattle stated there is tremendous variation in testing corn and it is not a precise science. Getting back to the packets, Mr. Bateman stated a News Release from the Department of Agriculture was included in there. The biggest concern was that this was the worst year for this particular problem and the recommendation from last month to prohibit the use of corn still stands. Mr. Bateman then stated putting corn in a pile to feed wildlife that is contaminated with aflatoxin is the wrong thing to do. It is hoped, through public education and cooperation from everyone, that the right step in alerting people on what the problems are, what to do and what not to do are done. Mr. Bateman then stated he asked the Department of Agriculture staff what would be the next step to take in dealing with this problem? They felt the need to develop state regulations which does not allow the use of corn contaminated at levels above 100 ppb for feeding wildlife. Concluding Mr. Bateman thanked his staff for assembling the new information.

Dr. Vic Nettles stated there is very little known on wildlife and aflatoxin. He then began his overhead presentation explaining where aflatoxin comes from and what products it is found in. The toxin can build up in the field or after it has been harvested and stored. The levels as set by the FDA, and the variation of species susceptibility were then explained. Aflatoxin will affect the liver of an animal, stated Dr. Nettles. The effects of dietary levels was also discussed. The next series of overheads dealt with studies conducted by the Disease Group. These were on deer bait piles study, a Georgia Deer Dose Trial, Georgia Deer Feeding Trial, Texas Waterfowl Mortality, University of Georgia Quail Study and Georgia Wild Turkey Feeding Trial. Then Dr. Nettles stated their policy was to not recommend the deliberate placement of grain contaminated with aflatoxin above the acceptable levels, 100 ppb. Slides were shown that revealed the results of artificial feeding and how it can result in diseases such as brucellosis or tuberculosis.

Commissioner Carver asked Dr. Nettles, was the source of toxin from spores or a toxic liquid? Dr. Nettles answered the spore was one source. Then Commissioner Carver asked, if corn was placed in a moist environment, could it increase the levels of toxins and will an animal carry the toxin through his whole life or will it be discharged from the animals system? The toxin clears very quickly and the effects depends on how much damage the liver receives, stated Dr. Nettles. Chairman Gattle asked if corn scattered on the ground was creating a problem, will aflatoxin be present in those piles and will it start growing? Dr. Nettles stated he did not have the information to show there could be a problem with handling corn. Chairman Gattle asked what variations would be found between feeding straight diet of corn versus animals eating a mixed diet? Dr. Nettles suggested not making it easy for wildlife to have access to a big dose of affected corn. Commissioner Babin asked, if the corn left from last year was sold and handled properly, will aflatoxin grow. Dr. Nettles stated if the corn is handled properly, corn can be stored for a number of years. However, two things have to be exposed to the corn, temperature and humidity, in order for it to be affected. Commissioner Babin commented stopping the sale of corn produced in this State may not end the problem. Commissioner Busbice asked if corn was a good source of protein for deer? Dr. Nettles stated he understood it was a marginal source of protein and carbohydrate source.

Mr. Donald Courville asked Dr. Nettles what were the results or decisions made after the studies were done in Texas on Georgia? Dr. Nettles stated Louisiana was not the only state trying to decide what to do, what the level of risk is and what the appropriate action is. He could not answer what was being done in the other states.

Ms. Kathy Wascom, Louisiana Wildlife Federation, stated they support the Department in trying to keep the aflatoxin corn out of

the food source for wildlife. She then asked the Department to urge hunters not to put out aflatoxin corn to feed deer.

Chairman Gattle stated he understood Mr. Bateman's staff has already sent letters to DMAP landowners and other hunting groups recommending they be cautious in the corn they feed wildlife. Mr. Bateman stated the supplemental feeding of wildlife is not good for wildlife. The feeding of deer for hunting purposes throughout the southeast has become so pervasive that over half of the clubs actively feed deer. Commissioner Babin asked what measures will be taken to show that the levels of aflatoxins are safe? Mr. Bateman stated the Department of Agriculture will continue to test. Commissioner Babin stated last year's corn was being sold this year and the problem with the 1998 corn was evident now and probably will be sold next year. Chairman Gattle stated he concurred. Then he stated it was difficult to defend and define what the Commission is doing. The bigger issue was do we allow the feeding or baiting deer in the State. Chairman Gattle recommended, in a timely fashion, to give notice to cease the baiting and feeding of deer and have public input on that. He further recommended the Commission strongly urge the sportsmen of the State not feed corn or try to find corn that is aflatoxin free to feed deer, and then give notice of intent on baiting deer altogether. Commissioner Busbice stated there would be a problem with the public if a ban was implemented. The forestry practices of today does not allow for growth of hardwood, thus the need for food plots. Chairman Gattle corrected his recommendation to include just artificial feeding, but the food plots such as oats or wheat should not be included. Repeating his intent, the Chairman stated the Commission would strongly recommend to use caution, then give timely notice of doing away with artificial feeding or baiting deer. Commissioner Busbice asked if the recommendation was specifically for corn? Chairman Gattle stated his recommendation was the actual act of artificial feeding deer which would encompass corn. Commissioner Carver asked if the recommendation was for hunters not to use corn for feeding and it would be addressed at a later meeting? The Chairman answered yes. Commissioner Babin asked if the current resolution needed to be acted upon before the recommendation could be taken up? Chairman Gattle then asked for a motion to accept the current resolution on banning the use of corn? No motion was made, the resolution died. Commissioner Busbice made a motion recommending the hunting public not use corn in artificial feeding of deer this year and further possibly eliminate the artificial feeding of animals in the State of Louisiana. Mr. Don Puckett asked if this action was intended to be a Notice of Intent? Chairman Gattle answered no. Mr. Bateman stated his staff will work on a notice and have it ready for when next season's dates are presented next spring. Commissioner Kelly seconded the motion.

Mr. Ray Schexnayder, a farmer, asked if the notice was for all corn or just aflatoxin corn? Commissioner Busbice stated his motion was to eliminate corn totally. Commissioner Carver stated

the motion was just a recommendation for this year. Commissioner Babin reiterated the Commission wanted to alert hunters to be very cautious in feeding animals. Mr. Schexnayder stated the motion should include something on the aflatoxin corn.

Hearing no further discussion, the motion passed with no opposition.

Declaration of Emergency - Set 1998-99 Trapping Season began with Mr. Brandt Savoie introducing Mr. Greg Linscombe and asking him to provide background information on last year's take. Mr. Linscombe began stating over 468,000 pelts were harvested last year with a total value of over \$2.6 million. The nutria harvest increased with 360,000 pelts worth \$1.8 million taken. This harvest was 31,000 over last year and had an average price to the trapper of \$5.17 per pelt. This also represented the second year of increase for nutria harvest and was very encouraging in maintaining the number of trappers in the marsh area. The nutria harvest would have been greater if the weather conditions were better last year. Damage along the coast was still being looked at from the over-population of nutria. Mr. Linscombe then explained the work done between the Fur & Refuge staff and the Louisiana Fur & Alligator Advisory Council on marketing programs for fur and alligators. The staff also is continuing to work with the nutria meat program and it should accelerate this year. The beaver harvest for last year was over 10,000 which represents an increase for the second year in prices and harvest dating back to 1962. This harvest is very beneficial in controlling beaver damage and if the prices stay stable or increases, beaver damage may be reduced throughout the State. The dealers and Fur & Alligator Council were advised and satisfied with the trapping dates. Commissioner Busbice asked if a handout was available on the pelts. Then he asked what was the price on the beaver pelts and the nutria pelts? Mr. Savoie then read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion accepting the Resolution. Commissioner Carver seconded the motion and it passed with no opposition.

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

RESOLUTION

1998-99 Fur Trapping Season
adopted by the
Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 56:259(A) authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend,

curtail or prohibit trapping in any area of the state each year, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, allows the Commission to use emergency provisions to set seasons, and

WHEREAS, Louisiana has historically lead the nation in the production of wild fur with value to the trappers as high as \$24 million in some seasons, and

WHEREAS, the harvest of this renewable resource is important in providing supplemental income to citizens of the state while furnishing an essential management tool to reduce nuisance wildlife problems, property damage, the impact of prey species, the incident of density dependent disease and provide a measure of population health and general condition, and

WHEREAS, regulated trapping provides the only practical control of muskrat and nutria populations, an essential part of any effort to protect or enhance coastal wetlands. The role of such trapping cannot be overstated because of the rate of wetland loss and the impact that these wetland grazers are having in southeastern parishes, and

WHEREAS, the increased commercial harvest of beaver can play a major role in assisting in the reduction of damage to timber, agriculture, drainage, and wildlife habitat, and

WHEREAS, historical and current information collected by the Department of Wildlife and Fisheries have indicated that the optimum time frame for the harvest of furbearers is between November and March each year, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby grant authority to the Secretary of the Department of Wildlife and Fisheries to extend or shorten the trapping season in any area of the state.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998-99 fur harvest season is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Thomas M. Gattle, Jr.
Chairman

Mr. Bennie Fontenot presented the next item, **Louisiana/Texas Recreational Fishing License Reciprocal Agreement**. He began reminding the Commission an Agreement with Texas was adopted by them a few meetings back. Texas modified the Agreement allowing children under 17 to fish in Texas without a license. The main changes in the Agreement is to honor non-resident fishing licenses in the boundary waters and clarified that reciprocal licenses are not honored in the Gulf waters. Chairman Gattle asked Mr. Fontenot to again explain the non-resident reciprocal agreement. Then he asked if a 17 year old could fish in Sabine Lake without a license? Mr. Fontenot stated no, they have to be under 17. Commissioner Babin stated this Agreement affects only non-residents. Commissioner Carver stated this particular problem was serious at one point but now this will make it clearer. Chairman Gattle asked if approval was needed on the change? Mr. Fontenot stated Texas never signed the previous Agreement, and now with changes made, it needed to be approved. Commissioner Hanchey made a motion to accept the Agreement. Commissioner Busbice seconded the motion and it passed with no opposition.

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

RECIPROCAL RECREATIONAL FISHING LICENSE AGREEMENT
BETWEEN THE STATE OF TEXAS AND
THE STATE OF LOUISIANA

This Agreement made and entered into this 3rd day of September 1998, by and between the Louisiana Wildlife and Fisheries

Commission ("Louisiana") and the Texas Parks and Wildlife Department ("Texas"), each acting by and through duly authorized officials,

W I T N E S S E T H :

WHEREAS, the neighboring states of Louisiana and Texas each hold interests in fishery resources that are enjoyed by the citizens of these states, including the waters that form the common boundary between the two states, and

WHEREAS, it is in the best interests of the citizens of those states that licensing regulations for the shared boundary waters be consistent, and

WHEREAS, the parties hereto also desire to grant similar sport fishing license exemptions whereby residents of Texas 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a fishing license, and likewise, residents of Louisiana 65 years of age or older and those under 15 years of age may fish in all Texas waters without a fishing license, and

WHEREAS, non-residents from many parts of the country travel to the Louisiana-Texas border to enjoy the abundant fishery resources of the common boundary waters of that area, and

WHEREAS, those non-resident tourists contribute to the local economies of the area, and

WHEREAS, clear regulations regarding common boundary waters that are available to non-resident fishing license holders should provide for more compliance with the applicable laws, and

WHEREAS, Louisiana Revised Statutes 56:671 and 673 provide that the Louisiana Wildlife and Fisheries Commission may enter into reciprocal fishing license agreements, and may also enter into reciprocal agreements with the state of Texas pertaining to seasons, creel limits, and all other rules and regulations pertaining to fishing in waters forming the common boundary between Louisiana and Texas,

NOW, THEREFORE, for and in consideration of the premises and the mutual benefits hereof, Texas and Louisiana contract as follows:

A. STATE-REGULATED WATERS

1. Texas residents 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a license; provided however, proof of age as set out below is required.

2. Louisiana residents 65 years of age or older and those under 17 years of age may fish in all Texas waters without a

license; provided, however, proof of age as set out below is required.

B. COMMON BOUNDARY WATERS

1. For the purposes of this reciprocal agreement, common boundary waters are Caddo Lake proper, the Toledo Bend Lake project including the spillway outfall and the hydro power outfall channels below Toledo Bend Dam, Sabine Lake proper, and the main channel of the Sabine River where it forms the boundary between the states of Texas and Louisiana, but not including the waters of the Sabine River ship channel south of the line between Texas Point and Louisiana Point. Tributaries of the named common boundary waters are specifically not included as boundary waters. For purposes of this rule, tributary water bodies enter boundary waters at a line that runs from point to point across the mouth of the tributary water body.

2. Residents of Texas or Louisiana who meet the licensing requirements of their state may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

3. Persons who have in their possession a Texas or Louisiana valid non-resident recreational fishing license may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

4. Texas residents under 17 of age and those 65 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

5. Louisiana residents under 16 years of age and those 60 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

C. GENERAL

1. Proof of age must be in the form of a birth certificate, driver's license, or a military record which states age (or a photostatic copy of same).

2. This agreement applies only to sport fishing licenses, and does not apply to any sport fishing activities that require specific recreational gear licenses in either state (e.g. crab traps, crawfish traps, hoop nets, etc.).

3. Other than the license privileges provided herein, the fishing regulations of the state in which the fishing occurs shall control.

4. This agreement supersedes the previous reciprocal agreements on recreational fishing licenses dated February 13, 1968 and September 27, 1984 including the undated amendment to the last-cited agreement.

5. This agreement shall remain in effect until ninety (90) days after it has been rescinded in writing by either the Louisiana Wildlife and Fisheries Commission or Texas Parks and Wildlife Department, or their successors.

6. The effective date of this reciprocal agreement will be September 3, 1998.

TEXAS PARKS AND WILDLIFE DEPARTMENT

BY: _____
Andrew Sansom
Executive Director

LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

BY: _____
Thomas M. Gattle, Jr.
Chairman

The next agenda item, **Notice of Intent for Black Bass Regulations, Eagle Lake** was also handled by Mr. Bennie Fontenot. Eagle Lake is an oxbow lake primarily in Mississippi with all access into the lake through Mississippi. The State of Mississippi is managing and stocking the lake. A cooperative management plan, a 14" minimum size on black bass, was developed and installed on Eagle Lake three years ago. Also a series of drawdowns were conducted and Mississippi has stocked the lake with Florida bass fingerlings. The Department wants to re-instate a minimum size limit of 16 inches to protect the broodstock and to manage for larger bass. Mr. Fontenot recommended approving the 16 inch minimum size limit. Commissioner Busbice stated the Department will be able to look at it and learn if it works. Mr. Fontenot stated creel surveys conducted by Mississippi indicated 99 percent of the fishermen are from Mississippi. Commissioner Carver made a motion to accept the Notice of Intent. Commissioner Kelly seconded the motion. The motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§169. Black Bass Regulations, Eagle Lake

The size regulation for black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 16 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule shall become effective January 1, 1999.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:909 (July 1993); amended LR 21:477 (May 1995); LR 22:376 (May 1996), LR 24 .

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 statements, 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 of the amended rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, November 4, 1998.

Thomas M. Gattle, Jr.
Chairman

Declaration of Emergency - Commercial King Mackerel Season Closure began with Mr. Harry Blanchet stating the National Marine Fisheries Service closed this season at the end of last month. It

was more expeditious for the Commission to take action and hopefully apply compatible closures. Much of the king mackerel fishery occurs in federal waters off the coast of Louisiana and Texas. Chairman Gattle asked what was the percent of king mackerel caught within the three mile limit versus outside that three miles. Mr. Blanchet stated most were taken outside, but could not give an accurate number. Commissioner Busbice asked what was the problem with the fishery with all the changes going on? Mr. Blanchet stated there was an increase in the allowable catch for the western Gulf of Mexico. This came as a result of several years of good recruitment and a good, strong stock. The fishermen caught one million pounds of fish in less time than it took to catch 750,000 pounds of fish three years ago. Chairman Gattle asked if the closure was effective September 7 and would remain closed until July 1, 1999? Mr. Blanchet explained July 1 is the next opening date for a commercial king mackerel season and that authority would be given to the Secretary in the event the National Marine Fisheries Service changes the dates. Chairman Gattle asked if the commercial season began July 1 through June 30? Commissioner Babin asked what was the recreational quota for king mackerel? Mr. Blanchet stated there was no specific quota, but there is a gulfwide allocation. Then Commissioner Babin asked if the National Marine Fisheries Service was addressing the recreational fishery? Mr. Blanchet stated the recreational fishery was handled through size limits, bag limits, or allowing charter captains and crew to harvest fish. Then he mentioned the recreational catch was 6.8 million pounds and the total commercial allocation for the Gulf was 3 million plus pounds. Commissioner Babin commented he questions a lot of what the National Marine Fisheries Service comes out with. Mr. Blanchet then read the Therefore Be It Resolved portion of the Resolution. Commissioner Busbice made a motion to accept the Resolution and it was seconded by Commissioner Kelly. The motion passed with opposition from Commissioner Babin.

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

RESOLUTION

1998 COMMERCIAL KING MACKEREL SEASONS

September 3, 1998

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 1998 commercial king mackerel fishery in EEZ waters closed on August 25, 1998, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Commission closes the 1998 commercial king mackerel season at 12:01 a.m., September 7th, 1998, and, that the season shall remain closed until 12:01 a.m. on July 1, 1999.

BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that 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 declaration of emergency.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998 commercial king mackerel season in Louisiana state waters is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The king mackerel fishery in the Gulf of Mexico is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF), and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close the commercial harvest seasons for king mackerel in the EEZ off of Louisiana, and NMFS and the Gulf Council requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for commercial harvest of king mackerel in Louisiana state waters:

The season for the commercial fishery for king mackerel in Louisiana state waters will close at 12:01 a.m., September 7, 1998; the season shall remain closed until 12:01 a.m. on July 1, 1999.

The Commission also grants authority to the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed by the Regional Director of the National Marine Fisheries Service (NMFS) that the season dates for the commercial harvest of king mackerel in the federal waters of the western Gulf of Mexico as set out herein have been modified, and that the Regional Director of NMFS requests that the season be modified in Louisiana state waters and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit. Provided however, that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.4 are properly

maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Thomas M. Gattle, Jr.
Chairman

The next two items, **Declaration of Emergency - Commercial Shark Rules and Notice of Intent - Sharks and Sawfishes Daily Take & Possession Limits, Quotas, Seasons and Special Permit**, were handled together by Mr. Harry Blanchet. In 1989, Louisiana established a shark permit for commercial fishermen harvesting shark off the coast. There has always been a lack of information on the harvest of species and the basic biology of the species. Sharks do have some similarities, such as long lived with very low fecundity, will be several years of age before reaching maturity, and many species are migratory. The landings on sharks are usually noted as an unclassified shark, there being no difference between one specie and another. The primary sharks harvested in Louisiana include sandbar, blacktip, bulls and spinners. In 1993, a set of regulations was developed by National Marine Fisheries Service on sharks. Over the last year, a few problems have developed. One problem was the shark permit was not an annual permit and this does not give the staff a good handle on fishery participation. Taking action through a Declaration of Emergency will allow the staff to get a better handle on the actual number of fishermen. Establishing trip limits for the larger sharks found in coastal waters is another part of the Declaration of Emergency. The trip limits will be the same as those that now exists in federal waters, stated Mr. Blanchet. Commissioner Busbice asked if Enforcement was familiar with all the different types of sharks? Lt. Jeff Mayne stated a lot of the officers are familiar with the different sharks and the Marine Fisheries Division will be conducting shark identification classes. Mr. Blanchet stated identification is also difficult for the fishermen and the staff is trying to get material out to educate the public. Commissioner Babin asked what will happen to a fishermen that has a shark permit from the time the Declaration of Emergency goes into effect until the time that permit is renewed? Lt. Mayne stated the renewals would be concurrent with the other commercial licenses and does not affect current permit holders. Then Commissioner Babin asked if this would only affect the renewal for next year? He was told that was correct. The last part of the Declaration of Emergency dealt with the practice of finning. This regulation is also already in place in the federal waters and state regulations will make them compatible. The Notice of Intent goes into more detail, defining the four categories for harvesting of shark. These include, small coastal sharks, large coastal sharks, pelagic sharks, and prohibited species. The list of prohibited species are also on the federal list except for the smalltooth and largetooth sawfish. Commissioner Busbice asked if there was a charge for the shark

permit and if trip results are submitted monthly? Chairman Gattle asked what was the legal by-catch allowance for shark in the menhaden fishery? Mr. Blanchet stated there is a 5 percent by-catch by weight for all species. Chairman Gattle asked if the Resolution was adopted, it would include both the Declaration of Emergency and Notice of Intent. Mr. Blanchet answered yes. The Chairman then asked Mr. Blanchet to read the Therefore Be It Resolved portion of the Resolution. The Notice of Intent also covers two provisions for season closures, explained Mr. Blanchet. Commissioner Busbice made a motion to adopt the Resolution. Commissioner Babin seconded the motion.

Dr. Bruce Thompson, Fishery Professor at LSU, stated he supports the regulations completely. He then complemented Mr. Blanchet for his explanations on this fishery. Sharks are long lived, remain pregnant for over a year and breed every other year, stated Dr. Thompson.

The motion passed with no opposition.

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

RESOLUTION

SHARK HARVEST RULES

- WHEREAS,** the shark fisheries in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico off the coast of Louisiana are managed by the National Marine Fisheries Service (NMFS), and by the Louisiana Wildlife and Fisheries Commission (LWFC) and Department of Wildlife and Fisheries (LDWF) in the state Territorial Sea and inshore waters, and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the EEZ of the U.S., in Louisiana generally three miles offshore, and
- WHEREAS,** NMFS has adopted management measures and permit regulations for sharks harvested in the EEZ off of Louisiana, and
- WHEREAS,** adoption of compatible regulations for Louisiana state waters where feasible would enhance effectiveness and enforceability of the regulations already in place for sharks harvested in the EEZ off of Louisiana, and
- WHEREAS,** substantial fisheries for sharks do also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of

compatible regulations may also impact those persons involved in those fisheries, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set possession limits, quotas, places, seasons, times, size limits, and daily take limits based upon biological and technical data for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Declaration of Emergency to establish permit regulations, possession and trip limits, and also promulgates a Notice of Intent to provide for limits, permit regulations, and a framework for seasonal closures for sharks in Louisiana state waters, that are attached to and made part of this resolution, and

BE IT FURTHER RESOLVED, that 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

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(10), 56:326(E)(2), 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 Federal regulations on the commercial fishery for sharks in Federal waters off of Louisiana. Practices reported to presently occur in this fishery are contrary to sound conservation of the species, and to proper utilization of the fishery resource. Rules for Louisiana State waters are being promulgated through the Administrative Procedure Act. Some aspects of present practices require more expeditious action than is available through this procedure. Commercial license renewals are distributed beginning in November, and thus action prior to that time provides for more expeditious service by the Department to those people who require renewal of shark permits. High volume

commercial trips, exceeding federally allowed limits, are presently occurring. Placing compatible trip limits in state waters will allow more effective enforcement of existing Federal limits. The practice of "finning", as described in this rule, has become more prevalent in some parts of the fishery, resulting in less utilization of the potential resource, and a loss of valuable scientific information on the species that are harvested in the fishery. It is therefore in the best interest of the state, and appropriate that these regulations be enacted expeditiously, thereby requiring emergency action.

This emergency rule shall be effective at 12:01 a.m., September 14, 1998 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

**Sharks and Sawfishes Daily Take and Possession Limits,
Quotas and Special Permit Requirements**

A. Permits

1. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

2. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

3. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

B. Trip and Possession Limits

1. A possession limit consists of two Atlantic sharpnose sharks and two sharks of any other species unless a valid original Louisiana "Shark Permit", and, if applicable, a federal shark permit, issued in the name of the commercial fisherman is in possession.

2. A person that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or sell, Large Coastal species in excess of 4,000 pounds per vessel, dressed weight.

3. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds per vessel, dressed weight.

4. Large Coastal species of sharks are composed of: Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Carribean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

C. Fins

1. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in Louisiana waters.

2. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

3. Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

Thomas M. Gattle, Jr.
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations for the taking of sharks from Louisiana waters.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§357. Sharks and Sawfishes Daily Take and Possession Limits, Quotas and Special Permit Requirements

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations for the taking of sharks (including sawfishes) (Class Elasmobranchiomorphi: Orders Hexanchiformes, Lamniformes, Squaliformes, and Rajiformes) from Louisiana waters. The provisions of this Section shall not apply to shrimp or menhaden harvest, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing, except for provisions: outlawing finning of shark; requiring a "Shark Permit" for sale, barter or exchange; limiting sale, barter, or exchange of sharks during closed seasons; limiting shark retained by non-permit holders to be only as a mixed part of the total harvest, and only retained, held, or sold, purchased, bartered, traded, or exchanged as such; and outlawing transfer of sharks between vessels at sea.

1. For management purposes, sharks are divided into the following categories:

a. Small Coastal Sharks - Atlantic angel shark, Bonnethead shark, Atlantic sharpnose shark, Blacknose shark, Caribbean sharpnose shark, Finetooth shark, Smalltail shark.

b. Large Coastal Sharks - Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Caribbean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

c. Pelagic Sharks - Bigeye sixgill shark, Sevengill shark, Sixgill shark, Longfin mako, Porbeagle shark, Shortfin mako, Blue shark, Oceanic whitetip shark, Bigeye thresher shark, Thresher shark.

d. Prohibited Species - Basking shark, White shark, Bigeye sand tiger, Sand tiger, Whale shark, Smalltooth sawfish, Largetooth sawfish.

2. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any sharks in excess of any possession limit for which a commercial permit was issued.

4. a. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

b. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

5. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, bartered, or attempted to be sold, purchased, exchanged or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the bag limits as follows:

a. The aggregate daily take and possession limit for Atlantic Sharpnose Sharks caught recreationally within or without Louisiana waters shall be two fish per person per day and in possession.

b. The aggregate daily take and possession limit for all other "Small Coastal", "Large Coastal" and "Pelagic" sharks combined, caught recreationally within or without Louisiana waters, shall be 2 fish per vessel per trip and in possession.

6. Those persons possessing a Federal Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks are limited to daily take, trip and possession limits as specified in that Federal Permit. A person aboard a vessel for which a Federal Shark Permit has been issued shall not retain shark of any species group for which the commercial quota has been reached and the season closed in Federal waters.

7. a. A vessel that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

b. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

8. A person aboard a vessel for which a federal shark permit has been issued, or persons aboard a vessel fishing for or possessing shark in the EEZ shall comply with all applicable federal regulations.

9. Fins

a. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited within and without Louisiana waters.

b. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's

first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

c. Shark fins shall not be possessed aboard a fishing vessel after the vessel's first point of landing.

10. Prohibited Species

a. No person shall take, possess, purchase, sell, barter, exchange or attempt to possess, purchase, sell, barter, or exchange any of the following species or parts thereof:

- i. Basking shark - *Cetorhinus maximus*
- ii. White shark - *Carcharodon carcharias*
- iii. Bigeye sand tiger - *Odontaspis noronhai*
- iv. Sand tiger - *Odontaspis taurus*
- v. Whale shark - *Rhincodon typus*
- vi. Smalltooth sawfish - *Pristis pectinata*
- vii. Largetooth sawfish - *Pristis pristis*

b. Notwithstanding other provisions of this part, a person may fish for, but not retain, white sharks (*Carcharodon carcharias*) with rod and reel only under a catch and release program, provided the person releases and returns such fish to the sea immediately with a minimum of injury.

c. Notwithstanding other provisions of this part, smalltooth sawfish or largetooth sawfish may be possessed as authorized by a special Scientific and Educational Collecting Permit issued by the department under R.S. 56:318, including whatever conditions that the department may deem necessary to ensure the maintenance and protection of the species. Nothing herein shall prohibit the possession of smalltooth sawfish or largetooth sawfish, or parts thereof, that were possessed prior to the effective date of this rule.

11. No person aboard any vessel shall transfer or cause the transfer of sharks between vessels on state or federal waters. Standard menhaden harvesting activities do not constitute transfer of sharks between vessels at sea.

12. Seasonal Closures

a. All Louisiana State waters out to the seaward boundary of the Louisiana Territorial Sea shall be closed to the recreational and commercial harvest of all sharks between April 1

and June 30 of each year. A holder of a Federal Shark Permit may legally harvest sharks from Federal waters beyond the Louisiana Territorial Sea and bring those sharks into Louisiana waters for sale within the provisions of that Federal Shark Permit. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell sharks from the closed area. Effective with the closure, no person shall retain or possess any sharks in the closed area. Sharks taken incidental to shrimp or menhaden fishing in the closed area, that are retained on the vessel as part of the harvest, may be retained only as a mixed part of the total harvest, and shall not be retained, held, purchased, bartered, traded, exchanged, sold or attempted to be purchased, bartered, traded, exchanged or sold.

b. The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close any recreational or commercial fishery for sharks, within and without Louisiana's territorial waters, when the Secretary is notified by the National Marine Fisheries Service that the seasonal quota for that species group and fishery has been met. The closure order shall close the fishery until the date projected for the re-opening of that fishery in the adjacent Federal waters. The Secretary is also hereby authorized to modify any such closure order to maintain consistency with re-opening dates in the adjacent Federal waters, should the Federal closure dates be modified.

13. The fishing year for shark shall begin on January 1, 1998 and every January 1st thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), 326(E)(2), 326.1, 326.3.

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

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 comment on the proposed rule in writing to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Thursday, December 3, 1998.

Thomas M. Gattle, Jr.
Chairman

The final item for Mr. Harry Blanchet was a Declaration of Emergency - Recreational Red Snapper Season Closure. In 1996, a

recreational quota for red snapper in the Gulf of Mexico was established through the Magnuson Act. The National Marine Fisheries Service is mandated to close this fishery when the quota is projected to be met or met. The projected date for this year is 12:00 AM on September 30, 1998. The Resolution and Declaration of Emergency will establish compatible regulations in state waters. Commissioner Babin asked if the National Marine Fisheries Service extended the red snapper quota by 3.1 million pounds for a species that is in danger? Mr. Blanchet stated yes. Then Commissioner Babin stated the Service does not always give the best data either recreationally or commercially. Mr. Blanchet stated you cannot manage a fishery any better than your data is, and in this situation, this is the best information available. Commissioner Babin felt the closure was very contradictory to the extension. Commissioner Busbice asked if the season had to be closed? Mr. Blanchet answered no. Chairman Gattle asked if the recreational fishery met their quota quicker than the commercial fishery? Hearing no further discussion, Mr. Blanchet read the Therefore Be It Resolved portion of the Resolution. Commissioner Busbice asked how are recreational fishermen notified that the season is closed? Mr. Blanchet stated a News Release on the subject will be put out and newspapers around the State have printed this information. Commissioner Busbice made a motion to accept the Resolution and it was seconded by Commissioner Kelly. The motion passed with opposition from Commissioner Babin.

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

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON CLOSURE

September 3, 1998

- WHEREAS,** the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS,** the most recent stock assessment for Gulf of Mexico red snapper indicates that the stock is in an overfished condition and that restrictions on harvest are necessary to rebuild the stock, and

WHEREAS, the Total Allowable Catch (TAC) for the stock is set each year by NMFS based on recommendations by the Gulf Council, and

WHEREAS, the annual TAC is divided into recreational and commercial allocations, based on relative historic harvests, and

WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that, among other measures, establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and

WHEREAS, the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and

WHEREAS, the best information available indicates that the recreational sector will have harvested their quota on September 30, 1998, and

WHEREAS, NMFS has announced that it will close the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby closes the 1998 season for recreational harvest of

red snapper in Louisiana state waters effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero for that time period,

BE IT FURTHER RESOLVED, a Declaration of Emergency closing the 1998 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish season, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby closes the recreational harvest of red snapper in Louisiana state waters for the 1998 season as follows:

The season for the recreational fishery for red snapper in Louisiana state waters will close at 12:01 a.m., September 30, 1998 and remain closed through December 31, 1998 by reducing the bag limit to zero for that time period.

Thomas M. Gattle, Jr.
Chairman

The Chairman reconvened the meeting after a lunch break. Commissioner Babin made a motion for the Commission to go into Executive Session on **Jenkins et al. vs. Odom et al., 19th JDC.** This motion was seconded by Commissioner Carver and passed with no opposition.

Mr. Joe Macaluso, outdoor writer for The Advocate, stated the matter has been settled in court and felt there was no reason for Executive Session. He also demanded a response at the end of the Session on any action taken. Chairman Gattle stated the Commission has been advised by Legal Counsel to convene in Executive Session.

Chairman Gattle asked for a motion to reconvene from Executive Session. A motion was made by Commissioner Babin and seconded by Commissioner Carver. This motion was approved unanimously. Mr. Don Puckett reiterated no action was taken during the Executive Session. The lawsuit is continuing, the written stipulations filed in court resolved the preliminary injunction.

Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP was handled by Mr. Dave Moreland. The Declaration of Emergency contains two items, hunting seasons and participation in the DMAP program. The recommended archery, modern firearm, either-sex days with guns and muzzleloader hunting season dates for deer and exotics were read by Mr. Moreland. The methods of take, shooting hours, bag limits and hunting licenses for white-tailed deer are the same as outside areas. There are no limits for exotics. Tagging requirements were also explained. The DMAP program will allow participation by hunting preserves of at least 300 acres for the 1998-99 hunting season. Mr. Moreland asked the Commission for a motion to enact the Declaration of Emergency. Commissioner Babin made a motion to accept and it was seconded by Commissioner Kelly. Hearing no further discussion, the motion passed unanimously.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7, R.S. 36:601 et seq., R.S. 56:115, 56:171 et seq. and 56:651 et seq., the Wildlife and Fisheries Commission adopts the following Emergency Rule.

This Declaration of Emergency is necessary to implement portions of the written stipulations entered into on August 10, 1998, in the matter entitled Jenkins et al. v. Odom et al., No. 449244, 19th Judicial District Court, and further to provide for regulation of hunting of white-tailed deer and exotics on Supplemented Hunting Preserves. This Declaration of Emergency will govern the regulation of hunting on Supplemented Hunting Preserves until the ratification of permanent rules.

Supplemented Hunting Preserves: Hunting Seasons and Deer Management Assistance Program Participation

A. Definitions

Exotics: For purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting: In its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside: For purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve: For purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer: For purposes of this rule means any animal of the species Odocoileus virginianus which is confined on a Supplemented Hunting Preserve.

B. Hunting Seasons

1. **White-tailed Deer:** All hunting seasons for farm-raised white-tailed deer are still hunt only.

a. **Archery:** October 1, 1998 - January 31, 1999, either-sex

b. Modern Firearms: November 1 - December 6, 1998; December 21 - 23, 1998; and December 26, 1998 - January 31, 1999.

c. Either-sex deer may be taken November 1-3, December 21-23, and December 26-30, otherwise, all modern firearm dates are bucks only. (Either-sex deer may also be taken in accordance with provisions of the Deer Management Assistance Program).

d. Muzzleloader: December 7 - December 20, 1998, either-sex.

2. Exotics: Year round.

C. Methods of Take

1. White-tailed Deer: Same as outside.

2. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

D. Shooting Hours

1. White-tailed Deer: Same as outside.

2. Exotics: one-half hour before sunrise to one-half hour after sunset.

E. Bag Limit

1. Farm-Raised White-tailed Deer: Same as outside.

2. Exotics: No limit.

F. Hunting Licenses

1. White-tailed Deer: Same as outside.

2. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

G. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

H. Deer Management Assistance Program. Supplemented Hunting Preserves containing at least 300 acres will be eligible to participate in the Deer Management Assistance Program for the 1998-99 hunting season.

I. Additional Restrictions. Except as otherwise specified herein, all of the provisions of Title 56 of the Louisiana Revised Statutes and the LWFC rules pertaining to the hunting and possession of white-tailed deer shall apply to white-tailed deer and exotics located on Supplemented Hunting Preserves.

J. Effective Date. This Declaration of Emergency shall become effective on October 31, 1998, and supplant any prior Declaration of Emergency pertaining to hunting of farm-raised deer and exotics.

Thomas M. Gattle, Jr.
Chairman

The Pass-a-Loutre WMA Boundary Proclamation was handled by Mr. Phil Bowman. The Proclamation will re-establish the perimeter boundary for the Pass-a-Loutre WMA. Portions of the Proclamation were read into the record. Mr. Bowman then asked the Commission to approve the Proclamation. Commissioner Babin made a motion to approve the Proclamation. Commissioner Carver seconded the motion. Chairman Gattle felt the Proclamation is a plus for the Department. The motion passed with no opposition.

Mr. Bowman recognized the 2 individuals that spent a tremendous amount of time researching and working with the other entities to have this boundary established and fixed. The 2 staff members are Mr. Mike Windham with the Fur & Refuge Division and Mr. John Chase of the Legal Section.

At this time, Mr. Bowman handed out a document which contained the results of the 1997-98 trapping season.

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

P R O C L A M A T I O N

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BY THE AUTHORITY VESTED IN the Wildlife and Fisheries Commission by law, the Commission does hereby issue this proclamation memorializing by coordinates, bearings and distances the historic perimeter boundary of Pass A Loutre Wildlife Management Area in the Parish of Plaquemines, State of Louisiana, set aside and created from public lands at the mouth of the

Mississippi River by the Legislature in Act 52 of 1921. Said boundary description is contained in Exhibit A, and further illustrated on the Map of Perimeter Boundary of Pass A Loutre Wildlife Management Area identified as Exhibit B, both of which are attached hereto and made a part hereof.

Said public lands, comprised of uplands, marshlands and water bottoms, have been, since the creation of Pass A Loutre Wildlife Management Area, and shall continue to be, owned and administered by the Department of Wildlife and Fisheries for the management of wildlife and fisheries resources under rules and regulations adopted by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission which provide for the conservation of wildlife and fisheries resources and their habitats. Said rules also provide for a full range of outdoor uses of the public lands which comprise Pass A Loutre Wildlife Management Area, including but not limited to recreational hunting and fishing, commercial fishing and trapping, non consumptive outdoor uses, and reasonable mineral exploration and production activities compatible with maintaining Pass A Loutre Wildlife Management Area for its primary purpose, which is the management and protection of various fish and wildlife species and the habitats on which those species depend for survival. As public lands under the jurisdiction of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, all revenues derived therefrom from any source, including, without limitation, mineral revenues from existing leases and future leases, are and shall remain dedicated to the Louisiana Wildlife and Fisheries' Conservation Fund in accordance with La. Const. art. VII, Sec. 10-A and La. R.S. 56:631 to be used by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission in fulfilling their constitutional and statutory mandates.

W I T N E S S E T H

WHEREAS, Pass A Loutre Wildlife Management Area was created by Act 52 of 1921 by the Louisiana Legislature as the first wildlife management area in the State;

WHEREAS, by Act 52 of 1921, the Legislature dedicated all of the vacant and unappropriated public lands belonging to the State on December 9, 1921, within specified townships and ranges as a perpetual game and fish preserve and public hunting ground for the protection of fur bearing animals, game, and fish thereon;

WHEREAS, the Legislature further declared that the Department of Conservation, predecessor in title and function to the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, shall have absolute control and authority concerning the use of said lands and shall adopt rules and regulations controlling said area;

WHEREAS, since 1921 the Louisiana Department of Wildlife and Fisheries and its predecessor agencies have administered the public lands at the mouth of the Mississippi River comprised of uplands, marshlands and water bottoms, including within said public lands all or parts of East Bay, Garden Island Bay, Redfish Bay, North Shore Bay and Blind Bay, as Pass A Loutre Wildlife Management Area;

WHEREAS, numerous maps exist from a variety of both state and federal sources which illustrate that the above mentioned bays are, and have always been, within the boundary of Pass A Loutre Wildlife Management Area, including one such map which was researched and drawn by the State Land Office in 1972 on a 1958 U.S. Geological Survey East Delta, Louisiana quadrangle map, and another map in the form of a survey of specific inholdings of privately owned tracts within Pass A Loutre Wildlife Management Area which was created by the Department of Public Works in 1968;

WHEREAS, over the years both acquisitions by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission and natural accretion have increased the surface area of the land portion of Pass A Loutre Wildlife Management Area;

WHEREAS, due to increased competing uses of Pass A Loutre Wildlife Management Area, including public use by both recreational and commercial users and the resurgence of mineral exploration and seismic activity, it has become necessary to more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area and thus the jurisdiction of the Department of Wildlife and Fisheries.

WHEREAS, until recently, the technology did not exist to identify with specificity the perimeter boundary of Pass A Loutre Wildlife Management Area, particularly where it interfaces with the Gulf of Mexico, but with the advent of Global Positioning Satellites and computer topography this can now be done with considerable accuracy;

WE THE UNDERSIGNED, DO HEREBY PROCLAIM THIS ORDER
SPECIFYING AND MEMORIALIZING THE HISTORIC PERIMETER
BOUNDARY OF PASS A LOUTRE WILDLIFE MANAGEMENT AREA
IN THE PARISH OF PLAQUEMINES, STATE OF LOUISIANA

BY THE AUTHORITY VESTED IN THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION by law, and particularly by Title 56, Sections 751 and 781 of the Louisiana Revised Statutes, and in order to confirm, fix and more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area as it has been recognized by the State and the public since the creation of the wildlife management area in 1921, we do with the approval of the Governor of the State of Louisiana, hereby declare the legal description contained in Exhibit A to be the perimeter boundary of Pass A Loutre Wildlife

Management Area, located in the Parish of Plaquemines, State of Louisiana, and the map attached as Exhibit B to illustrate and delineate the perimeter boundary of Pass A Loutre Wildlife Management Area, said wildlife management area being comprised of all uplands, marshlands and water bottoms within, as determined by research from the State Land Office, the Office of the Governor and the Department of Wildlife and Fisheries, less and except certain privately owned parcels alienated by the State prior to the passage of Act 52 of 1921.

THUS DONE AND ORDERED BY THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION ON THIS THE _____ DAY OF _____, 1998.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

The **Monthly Law Enforcement Report for August** began with Major Keith LaCaze stating a copy of the report was included in their packets. Commissioner Babin asked if there was anything out of the ordinary within any region and if not, he would suggest dispense with reading the report. Major LaCaze stated there was nothing different in the report. Chairman Gattle concurred with Commissioner Babin. Then Major LaCaze stated there was a production company marketing a new television show called "Game Warden Wildlife Journal" scheduled to start in September. The Producer and a Cameraman have been in the State seeing activities of the Agents. He then stated the Commission would be informed when the show will be aired. Commissioner Babin again expressed his appreciation for listing the cities and parishes for each region. Commissioner Busbice agreed with Commissioner Babin.

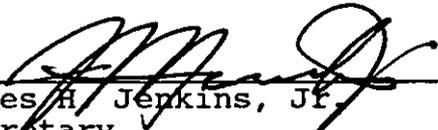
Chairman Gattle then asked for **Division Reports** and there were none.

After several minutes of discussion, the Commissioners decided to hold the **January 1999 Meeting** on Thursday, January 7, 1999 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked if there were any **Public Comments**. Mr. Joe Macaluso, outdoor writer for The Advocate, stated he has had problems after running articles on the HIP program. Many phone calls were received from people that were not informed of this new program when they bought their basic hunting licenses. Mr. Macaluso felt the Agents would encounter a lot of people that do not have HIP stamps. Commissioner Busbice stated, if a hunter does not ask for it, they forget about it. Mr. Hugh Bateman stated Mr. Macaluso is right. The Department invited retail outlets that sell licenses to a training program and there was very low participation. Col. Winton Vidrine stated the Agents will be

lenient this first year and advise the hunters to go get their stamps. Commissioner Busbice asked if the Federal Agents would also be lenient? Col. Vidrine stated yes.

There being no further business, Commissioner Busbice made a motion to Adjourn the meeting and it was seconded by Commissioner Kelly.



James H. Jenkins, Jr.
Secretary

JHJ:sch

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 3, 1998

Chairman Tom Gattle presiding.

Bill Busbice
Danny Babin
Glynn Carver
Tom Kelly
Jerald Hanchey

Secretary James Jenkins, Jr. was also present.

Commissioner Norman McCall was absent from the meeting.

Chairman Gattle called for a motion for approval of the **August 6, 1998 Commission Minutes**. A motion for approval was made by Commissioner Babin and seconded by Commissioner Carver. The motion passed with no opposition.

Before starting the next item, Mr. Gary Lester stated there were copies of publications included in their packets. Then on the agenda item, **Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board**, he stated the Natural Areas Registry Program began in 1987. The legislation gave the Department the authority to set up an agreement with landowners of ecologically sensitive areas throughout the State. A summary of the Program was then given by Mr. Lester, such as 60 landowners, both private and public being enrolled. The Program does something special for rare or endangered species and it initiates dialogue with landowners. On these lands are found 7 endangered animal species, 43 rare plant species and 35 unique natural habitats. The Wildlife Division initiated dialogue with the Tangipahoa Parish School Board a few years ago. Then Mr. Lester asked Mr. Hugh Bateman to come forward and explain the relationship the Wildlife Division has had and then Ms. Nelwyn McInnis with the Nature Conservancy would make the presentation. Mr. Bateman stated in 1994 or 1995, dialog began with the Tangipahoa Parish Police Jury on leasing a school board section adjacent to a wildlife management area. A 5-year free lease is in effect on a piece of property adjacent to Sandy Hollow WMA. Mr. Bateman then thanked the School Board for their cooperation and hoped the lease would be renewed in the year 2000. Ms. McInnis stated the Nature Conservancy has been administering the landowner contact program since its inception in 1987 and was happy to be working with the Department on this program. The Tangipahoa Parish School system's long-leaf natural area is one of the highest quality natural areas remaining in the parish. There is only 2 percent of the long-leaf habitat left and

is considered rare in the State. The School Board was receptive in continuing to conserve the long-leaf habitat. This area will provide a classroom for the Tangipahoa Parish students to see their natural heritage. Ms. McInnis then introduced and asked Mr. Mark Coleway, Assistant Superintendent of the School System, to come up and accept a plaque. Mr. Coleway stated on behalf of the Superintendent and the School Board, they are happy to continue the commitment to conservation of the resources. He then added they look forward to a long relationship and hoped to continue the long-leaf pine. Chairman Gattle expressed his appreciation for their efforts of conservation and management of the wildlife resources.

Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits was handled by Mr. Dave Morrison. The Wildlife Division presented tentative dates at the last Commission Meeting. The U.S. Fish and Wildlife Service has formally adopted the season frameworks with no major changes. Mr. Morrison then asked the Commission to formally adopt the tentative seasons as the final rule. An addition to the Declaration of Emergency on land acquired by the Corps of Engineers and the opportunity for lottery duck hunts on Sherburne WMA was explained. At this point, Mr. Morrison read the season dates. The applications for the lottery hunts both at Sherburne and Red River WMAs would be available at the beginning of the next week. He then read the Therefore Be It Resolved portion of a Resolution. Chairman Gattle asked if any public comments were received since announcing the dates at the last meeting? Mr. Morrison answered no. Commissioner Babin made a motion to adopt the Resolution. Commissioner Hanchey seconded the motion and it passed with no opposition.

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

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 3, 1998

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 3, 1998.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D. C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the attached season dates, bag limits, and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED, that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's selections for ducks, geese and coots.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting seasons for Ducks, Coots and Geese during the 1998-99 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone:	(60 days)	Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)
East Zone:	(60 days)	Nov. 14 (Sat.)-Dec. 6 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)
Catahoula Lake Zone:			
	(60 days)	Nov. 14 (Sat.)-Dec. 6 (Sun.)	(23 days)
		Dec. 12 (Sat.)-Jan. 17 (Sun.)	(37 days)

Youth Waterfowl Day - December 5 in West Zone, January 23 in East Zone.

Daily Bag Limits - The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be

females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback, and 2 redheads. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and mergansers is twice the daily bag limit.

GEESE:

LIGHT GEESE (SNOW AND BLUE)

STATEWIDE SEASON:

Nov. 7 (Sat.)-February 21 (Sun.)	107 days
Daily bag limit (snow and blue):	20
Possession limit (snow and blue):	none

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
Dec. 12 (Sat.)-Jan. 27 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 19-Jan. 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 19 (Tues)-Jan. 27 (Wed)	9 days
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During the Canada Goose Season (January 19-January 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows:

Beginning at the Texas State Line, proceeding east along Highway 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with La. Highway 82, then south along La. Highway 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at La. Highway 82.

Open waters of Lake Mermentau and the Mermentau River from the Highway 14 bridge southward will also be closed to Canada Goose hunting.

A special permit shall be required to participate in the Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District Office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1999 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

Shooting Hours: one-half hour before sunrise to sunset.

The Department will also have a lottery duck hunt on the South Farm Complex of the Sherburne WMA. Details of the lottery will be available from any regional office. In addition to the lottery hunt, no hunting will be allowed on this portion of the WMA from November 1, 1998 through January 24, 1999 except for the youth waterfowl hunt. Additionally, access to the South Farm will be limited during this period. This action is necessary because access to this property was acquired by the U.S. Army Corps of Engineers after final ratification of the 1998-99 Resident Hunting Pamphlet. Lottery hunts and restricting access will provide the Department the ability to manage hunters and minimize disturbance of wintering waterfowl. This provides both optimum habitat conditions for migratory birds and appropriate levels of public use during the waterfowl hunting season.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 1998 and extend through sunset on March 20, 1999.

Thomas M. Gattle, Jr.
Chairman

Chairman Gattle began the next item, **Public Comments - 1999 Turkey Season Dates**, stating he had a question. In north Louisiana, Union Parish, the season opens one week earlier than in the past. The question posed to him was why and what has changed? Mr. Bateman asked Mr. Mike Olinde to give information on how this decision was made. Mr. Olinde stated the public was polled and over 50 percent wanted an earlier opening date in that area. Staff

discussion involved three areas of rationale for moving the season dates, and one was considering a statewide opening date. The staff felt the move of one week would not adversely affect the turkey population in north Louisiana. Chairman Gattle asked if biologically this move would be detrimental? Mr. Olinde answered no, not by moving it one week.

The next agenda item, **Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife** was handled by Mr. Hugh Bateman. At the last meeting, the staff introduced a notice to prohibit the use of feeding corn to wildlife for one year or until information showed the aflatoxin problem had abated itself. The Commission delayed taking action until the staff could provide additional information or look at alternatives. Dr. Vic Nettles, Director, Southeastern Cooperative Disease Study in Athens, Georgia was invited to the meeting and accepted. Prior to Dr. Nettles' presentation, Mr. Bateman stated Mr. Dave Moreland and Mr. Larry Savage has done sampling of deer corn and a packet of summarized results was given to the Commissioners. Of the 61 samples taken, some were corn produced last year and some were obtained from distributors from the mid-west. Twenty-seven samples were taken from corn produced in 1998 and 7 of those 27 samples were above the 100 ppb. Commissioner Carver asked, on the 100 ppb, it was ppb of what? Mr. Bateman stated it was ppb of material tested and it was the corn itself that was tested. Commissioner Carver asked what are the methods to test? Mr. Savage stated the Department of Agriculture tested the samples for the Department and they would grind the corn, pass methanol through it, send it through a filtration process and then an automatic machine would read the aflatoxin levels. Commissioner Busbice asked if the Department of Agriculture regularly tests corn and if they have any historical data? Chairman Gattle stated it was a normal course of buying. Commissioner Busbice asked if this was a good test and was every elevator using the same test? Chairman Gattle stated there is tremendous variation in testing corn and it is not a precise science. Getting back to the packets, Mr. Bateman stated a News Release from the Department of Agriculture was included in there. The biggest concern was that this was the worst year for this particular problem and the recommendation from last month to prohibit the use of corn still stands. Mr. Bateman then stated putting corn in a pile to feed wildlife that is contaminated with aflatoxin is the wrong thing to do. It is hoped, through public education and cooperation from everyone, that the right step in alerting people on what the problems are, what to do and what not to do are done. Mr. Bateman then stated he asked the Department of Agriculture staff what would be the next step to take in dealing with this problem? They felt the need to develop state regulations which does not allow the use of corn contaminated at levels above 100 ppb for feeding wildlife. Concluding Mr. Bateman thanked his staff for assembling the new information.

Dr. Vic Nettles stated there is very little known on wildlife and aflatoxin. He then began his overhead presentation explaining where aflatoxin comes from and what products it is found in. The toxin can build up in the field or after it has been harvested and stored. The levels as set by the FDA, and the variation of species susceptibility were then explained. Aflatoxin will affect the liver of an animal, stated Dr. Nettles. The effects of dietary levels was also discussed. The next series of overheads dealt with studies conducted by the Disease Group. These were on deer bait piles study, a Georgia Deer Dose Trial, Georgia Deer Feeding Trial, Texas Waterfowl Mortality, University of Georgia Quail Study and Georgia Wild Turkey Feeding Trial. Then Dr. Nettles stated their policy was to not recommend the deliberate placement of grain contaminated with aflatoxin above the acceptable levels, 100 ppb. Slides were shown that revealed the results of artificial feeding and how it can result in diseases such as brucellosis or tuberculosis.

Commissioner Carver asked Dr. Nettles, was the source of toxin from spores or a toxic liquid? Dr. Nettles answered the spore was one source. Then Commissioner Carver asked, if corn was placed in a moist environment, could it increase the levels of toxins and will an animal carry the toxin through his whole life or will it be discharged from the animals system? The toxin clears very quickly and the effects depends on how much damage the liver receives, stated Dr. Nettles. Chairman Gattle asked if corn scattered on the ground was creating a problem, will aflatoxin be present in those piles and will it start growing? Dr. Nettles stated he did not have the information to show there could be a problem with handling corn. Chairman Gattle asked what variations would be found between feeding straight diet of corn versus animals eating a mixed diet? Dr. Nettles suggested not making it easy for wildlife to have access to a big dose of affected corn. Commissioner Babin asked, if the corn left from last year was sold and handled properly, will aflatoxin grow. Dr. Nettles stated if the corn is handled properly, corn can be stored for a number of years. However, two things have to be exposed to the corn, temperature and humidity, in order for it to be affected. Commissioner Babin commented stopping the sale of corn produced in this State may not end the problem. Commissioner Busbice asked if corn was a good source of protein for deer? Dr. Nettles stated he understood it was a marginal source of protein and carbohydrate source.

Mr. Donald Courville asked Dr. Nettles what were the results or decisions made after the studies were done in Texas on Georgia? Dr. Nettles stated Louisiana was not the only state trying to decide what to do, what the level of risk is and what the appropriate action is. He could not answer what was being done in the other states.

Ms. Kathy Wascom, Louisiana Wildlife Federation, stated they support the Department in trying to keep the aflatoxin corn out of

the food source for wildlife. She then asked the Department to urge hunters not to put out aflatoxin corn to feed deer.

Chairman Gattle stated he understood Mr. Bateman's staff has already sent letters to DMAP landowners and other hunting groups recommending they be cautious in the corn they feed wildlife. Mr. Bateman stated the supplemental feeding of wildlife is not good for wildlife. The feeding of deer for hunting purposes throughout the southeast has become so pervasive that over half of the clubs actively feed deer. Commissioner Babin asked what measures will be taken to show that the levels of aflatoxins are safe? Mr. Bateman stated the Department of Agriculture will continue to test. Commissioner Babin stated last year's corn was being sold this year and the problem with the 1998 corn was evident now and probably will be sold next year. Chairman Gattle stated he concurred. Then he stated it was difficult to defend and define what the Commission is doing. The bigger issue was do we allow the feeding or baiting deer in the State. Chairman Gattle recommended, in a timely fashion, to give notice to cease the baiting and feeding of deer and have public input on that. He further recommended the Commission strongly urge the sportsmen of the State not feed corn or try to find corn that is aflatoxin free to feed deer, and then give notice of intent on baiting deer altogether. Commissioner Busbice stated there would be a problem with the public if a ban was implemented. The forestry practices of today does not allow for growth of hardwood, thus the need for food plots. Chairman Gattle corrected his recommendation to include just artificial feeding, but the food plots such as oats or wheat should not be included. Repeating his intent, the Chairman stated the Commission would strongly recommend to use caution, then give timely notice of doing away with artificial feeding or baiting deer. Commissioner Busbice asked if the recommendation was specifically for corn? Chairman Gattle stated his recommendation was the actual act of artificial feeding deer which would encompass corn. Commissioner Carver asked if the recommendation was for hunters not to use corn for feeding and it would be addressed at a later meeting? The Chairman answered yes. Commissioner Babin asked if the current resolution needed to be acted upon before the recommendation could be taken up? Chairman Gattle then asked for a motion to accept the current resolution on banning the use of corn? No motion was made, the resolution died. Commissioner Busbice made a motion recommending the hunting public not use corn in artificial feeding of deer this year and further possibly eliminate the artificial feeding of animals in the State of Louisiana. Mr. Don Puckett asked if this action was intended to be a Notice of Intent? Chairman Gattle answered no. Mr. Bateman stated his staff will work on a notice and have it ready for when next season's dates are presented next spring. Commissioner Kelly seconded the motion.

Mr. Ray Schexnayder, a farmer, asked if the notice was for all corn or just aflatoxin corn? Commissioner Busbice stated his motion was to eliminate corn totally. Commissioner Carver stated

the motion was just a recommendation for this year. Commissioner Babin reiterated the Commission wanted to alert hunters to be very cautious in feeding animals. Mr. Schexnayder stated the motion should include something on the aflatoxin corn.

Hearing no further discussion, the motion passed with no opposition.

Declaration of Emergency - Set 1998-99 Trapping Season began with Mr. Brandt Savoie introducing Mr. Greg Linscombe and asking him to provide background information on last year's take. Mr. Linscombe began stating over 468,000 pelts were harvested last year with a total value of over \$2.6 million. The nutria harvest increased with 360,000 pelts worth \$1.8 million taken. This harvest was 31,000 over last year and had an average price to the trapper of \$5.17 per pelt. This also represented the second year of increase for nutria harvest and was very encouraging in maintaining the number of trappers in the marsh area. The nutria harvest would have been greater if the weather conditions were better last year. Damage along the coast was still being looked at from the over-population of nutria. Mr. Linscombe then explained the work done between the Fur & Refuge staff and the Louisiana Fur & Alligator Advisory Council on marketing programs for fur and alligators. The staff also is continuing to work with the nutria meat program and it should accelerate this year. The beaver harvest for last year was over 10,000 which represents an increase for the second year in prices and harvest dating back to 1962. This harvest is very beneficial in controlling beaver damage and if the prices stay stable or increases, beaver damage may be reduced throughout the State. The dealers and Fur & Alligator Council were advised and satisfied with the trapping dates. Commissioner Busbice asked if a handout was available on the pelts. Then he asked what was the price on the beaver pelts and the nutria pelts? Mr. Savoie then read the Therefore Be It Resolved portion of the Resolution. Commissioner Babin made a motion accepting the Resolution. Commissioner Carver seconded the motion and it passed with no opposition.

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

RESOLUTION

1998-99 Fur Trapping Season
adopted by the
Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 56:259(A) authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend,

curtail or prohibit trapping in any area of the state each year, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, allows the Commission to use emergency provisions to set seasons, and

WHEREAS, Louisiana has historically lead the nation in the production of wild fur with value to the trappers as high as \$24 million in some seasons, and

WHEREAS, the harvest of this renewable resource is important in providing supplemental income to citizens of the state while furnishing an essential management tool to reduce nuisance wildlife problems, property damage, the impact of prey species, the incident of density dependent disease and provide a measure of population health and general condition, and

WHEREAS, regulated trapping provides the only practical control of muskrat and nutria populations, an essential part of any effort to protect or enhance coastal wetlands. The role of such trapping cannot be overstated because of the rate of wetland loss and the impact that these wetland grazers are having in southeastern parishes, and

WHEREAS, the increased commercial harvest of beaver can play a major role in assisting in the reduction of damage to timber, agriculture, drainage, and wildlife habitat, and

WHEREAS, historical and current information collected by the Department of Wildlife and Fisheries have indicated that the optimum time frame for the harvest of furbearers is between November and March each year, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby grant authority to the Secretary of the Department of Wildlife and Fisheries to extend or shorten the trapping season in any area of the state.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998-99 fur harvest season is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Thomas M. Gattle, Jr.
Chairman

Mr. Bennie Fontenot presented the next item, **Louisiana/Texas Recreational Fishing License Reciprocal Agreement**. He began reminding the Commission an Agreement with Texas was adopted by them a few meetings back. Texas modified the Agreement allowing children under 17 to fish in Texas without a license. The main changes in the Agreement is to honor non-resident fishing licenses in the boundary waters and clarified that reciprocal licenses are not honored in the Gulf waters. Chairman Gattle asked Mr. Fontenot to again explain the non-resident reciprocal agreement. Then he asked if a 17 year old could fish in Sabine Lake without a license? Mr. Fontenot stated no, they have to be under 17. Commissioner Babin stated this Agreement affects only non-residents. Commissioner Carver stated this particular problem was serious at one point but now this will make it clearer. Chairman Gattle asked if approval was needed on the change? Mr. Fontenot stated Texas never signed the previous Agreement, and now with changes made, it needed to be approved. Commissioner Hanchey made a motion to accept the Agreement. Commissioner Busbice seconded the motion and it passed with no opposition.

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

**RECIPROCAL RECREATIONAL FISHING LICENSE AGREEMENT
BETWEEN THE STATE OF TEXAS AND
THE STATE OF LOUISIANA**

This Agreement made and entered into this 3rd day of September 1998, by and between the Louisiana Wildlife and Fisheries

Commission ("Louisiana") and the Texas Parks and Wildlife Department ("Texas"), each acting by and through duly authorized officials,

W I T N E S S E T H :

WHEREAS, the neighboring states of Louisiana and Texas each hold interests in fishery resources that are enjoyed by the citizens of these states, including the waters that form the common boundary between the two states, and

WHEREAS, it is in the best interests of the citizens of those states that licensing regulations for the shared boundary waters be consistent, and

WHEREAS, the parties hereto also desire to grant similar sport fishing license exemptions whereby residents of Texas 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a fishing license, and likewise, residents of Louisiana 65 years of age or older and those under 15 years of age may fish in all Texas waters without a fishing license, and

WHEREAS, non-residents from many parts of the country travel to the Louisiana-Texas border to enjoy the abundant fishery resources of the common boundary waters of that area, and

WHEREAS, those non-resident tourists contribute to the local economies of the area, and

WHEREAS, clear regulations regarding common boundary waters that are available to non-resident fishing license holders should provide for more compliance with the applicable laws, and

WHEREAS, Louisiana Revised Statutes 56:671 and 673 provide that the Louisiana Wildlife and Fisheries Commission may enter into reciprocal fishing license agreements, and may also enter into reciprocal agreements with the state of Texas pertaining to seasons, creel limits, and all other rules and regulations pertaining to fishing in waters forming the common boundary between Louisiana and Texas,

NOW, THEREFORE, for and in consideration of the premises and the mutual benefits hereof, Texas and Louisiana contract as follows:

A. STATE-REGULATED WATERS

1. Texas residents 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a license; provided however, proof of age as set out below is required.

2. Louisiana residents 65 years of age or older and those under 17 years of age may fish in all Texas waters without a

license; provided, however, proof of age as set out below is required.

B. COMMON BOUNDARY WATERS

1. For the purposes of this reciprocal agreement, common boundary waters are Caddo Lake proper, the Toledo Bend Lake project including the spillway outfall and the hydro power outfall channels below Toledo Bend Dam, Sabine Lake proper, and the main channel of the Sabine River where it forms the boundary between the states of Texas and Louisiana, but not including the waters of the Sabine River ship channel south of the line between Texas Point and Louisiana Point. Tributaries of the named common boundary waters are specifically not included as boundary waters. For purposes of this rule, tributary water bodies enter boundary waters at a line that runs from point to point across the mouth of the tributary water body.

2. Residents of Texas or Louisiana who meet the licensing requirements of their state may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

3. Persons who have in their possession a Texas or Louisiana valid non-resident recreational fishing license may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

4. Texas residents under 17 of age and those 65 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

5. Louisiana residents under 16 years of age and those 60 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

C. GENERAL

1. Proof of age must be in the form of a birth certificate, driver's license, or a military record which states age (or a photostatic copy of same).

2. This agreement applies only to sport fishing licenses, and does not apply to any sport fishing activities that require specific recreational gear licenses in either state (e.g. crab traps, crawfish traps, hoop nets, etc.).

3. Other than the license privileges provided herein, the fishing regulations of the state in which the fishing occurs shall control.

4. This agreement supersedes the previous reciprocal agreements on recreational fishing licenses dated February 13, 1968 and September 27, 1984 including the undated amendment to the last-cited agreement.

5. This agreement shall remain in effect until ninety (90) days after it has been rescinded in writing by either the Louisiana Wildlife and Fisheries Commission or Texas Parks and Wildlife Department, or their successors.

6. The effective date of this reciprocal agreement will be September 3, 1998.

TEXAS PARKS AND WILDLIFE DEPARTMENT

BY: _____
Andrew Sanson
Executive Director

LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

BY: _____
Thomas M. Gattie, Jr.
Chairman

The next agenda item, **Notice of Intent for Black Bass Regulations, Eagle Lake** was also handled by Mr. Bennie Fontenot. Eagle Lake is an oxbow lake primarily in Mississippi with all access into the lake through Mississippi. The State of Mississippi is managing and stocking the lake. A cooperative management plan, a 14" minimum size on black bass, was developed and installed on Eagle Lake three years ago. Also a series of drawdowns were conducted and Mississippi has stocked the lake with Florida bass fingerlings. The Department wants to re-instate a minimum size limit of 16 inches to protect the broodstock and to manage for larger bass. Mr. Fontenot recommended approving the 16 inch minimum size limit. Commissioner Busbice stated the Department will be able to look at it and learn if it works. Mr. Fontenot stated creel surveys conducted by Mississippi indicated 99 percent of the fishermen are from Mississippi. Commissioner Carver made a motion to accept the Notice of Intent. Commissioner Kelly seconded the motion. The motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§169. Black Bass Regulations, Eagle Lake

The size regulation for black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 16 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule shall become effective January 1, 1999.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:909 (July 1993); amended LR 21:477 (May 1995); LR 22:376 (May 1996), LR 24 .

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 statements, 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 of the amended rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, November 4, 1998.

Thomas M. Gattle, Jr.
Chairman

Declaration of Emergency - Commercial King Mackerel Season Closure began with Mr. Harry Blanchet stating the National Marine Fisheries Service closed this season at the end of last month. It

was more expeditious for the Commission to take action and hopefully apply compatible closures. Much of the king mackerel fishery occurs in federal waters off the coast of Louisiana and Texas. Chairman Gattle asked what was the percent of king mackerel caught within the three mile limit versus outside that three miles. Mr. Blanchet stated most were taken outside, but could not give an accurate number. Commissioner Busbice asked what was the problem with the fishery with all the changes going on? Mr. Blanchet stated there was an increase in the allowable catch for the western Gulf of Mexico. This came as a result of several years of good recruitment and a good, strong stock. The fishermen caught one million pounds of fish in less time than it took to catch 750,000 pounds of fish three years ago. Chairman Gattle asked if the closure was effective September 7 and would remain closed until July 1, 1999? Mr. Blanchet explained July 1 is the next opening date for a commercial king mackerel season and that authority would be given to the Secretary in the event the National Marine Fisheries Service changes the dates. Chairman Gattle asked if the commercial season began July 1 through June 30? Commissioner Babin asked what was the recreational quota for king mackerel? Mr. Blanchet stated there was no specific quota, but there is a gulfwide allocation. Then Commissioner Babin asked if the National Marine Fisheries Service was addressing the recreational fishery? Mr. Blanchet stated the recreational fishery was handled through size limits, bag limits, or allowing charter captains and crew to harvest fish. Then he mentioned the recreational catch was 6.8 million pounds and the total commercial allocation for the Gulf was 3 million plus pounds. Commissioner Babin commented he questions a lot of what the National Marine Fisheries Service comes out with. Mr. Blanchet then read the Therefore Be It Resolved portion of the Resolution. Commissioner Busbice made a motion to accept the Resolution and it was seconded by Commissioner Kelly. The motion passed with opposition from Commissioner Babin.

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

RESOLUTION

1998 COMMERCIAL KING MACKEREL SEASONS

September 3, 1998

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 1998 commercial king mackerel fishery in EEZ waters closed on August 25, 1998, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Commission closes the 1998 commercial king mackerel season at 12:01 a.m., September 7th, 1998, and, that the season shall remain closed until 12:01 a.m. on July 1, 1999.

BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that 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 declaration of emergency.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998 commercial king mackerel season in Louisiana state waters is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The king mackerel fishery in the Gulf of Mexico is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF), and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close the commercial harvest seasons for king mackerel in the EEZ off of Louisiana, and NMFS and the Gulf Council requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for commercial harvest of king mackerel in Louisiana state waters:

The season for the commercial fishery for king mackerel in Louisiana state waters will close at 12:01 a.m., September 7, 1998; the season shall remain closed until 12:01 a.m. on July 1, 1999.

The Commission also grants authority to the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed by the Regional Director of the National Marine Fisheries Service (NMFS) that the season dates for the commercial harvest of king mackerel in the federal waters of the western Gulf of Mexico as set out herein have been modified, and that the Regional Director of NMFS requests that the season be modified in Louisiana state waters and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit. Provided however, that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.4 are properly

maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Thomas M. Gattle, Jr.
Chairman

The next two items, **Declaration of Emergency - Commercial Shark Rules and Notice of Intent - Sharks and Sawfishes Daily Take & Possession Limits, Quotas, Seasons and Special Permit**, were handled together by Mr. Harry Blanchet. In 1989, Louisiana established a shark permit for commercial fishermen harvesting shark off the coast. There has always been a lack of information on the harvest of species and the basic biology of the species. Sharks do have some similarities, such as long lived with very low fecundity, will be several years of age before reaching maturity, and many species are migratory. The landings on sharks are usually noted as an unclassified shark, there being no difference between one specie and another. The primary sharks harvested in Louisiana include sandbar, blacktip, bulls and spinners. In 1993, a set of regulations was developed by National Marine Fisheries Service on sharks. Over the last year, a few problems have developed. One problem was the shark permit was not an annual permit and this does not give the staff a good handle on fishery participation. Taking action through a Declaration of Emergency will allow the staff to get a better handle on the actual number of fishermen. Establishing trip limits for the larger sharks found in coastal waters is another part of the Declaration of Emergency. The trip limits will be the same as those that now exists in federal waters, stated Mr. Blanchet. Commissioner Busbice asked if Enforcement was familiar with all the different types of sharks? Lt. Jeff Mayne stated a lot of the officers are familiar with the different sharks and the Marine Fisheries Division will be conducting shark identification classes. Mr. Blanchet stated identification is also difficult for the fishermen and the staff is trying to get material out to educate the public. Commissioner Babin asked what will happen to a fishermen that has a shark permit from the time the Declaration of Emergency goes into effect until the time that permit is renewed? Lt. Mayne stated the renewals would be concurrent with the other commercial licenses and does not affect current permit holders. Then Commissioner Babin asked if this would only affect the renewal for next year? He was told that was correct. The last part of the Declaration of Emergency dealt with the practice of finning. This regulation is also already in place in the federal waters and state regulations will make them compatible. The Notice of Intent goes into more detail, defining the four categories for harvesting of shark. These include, small coastal sharks, large coastal sharks, pelagic sharks, and prohibited species. The list of prohibited species are also on the federal list except for the smalltooth and largetooth sawfish. Commissioner Busbice asked if there was a charge for the shark

permit and if trip results are submitted monthly? Chairman Gattle asked what was the legal by-catch allowance for shark in the menhaden fishery? Mr. Blanchet stated there is a 5 percent by-catch by weight for all species. Chairman Gattle asked if the Resolution was adopted, it would include both the Declaration of Emergency and Notice of Intent. Mr. Blanchet answered yes. The Chairman then asked Mr. Blanchet to read the Therefore Be It Resolved portion of the Resolution. The Notice of Intent also covers two provisions for season closures, explained Mr. Blanchet. Commissioner Busbice made a motion to adopt the Resolution. Commissioner Babin seconded the motion.

Dr. Bruce Thompson, Fishery Professor at LSU, stated he supports the regulations completely. He then complimented Mr. Blanchet for his explanations on this fishery. Sharks are long lived, remain pregnant for over a year and breed every other year, stated Dr. Thompson.

The motion passed with no opposition.

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

RESOLUTION

SHARK HARVEST RULES

WHEREAS, the shark fisheries in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico off the coast of Louisiana are managed by the National Marine Fisheries Service (NMFS), and by the Louisiana Wildlife and Fisheries Commission (LWFC) and Department of Wildlife and Fisheries (LDWF) in the state Territorial Sea and inshore waters, and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the EEZ of the U.S., in Louisiana generally three miles offshore, and

WHEREAS, NMFS has adopted management measures and permit regulations for sharks harvested in the EEZ off of Louisiana, and

WHEREAS, adoption of compatible regulations for Louisiana state waters where feasible would enhance effectiveness and enforceability of the regulations already in place for sharks harvested in the EEZ off of Louisiana, and

WHEREAS, substantial fisheries for sharks do also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of

compatible regulations may also impact those persons involved in those fisheries, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set possession limits, quotas, places, seasons, times, size limits, and daily take limits based upon biological and technical data for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Declaration of Emergency to establish permit regulations, possession and trip limits, and also promulgates a Notice of Intent to provide for limits, permit regulations, and a framework for seasonal closures for sharks in Louisiana state waters, that are attached to and made part of this resolution, and

BE IT FURTHER RESOLVED, that 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

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(10), 56:326(E)(2), 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 Federal regulations on the commercial fishery for sharks in Federal waters off of Louisiana. Practices reported to presently occur in this fishery are contrary to sound conservation of the species, and to proper utilization of the fishery resource. Rules for Louisiana State waters are being promulgated through the Administrative Procedure Act. Some aspects of present practices require more expeditious action than is available through this procedure. Commercial license renewals are distributed beginning in November, and thus action prior to that time provides for more expeditious service by the Department to those people who require renewal of shark permits. High volume

commercial trips, exceeding federally allowed limits, are presently occurring. Placing compatible trip limits in state waters will allow more effective enforcement of existing Federal limits. The practice of "finning", as described in this rule, has become more prevalent in some parts of the fishery, resulting in less utilization of the potential resource, and a loss of valuable scientific information on the species that are harvested in the fishery. It is therefore in the best interest of the state, and appropriate that these regulations be enacted expeditiously, thereby requiring emergency action.

This emergency rule shall be effective at 12:01 a.m., September 14, 1998 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

**Sharks and Sawfishes Daily Take and Possession Limits,
Quotas and Special Permit Requirements**

A. Permits

1. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

2. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

3. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

B. Trip and Possession Limits

1. A possession limit consists of two Atlantic sharpnose sharks and two sharks of any other species unless a valid original Louisiana "Shark Permit", and, if applicable, a federal shark permit, issued in the name of the commercial fisherman is in possession.

2. A person that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or sell, Large Coastal species in excess of 4,000 pounds per vessel, dressed weight.

3. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds per vessel, dressed weight.

4. Large Coastal species of sharks are composed of: Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Caribbean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

C. Fins

1. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in Louisiana waters.

2. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

3. Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

Thomas M. Gattle, Jr.
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations for the taking of sharks from Louisiana waters.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§357. Sharks and Sawfishes Daily Take and Possession Limits, Quotas and Special Permit Requirements

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations for the taking of sharks (including sawfishes) (Class Elasmobranchiomorphi: Orders Hexanchiformes, Lamniformes, Squaliformes, and Rajiformes) from Louisiana waters. The provisions of this Section shall not apply to shrimp or menhaden harvest, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing, except for provisions: outlawing finning of shark; requiring a "Shark Permit" for sale, barter or exchange; limiting sale, barter, or exchange of sharks during closed seasons; limiting shark retained by non-permit holders to be only as a mixed part of the total harvest, and only retained, held, or sold, purchased, bartered, traded, or exchanged as such; and outlawing transfer of sharks between vessels at sea.

1. For management purposes, sharks are divided into the following categories:

a. Small Coastal Sharks - Atlantic angel shark, Bonnethead shark, Atlantic sharpnose shark, Blacknose shark, Caribbean sharpnose shark, Finetooth shark, Smalltail shark.

b. Large Coastal Sharks - Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Caribbean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

c. Pelagic Sharks - Bigeye sixgill shark, Sevengill shark, Sixgill shark, Longfin mako, Porbeagle shark, Shortfin mako, Blue shark, Oceanic whitetip shark, Bigeye thresher shark, Thresher shark.

d. Prohibited Species - Basking shark, White shark, Bigeye sand tiger, Sand tiger, Whale shark, Smalltooth sawfish, Largetooth sawfish.

2. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any sharks in excess of any possession limit for which a commercial permit was issued.

4. a. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

b. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

5. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, bartered, or attempted to be sold, purchased, exchanged or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the bag limits as follows:

a. The aggregate daily take and possession limit for Atlantic Sharpnose Sharks caught recreationally within or without Louisiana waters shall be two fish per person per day and in possession.

b. The aggregate daily take and possession limit for all other "Small Coastal", "Large Coastal" and "Pelagic" sharks combined, caught recreationally within or without Louisiana waters, shall be 2 fish per vessel per trip and in possession.

6. Those persons possessing a Federal Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks are limited to daily take, trip and possession limits as specified in that Federal Permit. A person aboard a vessel for which a Federal Shark Permit has been issued shall not retain shark of any species group for which the commercial quota has been reached and the season closed in Federal waters.

7. a. A vessel that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

b. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

8. A person aboard a vessel for which a federal shark permit has been issued, or persons aboard a vessel fishing for or possessing shark in the EEZ shall comply with all applicable federal regulations.

9. Fins

a. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited within and without Louisiana waters.

b. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's

first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

c. Shark fins shall not be possessed aboard a fishing vessel after the vessel's first point of landing.

10. Prohibited Species

a. No person shall take, possess, purchase, sell, barter, exchange or attempt to possess, purchase, sell, barter, or exchange any of the following species or parts thereof:

- i. Basking shark - *Cetorhinus maximus*
- ii. White shark - *Carcharodon carcharias*
- iii. Bigeye sand tiger - *Odontaspis noronhai*
- iv. Sand tiger - *Odontaspis taurus*
- v. Whale shark - *Rhincodon typus*
- vi. Smalltooth sawfish - *Pristis pectinata*
- vii. Largetooth sawfish - *Pristis pristis*

b. Notwithstanding other provisions of this part, a person may fish for, but not retain, white sharks (*Carcharodon carcharias*) with rod and reel only under a catch and release program, provided the person releases and returns such fish to the sea immediately with a minimum of injury.

c. Notwithstanding other provisions of this part, smalltooth sawfish or largetooth sawfish may be possessed as authorized by a special Scientific and Educational Collecting Permit issued by the department under R.S. 56:318, including whatever conditions that the department may deem necessary to ensure the maintenance and protection of the species. Nothing herein shall prohibit the possession of smalltooth sawfish or largetooth sawfish, or parts thereof, that were possessed prior to the effective date of this rule.

11. No person aboard any vessel shall transfer or cause the transfer of sharks between vessels on state or federal waters. Standard menhaden harvesting activities do not constitute transfer of sharks between vessels at sea.

12. Seasonal Closures

a. All Louisiana State waters out to the seaward boundary of the Louisiana Territorial Sea shall be closed to the recreational and commercial harvest of all sharks between April 1

and June 30 of each year. A holder of a Federal Shark Permit may legally harvest sharks from Federal waters beyond the Louisiana Territorial Sea and bring those sharks into Louisiana waters for sale within the provisions of that Federal Shark Permit. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell sharks from the closed area. Effective with the closure, no person shall retain or possess any sharks in the closed area. Sharks taken incidental to shrimp or menhaden fishing in the closed area, that are retained on the vessel as part of the harvest, may be retained only as a mixed part of the total harvest, and shall not be retained, held, purchased, bartered, traded, exchanged, sold or attempted to be purchased, bartered, traded, exchanged or sold.

b. The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close any recreational or commercial fishery for sharks, within and without Louisiana's territorial waters, when the Secretary is notified by the National Marine Fisheries Service that the seasonal quota for that species group and fishery has been met. The closure order shall close the fishery until the date projected for the re-opening of that fishery in the adjacent Federal waters. The Secretary is also hereby authorized to modify any such closure order to maintain consistency with re-opening dates in the adjacent Federal waters, should the Federal closure dates be modified.

13. The fishing year for shark shall begin on January 1, 1998 and every January 1st thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), 326(E)(2), 326.1, 326.3.

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

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 comment on the proposed rule in writing to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Thursday, December 3, 1998.

Thomas M. Gattle, Jr.
Chairman

The final item for Mr. Harry Blanchet was a **Declaration of Emergency - Recreational Red Snapper Season Closure**. In 1996, a

recreational quota for red snapper in the Gulf of Mexico was established through the Magnuson Act. The National Marine Fisheries Service is mandated to close this fishery when the quota is projected to be met or met. The projected date for this year is 12:00 AM on September 30, 1998. The Resolution and Declaration of Emergency will establish compatible regulations in state waters. Commissioner Babin asked if the National Marine Fisheries Service extended the red snapper quota by 3.1 million pounds for a species that is in danger? Mr. Blanchet stated yes. Then Commissioner Babin stated the Service does not always give the best data either recreationally or commercially. Mr. Blanchet stated you cannot manage a fishery any better than your data is, and in this situation, this is the best information available. Commissioner Babin felt the closure was very contradictory to the extension. Commissioner Busbice asked if the season had to be closed? Mr. Blanchet answered no. Chairman Gattie asked if the recreational fishery met their quota quicker than the commercial fishery? Hearing no further discussion, Mr. Blanchet read the Therefore Be It Resolved portion of the Resolution. Commissioner Busbice asked how are recreational fishermen notified that the season is closed? Mr. Blanchet stated a News Release on the subject will be put out and newspapers around the State have printed this information. Commissioner Busbice made a motion to accept the Resolution and it was seconded by Commissioner Kelly. The motion passed with opposition from Commissioner Babin.

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

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON CLOSURE

September 3, 1998

WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, the most recent stock assessment for Gulf of Mexico red snapper indicates that the stock is in an overfished condition and that restrictions on harvest are necessary to rebuild the stock, and

WHEREAS, the Total Allowable Catch (TAC) for the stock is set each year by NMFS based on recommendations by the Gulf Council, and

WHEREAS, the annual TAC is divided into recreational and commercial allocations, based on relative historic harvests, and

WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that, among other measures, establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and

WHEREAS, the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and

WHEREAS, the best information available indicates that the recreational sector will have harvested their quota on September 30, 1998, and

WHEREAS, NMFS has announced that it will close the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby closes the 1998 season for recreational harvest of

red snapper in Louisiana state waters effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero for that time period,

BE IT FURTHER RESOLVED, a Declaration of Emergency closing the 1998 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish season, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby closes the recreational harvest of red snapper in Louisiana state waters for the 1998 season as follows:

The season for the recreational fishery for red snapper in Louisiana state waters will close at 12:01 a.m., September 30, 1998 and remain closed through December 31, 1998 by reducing the bag limit to zero for that time period.

Thomas M. Gattle, Jr.
Chairman

The Chairman reconvened the meeting after a lunch break. Commissioner Babin made a motion for the Commission to go into Executive Session on **Jenkins et al. vs. Odom et al., 19th JDC**. This motion was seconded by Commissioner Carver and passed with no opposition.

Mr. Joe Macaluso, outdoor writer for The Advocate, stated the matter has been settled in court and felt there was no reason for Executive Session. He also demanded a response at the end of the Session on any action taken. Chairman Gattle stated the Commission has been advised by Legal Counsel to convene in Executive Session.

Chairman Gattle asked for a motion to reconvene from Executive Session. A motion was made by Commissioner Babin and seconded by Commissioner Carver. This motion was approved unanimously. Mr. Don Puckett reiterated no action was taken during the Executive Session. The lawsuit is continuing, the written stipulations filed in court resolved the preliminary injunction.

Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP was handled by Mr. Dave Moreland. The Declaration of Emergency contains two items, hunting seasons and participation in the DMAP program. The recommended archery, modern firearm, either-sex days with guns and muzzleloader hunting season dates for deer and exotics were read by Mr. Moreland. The methods of take, shooting hours, bag limits and hunting licenses for white-tailed deer are the same as outside areas. There are no limits for exotics. Tagging requirements were also explained. The DMAP program will allow participation by hunting preserves of at least 300 acres for the 1998-99 hunting season. Mr. Moreland asked the Commission for a motion to enact the Declaration of Emergency. Commissioner Babin made a motion to accept and it was seconded by Commissioner Kelly. Hearing no further discussion, the motion passed unanimously.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7, R.S. 36:601 et seq., R.S. 56:115, 56:171 et seq. and 56:651 et seq., the Wildlife and Fisheries Commission adopts the following Emergency Rule.

This Declaration of Emergency is necessary to implement portions of the written stipulations entered into on August 10, 1998, in the matter entitled Jenkins et al. v. Odom et al., No. 449244, 19th Judicial District Court, and further to provide for regulation of hunting of white-tailed deer and exotics on Supplemented Hunting Preserves. This Declaration of Emergency will govern the regulation of hunting on Supplemented Hunting Preserves until the ratification of permanent rules.

Supplemented Hunting Preserves: Hunting Seasons and Deer Management Assistance Program Participation

A. Definitions

Exotics: For purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting: In its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside: For purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve: For purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer: For purposes of this rule means any animal of the species Odocoileus virginianus which is confined on a Supplemented Hunting Preserve.

B. Hunting Seasons

1. **White-tailed Deer:** All hunting seasons for farm-raised white-tailed deer are still hunt only.

a. **Archery:** October 1, 1998 - January 31, 1999, either-sex

b. Modern Firearms: November 1 - December 6, 1998; December 21 - 23, 1998; and December 26, 1998 - January 31, 1999.

c. Either-sex deer may be taken November 1-3, December 21-23, and December 26-30, otherwise, all modern firearm dates are bucks only. (Either-sex deer may also be taken in accordance with provisions of the Deer Management Assistance Program).

d. Muzzleloader: December 7 - December 20, 1998, either-sex.

2. Exotics: Year round.

C. Methods of Take

1. White-tailed Deer: Same as outside.

2. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

D. Shooting Hours

1. White-tailed Deer: Same as outside.

2. Exotics: one-half hour before sunrise to one-half hour after sunset.

E. Bag Limit

1. Farm-Raised White-tailed Deer: Same as outside.

2. Exotics: No limit.

F. Hunting Licenses

1. White-tailed Deer: Same as outside.

2. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

G. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

H. Deer Management Assistance Program. Supplemented Hunting Preserves containing at least 300 acres will be eligible to participate in the Deer Management Assistance Program for the 1998-99 hunting season.

I. Additional Restrictions. Except as otherwise specified herein, all of the provisions of Title 56 of the Louisiana Revised Statutes and the LWFC rules pertaining to the hunting and possession of white-tailed deer shall apply to white-tailed deer and exotics located on Supplemented Hunting Preserves.

J. Effective Date. This Declaration of Emergency shall become effective on October 31, 1998, and supplant any prior Declaration of Emergency pertaining to hunting of farm-raised deer and exotics.

Thomas M. Gattle, Jr.
Chairman

The Pass-a-Loutre WMA Boundary Proclamation was handled by Mr. Phil Bowman. The Proclamation will re-establish the perimeter boundary for the Pass-a-Loutre WMA. Portions of the Proclamation were read into the record. Mr. Bowman then asked the Commission to approve the Proclamation. Commissioner Babin made a motion to approve the Proclamation. Commissioner Carver seconded the motion. Chairman Gattle felt the Proclamation is a plus for the Department. The motion passed with no opposition.

Mr. Bowman recognized the 2 individuals that spent a tremendous amount of time researching and working with the other entities to have this boundary established and fixed. The 2 staff members are Mr. Mike Windham with the Fur & Refuge Division and Mr. John Chase of the Legal Section.

At this time, Mr. Bowman handed out a document which contained the results of the 1997-98 trapping season.

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

P R O C L A M A T I O N

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BY THE AUTHORITY VESTED IN the Wildlife and Fisheries Commission by law, the Commission does hereby issue this proclamation memorializing by coordinates, bearings and distances the historic perimeter boundary of Pass A Loutre Wildlife Management Area in the Parish of Plaquemines, State of Louisiana, set aside and created from public lands at the mouth of the

Mississippi River by the Legislature in Act 52 of 1921. Said boundary description is contained in Exhibit A, and further illustrated on the Map of Perimeter Boundary of Pass A Loutre Wildlife Management Area identified as Exhibit B, both of which are attached hereto and made a part hereof.

Said public lands, comprised of uplands, marshlands and water bottoms, have been, since the creation of Pass A Loutre Wildlife Management Area, and shall continue to be, owned and administered by the Department of Wildlife and Fisheries for the management of wildlife and fisheries resources under rules and regulations adopted by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission which provide for the conservation of wildlife and fisheries resources and their habitats. Said rules also provide for a full range of outdoor uses of the public lands which comprise Pass A Loutre Wildlife Management Area, including but not limited to recreational hunting and fishing, commercial fishing and trapping, non consumptive outdoor uses, and reasonable mineral exploration and production activities compatible with maintaining Pass A Loutre Wildlife Management Area for its primary purpose, which is the management and protection of various fish and wildlife species and the habitats on which those species depend for survival. As public lands under the jurisdiction of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, all revenues derived therefrom from any source, including, without limitation, mineral revenues from existing leases and future leases, are and shall remain dedicated to the Louisiana Wildlife and Fisheries' Conservation Fund in accordance with La. Const. art. VII, Sec. 10-A and La. R.S. 56:631 to be used by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission in fulfilling their constitutional and statutory mandates.

W I T N E S S E T H

WHEREAS, Pass A Loutre Wildlife Management Area was created by Act 52 of 1921 by the Louisiana Legislature as the first wildlife management area in the State;

WHEREAS, by Act 52 of 1921, the Legislature dedicated all of the vacant and unappropriated public lands belonging to the State on December 9, 1921, within specified townships and ranges as a perpetual game and fish preserve and public hunting ground for the protection of fur bearing animals, game, and fish thereon;

WHEREAS, the Legislature further declared that the Department of Conservation, predecessor in title and function to the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, shall have absolute control and authority concerning the use of said lands and shall adopt rules and regulations controlling said area;

WHEREAS, since 1921 the Louisiana Department of Wildlife and Fisheries and its predecessor agencies have administered the public lands at the mouth of the Mississippi River comprised of uplands, marshlands and water bottoms, including within said public lands all or parts of East Bay, Garden Island Bay, Redfish Bay, North Shore Bay and Blind Bay, as Pass A Loutre Wildlife Management Area;

WHEREAS, numerous maps exist from a variety of both state and federal sources which illustrate that the above mentioned bays are, and have always been, within the boundary of Pass A Loutre Wildlife Management Area, including one such map which was researched and drawn by the State Land Office in 1972 on a 1958 U.S. Geological Survey East Delta, Louisiana quadrangle map, and another map in the form of a survey of specific inholdings of privately owned tracts within Pass A Loutre Wildlife Management Area which was created by the Department of Public Works in 1968;

WHEREAS, over the years both acquisitions by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission and natural accretion have increased the surface area of the land portion of Pass A Loutre Wildlife Management Area;

WHEREAS, due to increased competing uses of Pass A Loutre Wildlife Management Area, including public use by both recreational and commercial users and the resurgence of mineral exploration and seismic activity, it has become necessary to more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area and thus the jurisdiction of the Department of Wildlife and Fisheries.

WHEREAS, until recently, the technology did not exist to identify with specificity the perimeter boundary of Pass A Loutre Wildlife Management Area, particularly where it interfaces with the Gulf of Mexico, but with the advent of Global Positioning Satellites and computer topography this can now be done with considerable accuracy;

WE THE UNDERSIGNED, DO HEREBY PROCLAIM THIS ORDER
SPECIFYING AND MEMORIALIZING THE HISTORIC PERIMETER
BOUNDARY OF PASS A LOUTRE WILDLIFE MANAGEMENT AREA
IN THE PARISH OF PLAQUEMINES, STATE OF LOUISIANA

BY THE AUTHORITY VESTED IN THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION by law, and particularly by Title 56, Sections 751 and 781 of the Louisiana Revised Statutes, and in order to confirm, fix and more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area as it has been recognized by the State and the public since the creation of the wildlife management area in 1921, we do with the approval of the Governor of the State of Louisiana, hereby declare the legal description contained in Exhibit A to be the perimeter boundary of Pass A Loutre Wildlife

Management Area, located in the Parish of Plaquemines, State of Louisiana, and the map attached as Exhibit B to illustrate and delineate the perimeter boundary of Pass A Loutre Wildlife Management Area, said wildlife management area being comprised of all uplands, marshlands and water bottoms within, as determined by research from the State Land Office, the Office of the Governor and the Department of Wildlife and Fisheries, less and except certain privately owned parcels alienated by the State prior to the passage of Act 52 of 1921.

THUS DONE AND ORDERED BY THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION ON THIS THE _____ DAY OF _____, 1998.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

The **Monthly Law Enforcement Report for August** began with Major Keith LaCaze stating a copy of the report was included in their packets. Commissioner Babin asked if there was anything out of the ordinary within any region and if not, he would suggest dispense with reading the report. Major LaCaze stated there was nothing different in the report. Chairman Gattle concurred with Commissioner Babin. Then Major LaCaze stated there was a production company marketing a new television show called "Game Warden Wildlife Journal" scheduled to start in September. The Producer and a Cameraman have been in the State seeing activities of the Agents. He then stated the Commission would be informed when the show will be aired. Commissioner Babin again expressed his appreciation for listing the cities and parishes for each region. Commissioner Busbice agreed with Commissioner Babin.

Chairman Gattle then asked for **Division Reports** and there were none.

After several minutes of discussion, the Commissioners decided to hold the **January 1999 Meeting** on Thursday, January 7, 1999 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Gattle then asked if there were any **Public Comments**. Mr. Joe Macaluso, outdoor writer for The Advocate, stated he has had problems after running articles on the HIP program. Many phone calls were received from people that were not informed of this new program when they bought their basic hunting licenses. Mr. Macaluso felt the Agents would encounter a lot of people that do not have HIP stamps. Commissioner Busbice stated, if a hunter does not ask for it, they forget about it. Mr. Hugh Bateman stated Mr. Macaluso is right. The Department invited retail outlets that sell licenses to a training program and there was very low participation. Col. Winton Vidrine stated the Agents will be

lenient this first year and advise the hunters to go get their stamps. Commissioner Busbice asked if the Federal Agents would also be lenient? Col. Vidrine stated yes.

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

James H. Jenkins, Jr.
Secretary

JHJ:sch

DRAFT

The Advocate ONLINE

Baton Rouge, Louisiana

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Published on 9/4/98 Archived on 9/4/98

LWFC says no to ban on cornBy **JOE MACALUSO**

Advocate outdoors writer

For the second time in the last 29 days, the Louisiana Wildlife and Fisheries Commission turned back an effort to ban the use of corn to feed wildlife.

The state's Wildlife Division urged the ban after high amounts of aflatoxins in this year's state corn crop. Aflatoxin is a toxin-producing fungus that affects the liver functions in all animals. Wildlife Division administrator Hugh Bateman said the toxicity levels vary according to the animal, and could be as low as 100 parts per billion to adversely affect turkeys.

Bateman said that tests conducted by state biologists showed 7 of the 27 samples taken from wildlife feeders, corn fields and a grain elevator showed aflatoxin levels at greater than 100 parts per billion.

"Again, our concern comes during the absolute worst year (for aflatoxin) we've ever seen and our recommendation remains to ban the use of corn to feed wildlife," Bateman told the commission. "With all that can be said, I have absolutely no fear in saying that putting corn in a pile contaminated with aflatoxin is the wrong thing to do (for wildlife)."

LWFC member Dan Babin from Houma said there was not enough conclusive evidence to warrant an outright ban.

"Our goals should be to alert hunters to be cautious in feeding (wildlife)," Babin said. "We are choosing not to take action on corn, but I think we should post notice that we will set up hearings next year to consider the feeding problem."

Other LWFC actions included:

- Ratifying the duck, coot, merganser and goose seasons it proposed in August. The dates needed, and received, the approval of the U.S. Fish and Wildlife Service;
- Setting the state's fur harvest season for Nov. 20 through March 20;
- Approving an agreement with Texas that will honor the sport-fishing licenses of both states in lakes and reservoirs bordering the two states. The move allows Louisiana

- anglers to fish the Texas side of places like Cross Lake and Toledo Bend without having to buy a Texas fishing license, and extends the same right to Texas fishermen;
- Approving a reciprocal agreement with Mississippi on a 16-inch minimum size limit for Eagle Lake;
 - Closing the commercial king mackerel season in state waters at 12:01 a.m. Sept. 7;
 - Approving the closure of the red snapper season to recreational fishermen effective 12:01 a.m. Sept. 30;
 - Posting a Notice of Intent to revise rules for the state's Shark Permit Program to conform with National Marine Fisheries Service regulations;
 - Approving the season dates and bag limits for the Supplemented Hunting Preserves, more commonly known as high-fence hunting areas;
 - And, re-establishing the boundaries of Pass-a-Loutre Wildlife Management Area to allow the Department of Wildlife and Fisheries to take advantage of increased oil and gas production and seismic revenues.

Claimed by the Louisiana Department of Natural Resources.

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Lamendola, Craig

From: Adam_Lawrence@breau.senate.gov[SMTP:Adam_Lawrence@breau.senate.gov]
Sent: Thursday, September 03, 1998 7:58 AM
To: Lamendola, Craig
Subject: Re: Electronic Duck Stamps

The other members of the Migratory Bird Commission are John Dingell from Michigan and Curt Weldon from Pennsylvania. I'll talk to their staff contacts, but Dingell's guy is out of the office this week.

Did Gary Taylor give you any indication of whether IAFWA is willing to mobilize its network on this issue? Let me know, and I'll give him a call either way.

By "fast track," I mean in the next two weeks, but I'll check with Senator Chafee's folks and get their intentions. If you have any legislative language, it would be helpful.

*Mr. J. ... can you we
call IAFWA today
Yes*

Reply Separator

Subject: Electronic Duck Stamps
Author: "Lamendola; Craig" <Lamendola_CA@wlf.state.la.us> at internet
Date: 9/2/1998 5:24 PM

Adam
To try to keep you up-dated:

Spoke with Gary Taylor of the IAWFA, he knows you. We had a general discussion and he recommended coalition formation efforts.

An amendment which might work and should be revenue neutral would seek to authorize electronic issuance and recognition of a temporary confirmation number/endorsement representing the federal duck stamp (similar to duck stamps issued using the phone). The foregoing would not affect the current paper-driven federal duck stamp operation.

Secretary Jenkins sent a letter to the Mississippi secretary seeking Sen Cochran's support. Can you make a suggestion on getting the other 2 members of the Migratory Bird Commission...e.g. Rep Dingle and Rep Weldon onboard? What states are they from? Suggestions re: any of the bills co-authors.

What kind of "fast tract" time-frame are we working with?

Let us know something.

Thanks
Craig

COMMISSION MEETING
ROLL CALL

Thursday, September 3, 1998
Baton Rouge, LA
Wildlife & Fisheries Building

	Attended	Absent
Tom Gattle (Chairman)	<u>✓</u>	—
Tom Kelly	<u>✓</u>	—
Daniel Babin	<u>✓</u>	—
Glynn Carver	<u>✓</u>	—
Bill Busbice	<u>✓</u>	—
Jerald Hanchey	<u>✓</u>	—
Norman McCall	—	<u>✓</u>

Mr. Chairman:

There are 6 Commissioners in attendance and we have a quorum.
Secretary Jenkins is also present.

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
September 3, 1998
10:00 AM

1. Roll Call
2. Approval of Minutes of August 6, 1998
3. Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board - Gary Lester
4. Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits - Robert Helm
5. Public Comments - 1999 Turkey Season Dates
6. Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife - Hugh Bateman
7. Declaration of Emergency - Set 1998-99 Trapping Season - Brandt Savoie
8. Louisiana/Texas Recreational Fishing License Reciprocal Agreement - Bennie Fontenot
9. Notice of Intent - Black Bass Regulations, Eagle Lake - Bennie Fontenot
10. Declaration of Emergency - Commercial King Mackerel Season Closure - Harry Blanchet
11. Declaration of Emergency - Commercial Shark Rules - Harry Blanchet
12. Notice of Intent - Sharks and Sawfishes Daily Take & Possession Limits, Quotas, Seasons & Special Permit - Harry Blanchet
13. Declaration of Emergency - Recreational Red Snapper Season Closure - Harry Blanchet
14. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
15. Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP - Dave Moreland
16. Pass-a-Loutre WMA Boundary Proclamation - Phil Bowman
17. Enforcement & Aviation Reports/August - Keith LaCaze
18. Division Reports
19. Set January 1999 Meeting Date
20. Public Comments
21. Adjournment

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LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 3, 1998

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 3, 1998.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington D. C., and

WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

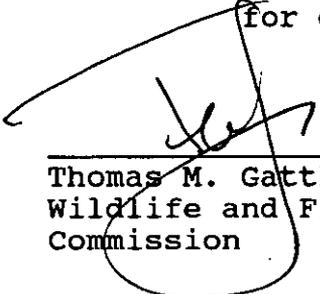
WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

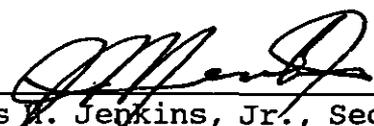
WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the attached season dates, bag limits, and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED, that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's selections for ducks, geese and coots.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



James W. Jenkins, Jr., Secretary
Department of Wildlife and
Fisheries

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting seasons for Ducks, Coots and Geese during the 1998-99 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone: (60 days) Nov. 7 (Sat.)-Nov. 29 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

East Zone: (60 days) Nov. 14 (Sat.)-Dec. 6 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

Catahoula Lake Zone:

(60 days) Nov. 14 (Sat.)-Dec. 6 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

Youth Waterfowl Day - December 5 in West Zone, January 23 in East Zone

Daily Bag Limits - The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback, and 2 redheads. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and

mergansers is twice the daily bag limit.

GEESE:

LIGHT GEESE (SNOW AND BLUE)

STATEWIDE SEASON:

Nov. 7 (Sat.)-February 21 (Sun.)	107 days
Daily bag limit (snow and blue):	20
Possession limit (snow and blue):	none

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
Dec. 12 (Sat.)-Jan. 27 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 19-Jan. 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 19 (Tues)-Jan. 27 (Wed)	9 days
------------------------------	--------

During the Canada Goose Season (January 19-January 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows:

Beginning at the Texas State Line, proceeding east along Highway 82 to the Calcasieu Ship Channel, then north along the

Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with La. Highway 82, then south along La. Highway 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at La. Highway 82.

Open waters of Lake Mermentau and the Mermentau River from the Highway 14 bridge southward will also be closed to Canada Goose hunting.

A special permit shall be required to participate in the Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District Office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1999 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

Shooting Hours: one-half hour before sunrise to sunset.

The Department will also have a lottery duck hunt on the South Farm Complex of the Sherburne WMA. Details of the lottery will be available from any regional office. In addition to the lottery hunt, no hunting will be allowed on this portion of the WMA from November 1, 1998 through January 24, 1999 except for the youth waterfowl hunt. Additionally, access to the South Farm will be limited during this period. This action is necessary because

access to this property was acquired by the U.S. Army Corps of Engineers after final ratification of the 1998-99 Resident Hunting Pamphlet. Lottery hunts and restricting access will provide the Department the ability to manage hunters and minimize disturbance of wintering waterfowl. This provides both optimum habitat conditions for migratory birds and appropriate levels of public use during the waterfowl hunting season.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 1998 and extend through sunset on March 20, 1999.

Thomas M. Gattle, Jr.

Chairman

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
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WHEREAS, the results of this meeting have been discussed with the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Louisiana Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that this Commission does hereby adopt the attached season dates, bag limits, and shooting hours for ducks, geese and coots by Declaration of Emergency, and

BE IT FURTHER RESOLVED, that these dates have been forwarded to the U.S. Fish and Wildlife Service as Louisiana's selections for ducks, geese and coots.

Thomas M. Gattle, Jr., Chairman
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James H. Jenkins, Jr., Secretary
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Thomas M. Gattle, Jr.

Chairman

Revised 9/2/98

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Wildlife and Fisheries
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Youth Waterfowl Day - December 5 in West Zone, January 23 in East Zone

Daily Bag Limits - The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback, and 2 redheads. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and

mergansers is twice the daily bag limit.

GEESE:

LIGHT GEESE (SNOW AND BLUE)

STATEWIDE SEASON:

Nov. 7 (Sat.)-February 21 (Sun.)	107 days
Daily bag limit (snow and blue):	20
Possession limit (snow and blue):	none

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 7 (Sat.)-Nov. 29 (Sun.)	(23 days)
Dec. 12 (Sat.)-Jan. 27 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 19-Jan. 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

CANADA GEESE: CLOSED IN THE AREA DESCRIBED BELOW

Jan. 19 (Tues)-Jan. 27 (Wed)	9 days
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During the Canada Goose Season (January 19-January 27) the daily bag limit for Canada and white-fronted geese is 2, of which not more than 1 can be a Canada goose. Possession limit is twice the daily bag limit.

The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows:

Beginning at the Texas State Line, proceeding east along Highway 82 to the Calcasieu Ship Channel, then north along the

Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with La. Highway 82, then south along La. Highway 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at La. Highway 82.

Open waters of Lake Mermentau and the Mermentau River from the Highway 14 bridge southward will also be closed to Canada Goose hunting.

A special permit shall be required to participate in the Canada Goose Season. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District Office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1999 will result in the hunter not being allowed to participate in the Canada Goose Season the following year.

Shooting Hours: one-half hour before sunrise to sunset.

The Department will also have a lottery duck hunt on the South Farm Complex of the Sherburne WMA. Details of the lottery will be available from any regional office. In addition to the lottery hunt, no hunting will be allowed on this portion of the WMA from November 1, 1998 through January 24, 1999. ^{except for the youth waterfowl hunt} Additionally, access to the South Farm will be limited during this period. This action is necessary because access to this property was acquired by the U.S.

Army Corps of Engineers after final ratification of the 1998-99 Resident Hunting Pamphlet. Lottery hunts and restricting access will ^{provide} ~~allow~~ the Department the ability to manage hunters and minimize disturbance of wintering waterfowl. This provides both optimum habitat conditions for migratory birds and appropriate levels of public use during the waterfowl hunting season.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 1998 and extend through sunset on March 20, 1999.

Thomas M. Gattle, Jr.

Chairman

Revised 8/27/98

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provision of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule.

The hunting seasons for Ducks, Coots and Geese during the 1998-99 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone: (60 days) Nov. 7 (Sat.)-Nov. 29 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

East Zone: (60 days) Nov. 14 (Sat.)-Dec. 6 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

Catahoula Lake Zone:

(60 days) Nov. 14 (Sat.)-Dec. 6 (Sun.) (23 days)

Dec. 12 (Sat.)-Jan. 17 (Sun.) (37 days)

Youth Waterfowl Day - December 5 in West Zone, January 23 in East Zone

Daily Bag Limits - The daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 2 wood ducks, 1 pintail, 1 canvasback, and 2 redheads. Daily bag limit on coots is 15.

Mergansers - The daily bag limit for mergansers is 5, only 1 of which may be a hooded merganser. Merganser limits are in addition to the daily bag limit for ducks.

Possession Limit - The possession limit on ducks, coots and

mergansers is twice the daily bag limit.

GEESE:

LIGHT GEESE (SNOW AND BLUE)

STATEWIDE SEASON:

Nov. 7 (Sat.)-February 21 (Sun.)	107 days
Daily bag limit (snow and blue):	20
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The Canada Goose Season will be open statewide except for a portion of southwest Louisiana. The closed area is described as follows:

Beginning at the Texas State Line, proceeding east along Hwy. 82 to the Calcasieu Ship Channel, then north

along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with La. Hwy. 82, then south along La. Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at La. Hwy. 82.

Open waters of Lake Mermentau and the Mermentau River from the Highway 14 bridge southward will also be closed to Canada Goose hunting.

A special permit shall be required to participate in the **Canada Goose Season**. A permit is required of everyone, regardless of age, and a non-refundable \$5.00 administrative fee will be charged. This permit may be obtained from any District Office.

Return of harvest information requested on permit is mandatory. Failure to submit this information to the Department by February 15, 1999 will result in the hunter not being allowed to participate in the **Canada Goose Season** the following year.

Shooting Hours: one-half hour before sunrise to sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service establishes the framework for all migratory species. In order for Louisiana to provide hunting opportunities to the 200,000 sportsmen, selection of season dates, bag limits and shooting hours must be established and presented to the U.S. Fish and Wildlife Service immediately.

The aforementioned season dates, bag limits and shooting hours will become effective November 1, 1998 and extend through sunset on March 20, 1999.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 3, 1998

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, LA September 3, 1998.

- WHEREAS,** the Louisiana Department of Wildlife and Fisheries and Wildlife and Fisheries Commission is constitutionally mandated to protect, manage and conserve the wildlife resources of the state, and
- WHEREAS,** corn is the predominant grain used throughout the state for feeding wildlife, and
- WHEREAS,** severe drought conditions this summer have resulted in Louisiana's corn crop exhibiting unusually high levels of contamination from aflatoxins with up to 1500 parts per billion (ppb), and
- WHEREAS,** past experience has shown that under these conditions more contaminated grain is offered for sale as wildlife feed since it cannot meet the aflatoxin standards established for grain intended for domestic animal or human consumption, and
- WHEREAS,** research has shown that feed contaminated with aflatoxins can have adverse effects on all wildlife, especially birds, and
- WHEREAS,** deer fed contaminated grain may experience reduced food intake and associated weight loss and liver disfunction at aflatoxin levels of 800 ppb, and
- WHEREAS,** supplemental feeding activity for deer and other wildlife has begun and will peak through the next several months, and
- WHEREAS,** this time of year coincides with the peak of fawn nursing and growth and deer are also experiencing drought related stress, and
- WHEREAS,** wild turkeys, quail, dove and a variety of song birds also utilize supplemental feeding stations supplied with corn, and
- WHEREAS,** research has also indicated that juvenile turkeys exhibit evidence of liver damage and decreased immune functions resulting in less resistance to other disease such as avian pox when fed contaminated grains containing aflatoxins at levels of 100 to 400 ppb, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has expended tremendous amounts of time and effort restoring wild turkeys throughout the state, and

WHEREAS, drought conditions experienced throughout the state have reduced natural food availability in the form of forage and mast, and

WHEREAS, under these conditions wildlife respond more readily to supplemental feeding programs, and

WHEREAS, the Southeastern Cooperative Wildlife Disease group has recommended that grains contaminated with aflatoxins in excess of levels allowable in animal feeds (100 ppb) should not be used in supplemental wildlife feeding programs, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby prohibit the use of corn for supplemental feeding of wildlife, and

BE IT FURTHER RESOLVED, that this ban will remain in effect until such time that the Secretary determines the level of aflatoxins no longer pose a threat to wildlife.

Thomas M. Gattle, Jr., Chairman
La. Wildlife and 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 R.S. 49:953(B) of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7 and R.S. 56:6, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

The supplemental feeding of corn to wildlife is prohibited until such time that the Secretary of the Department of Wildlife and Fisheries determines that contamination levels of aflatoxins no longer pose a threat to Louisiana's wildlife populations.

Severe drought conditions this summer have resulted in Louisiana's corn crop exhibiting unusually high levels of contamination from aflatoxins. In some instances, levels have reached 1500 parts per billion (USDA guidelines for human consumption and animal feed range from 20 to 100 ppb). Under these conditions more contaminated grain may be offered for sale as wildlife feed because the grain cannot meet the aflatoxin standards established for grain intended for domestic animal or human consumption. Since corn is the predominant grain used throughout the state for feeding wildlife and research has shown that feeds contaminated with aflatoxins can have adverse effects on all wildlife, especially birds, the Commission has determined that a prohibition of feeding corn is in the best interest of wildlife in Louisiana. A Declaration of Emergency is necessary because supplemental feeding activity for deer and other wildlife has begun

and will peak through the next several months. Steps must be taken now to ensure that the public is aware of this problem and every effort has been made to ensure that wildlife species are not adversely impacted as a result of aflatoxin poisoning.

The Wildlife and Fisheries Commission also grants the Secretary of the Department the authority to rescind and/or extend this Declaration of Emergency if conditions warrant.

This Declaration of Emergency will become effective September 3, 1998 and will extend for a minimum of 120 days or until such time that contamination levels have been reduced.

Thomas M. Gattle, Jr.

Chairman

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, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Hugh A. Bateman, Administrator, Wildlife Division

FROM: Larry Savage & Dave Moreland

SUBJECT: Aflatoxin Testing

Find attached a table summarizing the results of aflatoxin testing on 61 corn samples collected statewide between August 10th and 27th. This is the preliminary phase of sampling that will continue through the hunting season.

Sampling began in mid-August before serious bow season baiting began. Initial collections represented home storage supplies held over by hunters from last year and/or early retail purchases. In many cases samples came from corn harvested in 1997. Several retail stores in Ruston were buying corn from Mississippi River barge terminals delivering 1997 Mid-west corn. Only one of fourteen 1997 samples exceeded 100ppb, a 50# sack (@ 310ppb) purchased in a Rapides Parish store. None of the eleven samples of unknown harvest date had levels above 20ppb. Home storage containers and retail stores were sampled 29 times and produced only one high level.

Seven (19.4 %) of 36 samples collected from Louisiana's 1998 corn harvest exceeded 100ppb. These samples came from wildlife feeders (3), agricultural fields (3) and a grain silo (1) located in Avoyelles, Bienville (2), Bossier, Concordia, Morehouse and Tensas Parishes. Two field samples with high levels came from corn earmarked for deer feeding programs and the third was waste corn collected adjacent to a woodland site where wild turkeys were recently released in Morehouse Parish. Aflatoxin levels in these seven samples ranged from 120 to 570ppb and averaged 366ppb.

Request for samples from hunters elicited the full spectrum of responses from strong approval to non-compliance. Our education effort with newsletters and DMAP letters produced a significant awareness of the aflatoxin problem at ground-level. We will continue the educational process through the hunting season.

PRELIMINARY RESULTS OF AFLATOXIN TESTING

SAMPLE SOURCE	TOTAL SAMPLES	YEAR CORN WAS HARVESTED											
		1997				1998				Unknown			
		0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB	0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB	0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB
Wildlife Feeder	19	2	1	0		7	0	3		6	0	0	
Home Storage	15	8	1	0		3	1	0		2	0	0	
Retail Store	14	0	0	1		10	0	0		3	0	0	
Agricultural Field	9	0	0	0		5	1	3		0	0	0	
Grain Elevator	4	1	0	0		2	0	1		0	0	0	
TOTAL	61	11	2	1	7.1%	27	2	7	19.4%	11	0	0	0.0%

*Aflatoxin levels ranged from 120 to 570 ppb in the 8 samples exceeding 100 ppb.

The Louisiana Market Bulletin



Louisiana
Department of
Agriculture
&
Forestry

VOL. 82, No. 18
August 27, 1998

Bob Odom
Commissioner

Louisiana corn farmers facing aflatoxin problems

Corn producers throughout Louisiana have been taking samples of their corn to testing sites to determine if a compound called aflatoxin is present at levels high enough to cause elevators to refuse delivery of their corn.

The LSU Agricultural Center and the Louisiana Department of Agriculture and Forestry are operating the testing sites and are working closely together to provide information and assistance to Louisiana corn farmers and grain elevators.

"Response to the testing has been pretty dramatic," said Dr. Steve Moore at the Ag Center's Dean Lee Research Station near Alexandria. "A lot of producers are looking at potential disastrous situations. Word is getting around, and producers are vitally interested in the information."

Dr. R. L. Hutchinson of the Ag Center's Northeast Research Station at St. Joseph also reported that early testing indicated aflatoxin contamination is most severe in lower-yielding, drought-stressed corn in the Macon Ridge area.

"Farmers who harvest high-moisture corn and dry it as quickly as possible in the field appear to be having fewer problems," he said, adding, however, "This is the most critical situation I've seen in the last 20 years."

Aflatoxin, a by-product of a fungal infection that generally occurs in drought-stressed corn, has become a serious concern for Louisiana corn producers.

As corn harvest began in southern Louisiana this month, farmers had some of their grain turned away from elevators because of high aflatoxin levels. And the problem has been spreading as harvest continues.

"Aflatoxin is a major concern for Louisiana corn producers this year," said Bob Odom, commissioner of the Louisiana Department of Agriculture and Forestry. "We have joined forces with the LSU Agricultural Center to provide testing equipment and supplies that are similar to those used

by grain elevators."

To help farmers make harvesting and marketing decisions as their corn matures, officials have suspended fees for farmers to submit corn for analysis at the Agricultural Chemistry lab on the LSU Ag Center campus in Baton Rouge and have expanded on-site testing to several areas of the state.

"We're looking at a major loss of income to corn farmers, and, ultimately to the state, if we can't help overcome this problem," said Dr. Larry Rogers, LSU Ag Center vice chancellor and director of the Louisiana Agricultural Experiment Station.

There are about 720,000 acres of corn in Louisiana this year, and preliminary estimates indicate more than 50 percent of Louisiana's corn crop - with a value of \$62 million - has been lost to the drought, according to Odom, who says, "Loss of the remainder will truly be a total financial disaster for Louisiana farmers."

To salvage what they can, corn producers will have to decide which of their available options is the most economically feasible.

"Farmers will have to weigh the cost of total rejection against the expense of preventing loss," said Extension Service economist Dr. Ken Wegenhoft of the LSU Ag Center.

To determine the levels of aflatoxin that may be present in their crops, farmers may sample their fields and have the samples tested prior to harvesting and delivering the grain to the elevator.

Testing sites have been established at several LSU Ag Center facilities - the Red River Research Station in Bossier City, the Dean Lee Research Station near Alexandria, the Northeast Research Station in St. Joseph and the Macon Ridge Research Station in Winnsboro. Testing also will be conducted at several Louisiana Department of Agriculture and Forestry field offices across the state and the Agricultural Chemistry Building on the LSU Ag Center

campus in Baton Rouge.

County agents with the Louisiana Cooperative Extension Service, the LSU Ag Center's educational branch, will be available to collect samples from producers in their parishes and transport samples to the testing sites if the producers prefer, according to Dr. Jack Bagent, LSU Ag Center vice chancellor and Extension Service director.

"The results of the testing are no guarantee that corn in a particular field is acceptable or not," Rogers said. "But farmers can use the results as part of their management decision on how to handle the crop in the field."

Aflatoxin, a toxic compound produced by the fungus *Aspergillus flavus* on corn kernels, occurs at high levels during years such as this one when severe drought exists.

Measured in parts per billion (ppb), aflatoxin levels in corn in excess of 20 ppb are prohibited in interstate transportation by the U.S. Food and Drug Administration.

Mature animals can tolerate small doses, but young animals can be highly susceptible, according to Dr. Steven Nicholson, an Extension Service veterinarian with the Ag Center.

Although the 20 ppb level has been established by FDA for all foods, higher levels are allowed in certain cases, up to a maximum of 300 ppb in feed for certain animals.

To improve the marketability of Louisiana corn, Commissioner Odom has received oral approval from the FDA to allow corn contaminated between 20 ppb and 300 ppb to be shipped across the state line into Texas for use in feedlots.

"Fields of greatest concern should be those where yield potential has been reduced by lack of water during the critical growth stages," said Extension Service agronomist Dr. Walter Morrison of the LSU Ag Center. "In most cases, good-yielding corn fields that received adequate moisture are less of a threat."

Moore began testing at the Dean Lee Research Station recently and has found aflatoxin levels above 20 ppb in about 30 percent of the samples he initially tested.

"I asked producers who brought in samples to rate the stress level of the areas where the samples came from as light, moderate or severe relative to moisture affecting yield," Moore said. "The results were highly correlated; samples with severe stress produced big numbers. No aflatoxin was shown in any samples from irrigated fields."

LSU Ag Center personnel suggest growers who have or suspect aflatoxin contaminations can follow several recommendations to minimize the problem.

"The fungus appears to begin to produce the toxin most rapidly

when corn moisture falls below 20 percent," Morrison said. "Starting harvest at 22 percent to 25 percent moisture will help prevent the problem."

Morrison recommends farmers harvest low-yielding or drought-stressed spots or fields separately from other good parts of their corn fields to minimize contamination of entire loads of corn.

"Producers should dry corn in continuous-flow or batch dryers to 15 percent moisture," Morrison said, adding, "The higher temperatures used in drying corn kill the fungus and stop the production of the toxin."

In addition, Morrison said corn held for sale should be maintained at a moisture level of 12 percent or lower.

Proper composting yields pleasant product

Composting provides a variety of benefits and, if done properly, doesn't yield a smelly mess, says Extension horticulturist Dr. Tom Koske of the LSU Agricultural Center.

"Home composting benefits you and the community because it produces a wonderful soil conditioner and frees up landfill space for true garbage," Koske says, adding, "Proper composting is enjoyable and doesn't have to be smelly."

Composting is the natural breakdown of more complex organic matter into simpler forms. This is done by microbes with some help from you, Koske says, explaining composting can proceed at various speeds - with the slowest speed causing most of the concern.

"The smelly reputation of backyard composting is unnecessary but sometimes true," Koske says.

If your compost pile becomes anaerobic, it will begin to give off a rotten odor because of a lack of proper microbe activity in a low

oxygen environment, he says.

To remedy the situation, turn the pile to aerate and avoid soaking or water logging conditions. Adding more bulking materials or larger pieces to make a less compacted mix also can help prevent such problems.

An ammonia smell is released when too much fresh, green material is added too fast or added without enough brown material to balance it.

"The ammonia you smell is just that - and it is being released into the air instead of being converted into nitrates for plant food," Koske says, suggesting, "Try mixing some brown tree leaves with fresh grass clippings at a rate of 3 or 4 parts grass to one part leaves."

For more information on composting at home or other issues related to home gardening and landscaping, contact a county agent in your parish office of the LA Cooperative Extension Service, the educational branch of the LSU Ag Center.

July 16, 1998

MEMORANDUM

TO : Commissioner Odom
Matthew Keppinger
Bobby Durr

FROM: Hershel F. Morris, Jr.
Ag. Chemistry

RE: Aflatoxin guidelines

We follow FDA guidelines for aflatoxin in feed and feed ingredients. These guidelines have been updated several times in the past few years.

The following is a summary of the most recent action levels (1990). These were taken from FDA-Center for Veterinary Medicine, Compliance Policy Guide, Section 683.100, Action Levels For Aflatoxins in Animal Feeds (CPG 7126.33):

Table 1. Guidance levels for total aflatoxins (AF) in livestock feed.

<u>Class of Animal</u>	<u>Feed</u>	<u>Aflatoxin levels in Parts Per Billion (ppb)</u>
Finishing beef cattle	Corn and peanut products	300
Beef cattle, swine or poultry	Cottonseed meal	300
Finishing swine over 100 lb	Corn or peanut products	200
Breeding cattle, breeding swine and mature poultry	Corn and peanut products	100
Immature animals	Animal feeds and ingredients excluding cottonseed meal	20
Dairy animals, animals not listed above or unknown use	Animal feeds and ingredients	20

HFMJR:nm

Aflatoxin

General Information

- Toxins produced by some strains of fungi, *Aspergillus flavus* and *A. parasiticus*
- Found in corn, peanuts, cottonseed meal, small grains, some nuts crops
- Contamination can be pre- or post harvest
- FDA Acceptable levels: humans and dairy cattle...20ppb; breeding cattle, swine, mature poultry...100ppb; swine over 100lbs...200ppb; feedlot cattle...300ppb.
- Variation in species susceptibility; young animals far more susceptible than older animals

Aflatoxin

Toxic Action

- Liver is primary organ damaged; kidneys secondary
- Large doses: acute liver cell damage, jaundice, hemorrhages, blood will not clot, build-up of toxins, death
- Lower dosages: chronic liver damage, poor wt. gain, poor feed conversion; lowered immune resistance, tumors (trout)

Aflatoxin

Lethal Dose 50 for Domestic Animals *

*LD₅₀ = single dose level to kill 50 percent of animals; 1-pc=200g

- Lab rabbits...0.3 mg/kg
- Day-old ducklings...0.33-0.36 mg/kg
- Weanling swine...0.62 mg/kg
- Adult horse...0.6-1.0 mg/kg
- WT Deer...1.0 mg/kg
- Calves...1.0-1.5 mg/kg
- Turkeys...1.36 mg/kg
- Sheep...2.0 mg/kg
- Week-old Chicken...6.5 mg/kg

Aflatoxin

Domestic Animals: Effects of Dietary Levels

- Turkey poult and ducklings have impaired growth with 250 ppb
- Japanese quail have impaired growth with 400 ppb
- Goslings had death at 400 ppb
- Pheasants had weight decrease at 1,250 ppb
- Chickens have impaired growth with 1,500 ppb
- Quail had decreased weight gain and increased mortality at 2,100 to 2,500 ppb
- Chukkers had wt loss at 5,000 ppb

Aflatoxin

Deer Bulk Pile Study: NC and SC 1993

- 39 Corn samples analyzed
- 20 (51%) had trace to 750ppb
- 12 (31%) had 21-300 ppb
- 4 (10%) had 300-750ppb

Aflatoxin

Georgia Deer Dose Trial*

- Deer given 4 mg/kg dead in 10 hours
- Deer given 1 mg/kg dead in 23-48 hours
- Deer given 0.25-0.5 mg/kg had depression, 1 of 4 died
- Deer given 0.1 mg/kg no change

*Aflatoxin injected in rumen

Aflatoxin

Georgia Deer Feeding Trial

- 4 to 5-month-old WR deer fed 800 ppb aflatoxin (AF) for 8 weeks (7 experimentals, 7 controls)
- No clinical illness
- AF-exposed deer had reduced feed consumption and body weights (not stat. significant)
- AF-exposed deer had greater serum bile acids (P<0.05)
- 2 of 7 AF-exposed deer had mild degenerative liver damage
- Residues of AF in livers but not muscle

Aflatoxin

Texas Waterfowl Mortality

- Two instances in 1977-78 winter
- 500 snow geese died. Blindness, weakness, inability to fly, convulsions, acute liver necrosis, crop contents were corn and rice, AF level in crop contents 500ppb
- 7,000 mallards died. General depression, swollen livers, acute liver necrosis, crop contents were peanuts with 10-250 ppb AF. Sample of peanuts in field had 110 ppb.
- After adjustment for 80-90% moisture in crop, levels were 4,500 ppb for geese and 90 to 2,250 ppb for ducks for a 10% moisture level experimental ration

Aflatoxin

UGA Quail Studies

- Corn in fields for 4-5 mos. wild quail collected same time
- When cornfields had ave. AF 1,210 ppb, wild quail crops had ave. 53 ppb AF. (Moisture level?)
- Field 770/crops 30; field 127/crops 58; field 204/crops 14
- Wild BW quail had liver lesions consistent with AF damage
- Quail fed 1,000 ppb AF had no real effect
- Adult BW quail fed 2,000ppb AF or more had low blood protein, altered liver enzymes, microscopic damage to liver, decreased egg production.
- No death loss or body weight problems at 4,000 ppb

Aflatoxin

Georgia Wild Turkey Feeding Trial

- 4-month old pen-raised wild turkeys fed 0, 100, 200, and 400 ppb for 2 weeks
- Decreased weight gains and feed consumption
- Decreased liver function
- Poorer blood coagulation
- Reduced immune function
- Low level liver damage seen at necropsy
- Statistical significance at 400 ppb level

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, Jr.
Governor

September 2, 1998

MEMORANDUM

TO: Hugh A. Bateman, Administrator, Wildlife Division

FROM: Larry Savage & Dave Moreland

SUBJECT: Aflatoxin Testing

Find attached a table summarizing the results of aflatoxin testing on 61 corn samples collected statewide between August 10th and 27th. This is the preliminary phase of sampling that will continue through the hunting season.

Sampling began in mid-August before serious bow season baiting began. Initial collections represented home storage supplies held over by hunters from last year and/or early retail purchases. In many cases samples came from corn harvested in 1997. Several retail stores in Ruston were buying corn from Mississippi River barge terminals delivering 1997 Mid-west corn. Only one of fourteen 1997 samples exceeded 100ppb, a 50# sack (@ 310ppb) purchased in a Rapides Parish store. None of the eleven samples of unknown harvest date had levels above 20ppb. Home storage containers and retail stores were sampled 29 times and produced only one high level.

Seven (19.4 %) of 36 samples collected from Louisiana's 1998 corn harvest exceeded 100ppb. These samples came from wildlife feeders (3), agricultural fields (3) and a grain silo (1) located in Avoyelles, Bienville (2), Bossier, Concordia, Morehouse and Tensas Parishes. Two field samples with high levels came from corn earmarked for deer feeding programs and the third was waste corn collected adjacent to a woodland site where wild turkeys were recently released in Morehouse Parish. Aflatoxin levels in these seven samples ranged from 120 to 570ppb and averaged 366ppb.

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PRELIMINARY RESULTS OF AFLATOXIN TESTING

SAMPLE SOURCE	TOTAL SAMPLES	YEAR CORN WAS HARVESTED											
		1997				1998				Unknown			
		0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB	0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB	0-20 (PPB)	20-100 (PPB)	>100 (PPB)*	% ABOVE 100 PPB
Wildlife Feeder	19	2	1	0		7	0	3		6	0	0	
Home Storage	15	8	1	0		3	1	0		2	0	0	
Retail Store	14	0	0	1		10	0	0		3	0	0	
Agricultural Field	9	0	0	0		5	1	3		0	0	0	
Grain Elevator	4	1	0	0		2	0	1		0	0	0	
TOTAL	61	11	2	1	7.1%	27	2	7	19.4%	11	0	0	0.0%

*Aflatoxin levels ranged from 120 to 570 ppb in the 8 samples exceeding 100 ppb.

The Louisiana Market Bulletin



VOL. 82, No. 18
August 27, 1998

Bob Odom
Commissioner

Louisiana corn farmers facing aflatoxin problems

Corn producers throughout Louisiana have been taking samples of their corn to testing sites to determine if a compound called aflatoxin is present at levels high enough to cause elevators to refuse delivery of their corn.

The LSU Agricultural Center and the Louisiana Department of Agriculture and Forestry are operating the testing sites and are working closely together to provide information and assistance to Louisiana corn farmers and grain elevators.

"Response to the testing has been pretty dramatic," said Dr. Steve Moore at the Ag Center's Dean Lee Research Station near Alexandria. "A lot of producers are looking at potential disastrous situations. Word is getting around, and producers are vitally interested in the information."

Dr. R. L. Hutchinson of the Ag Center's Northeast Research Station at St. Joseph also reported that early testing indicated aflatoxin contamination is most severe in lower-yielding, drought-stressed corn in the Macon Ridge area.

"Farmers who harvest high-moisture corn and dry it as quickly as possible in the field appear to be having fewer problems," he said, adding, however, "This is the most critical situation I've seen in the last 20 years."

Aflatoxin, a by-product of a fungal infection that generally occurs in drought-stressed corn, has become a serious concern for Louisiana corn producers.

As corn harvest began in southern Louisiana this month, farmers had some of their grain turned away from elevators because of high aflatoxin levels. And the problem has been spreading as harvest continues.

"Aflatoxin is a major concern for Louisiana corn producers this year," said Bob Odom, commissioner of the Louisiana Department of Agriculture and Forestry. "We have joined forces with the LSU Agricultural Center to provide testing equipment and supplies that are similar to those used

by grain elevators."

To help farmers make harvesting and marketing decisions as their corn matures, officials have suspended fees for farmers to submit corn for analysis at the Agricultural Chemistry lab on the LSU Ag Center campus in Baton Rouge and have expanded on-site testing to several areas of the state.

"We're looking at a major loss of income to corn farmers, and, ultimately to the state, if we can't help overcome this problem," said Dr. Larry Rogers, LSU Ag Center vice chancellor and director of the Louisiana Agricultural Experiment Station.

There are about 720,000 acres of corn in Louisiana this year, and preliminary estimates indicate more than 50 percent of Louisiana's corn crop - with a value of \$62 million - has been lost to the drought, according to Odom, who says, "Loss of the remainder will truly be a total financial disaster for Louisiana farmers."

To salvage what they can, corn producers will have to decide which of their available options is the most economically feasible.

"Farmers will have to weigh the cost of total rejection against the expense of preventing loss," said Extension Service economist Dr. Ken Wegenhoft of the LSU Ag Center.

To determine the levels of aflatoxin that may be present in their crops, farmers may sample their fields and have the samples tested prior to harvesting and delivering the grain to the elevator.

Testing sites have been established at several LSU Ag Center facilities - the Red River Research Station in Bossier City, the Dean Lee Research Station near Alexandria, the Northeast Research Station in St. Joseph and the Macon Ridge Research Station in Winnsboro. Testing also will be conducted at several Louisiana Department of Agriculture and Forestry field offices across the state and the Agricultural Chemistry Building on the LSU Ag Center

campus in Baton Rouge.

County agents with the Louisiana Cooperative Extension Service, the LSU Ag Center's educational branch, will be available to collect samples from producers in their parishes and transport samples to the testing sites if the producers prefer, according to Dr. Jack Bagent, LSU Ag Center vice chancellor and Extension Service director.

"The results of the testing are no guarantee that corn in a particular field is acceptable or not," Rogers said. "But farmers can use the results as part of their management decision on how to handle the crop in the field."

Aflatoxin, a toxic compound produced by the fungus *Aspergillus flavus* on corn kernels, occurs at high levels during years such as this one when severe drought exists.

Measured in parts per billion (ppb), aflatoxin levels in corn in excess of 20 ppb are prohibited in interstate transportation by the U.S. Food and Drug Administration.

Mature animals can tolerate small doses, but young animals can be highly susceptible, according to Dr. Steven Nicholson, an Extension Service veterinarian with the Ag Center.

Although the 20 ppb level has been established by FDA for all foods, higher levels are allowed in certain cases, up to a maximum of 300 ppb in feed for certain animals.

To improve the marketability of Louisiana corn, Commissioner Odom has received oral approval from the FDA to allow corn contaminated between 20 ppb and 300 ppb to be shipped across the state line into Texas for use in feedlots.

"Fields of greatest concern should be those where yield potential has been reduced by lack of water during the critical growth stages," said Extension Service agronomist Dr. Walter Morrison of the LSU Ag Center. "In most cases, good-yielding corn fields that received adequate moisture are less of a threat."

Moore began testing at the Dean Lee Research Station recently and has found aflatoxin levels above 20 ppb in about 30 percent of the samples he initially tested.

"I asked producers who brought in samples to rate the stress level of the areas where the samples came from as light, moderate or severe relative to moisture affecting yield," Moore said. "The results were highly correlated; samples with severe stress produced big numbers. No aflatoxin was shown in any samples from irrigated fields."

LSU Ag Center personnel suggest growers who have or suspect aflatoxin contaminations can follow several recommendations to minimize the problem.

"The fungus appears to begin to produce the toxin most rapidly

when corn moisture falls below 20 percent," Morrison said. "Starting harvest at 22 percent to 25 percent moisture will help prevent the problem."

Morrison recommends farmers harvest low-yielding or drought-stressed spots or fields separately from other good parts of their corn fields to minimize contamination of entire loads of corn.

"Producers should dry corn in continuous-flow or batch dryers to 15 percent moisture," Morrison said, adding, "The higher temperatures used in drying corn kill the fungus and stop the production of the toxin."

In addition, Morrison said corn held for sale should be maintained at a moisture level of 12 percent or lower.

Proper composting yields pleasant product

Composting provides a variety of benefits and, if done properly, doesn't yield a smelly mess, says Extension horticulturist Dr. Tom Koske of the LSU Agricultural Center.

"Home composting benefits you and the community because it produces a wonderful soil conditioner and frees up landfill space for true garbage," Koske says, adding, "Proper composting is enjoyable and doesn't have to be smelly."

Composting is the natural breakdown of more complex organic matter into simpler forms. This is done by microbes with some help from you, Koske says, explaining composting can proceed at various speeds - with the slowest speed causing most of the concern.

"The smelly reputation of backyard composting is unnecessary but sometimes true," Koske says.

If your compost pile becomes anaerobic, it will begin to give off a rotten odor because of a lack of proper microbe activity in a low

oxygen environment, he says.

To remedy the situation, turn the pile to aerate and avoid soaking or water logging conditions. Adding more bulking materials or larger pieces to make a less compacted mix also can help prevent such problems.

An ammonia smell is released when too much fresh, green material is added too fast or added without enough brown material to balance it.

"The ammonia you smell is just that - and it is being released into the air instead of being converted into nitrates for plant food," Koske says, suggesting, "Try mixing some brown tree leaves with fresh grass clippings at a rate of 3 or 4 parts grass to one part leaves."

For more information on composting at home or other issues related to home gardening and landscaping, contact a county agent in your parish office of the LA Cooperative Extension Service, the educational branch of the LSU Ag Center.

July 16, 1998

MEMORANDUM

TO : Commissioner Odom
Matthew Keppinger
Bobby Durr

FROM: Hershel F. Morris, Jr.
Ag. Chemistry

RE: Aflatoxin guidelines

We follow FDA guidelines for aflatoxin in feed and feed ingredients. These guidelines have been updated several times in the past few years.

The following is a summary of the most recent action levels (1990). These were taken from FDA-Center for Veterinary Medicine, Compliance Policy Guide, Section 683.100, Action Levels For Aflatoxins in Animal Feeds (CPG 7126.33):

Table 1. Guidance levels for total aflatoxins (AF) in livestock feed.

Class of Animal	Feed	Aflatoxin levels in Parts Per Billion (ppb)
Finishing beef cattle	Corn and peanut products	300
Beef cattle, swine or poultry	Cottonseed meal	300
Finishing swine over 100 lb	Corn or peanut products	200
Breeding cattle, breeding swine and mature poultry	Corn and peanut products	100
Immature animals	Animal feeds and ingredients excluding cottonseed meal	20
Dairy animals, animals not listed above or unknown use	Animal feeds and ingredients	20

HFMJR:nm

Aflatoxin

General Information

- Toxins produced by some strains of fungi, *Aspergillus flavus* and *A. parasiticus*
- Found in corn, peanuts, cottonseed meal, small grains, some nuts crops
- Contamination can be pre- or post harvest
- FDA Acceptable levels: humans and dairy cattle, 20ppb; breeding cattle, swine, mature poultry, 100ppb; swine over 100lbs, 200ppb; feedlot cattle, 300ppb.
- Variation in species susceptibility; young animals far more susceptible than older animals

Aflatoxin

Toxic Action

- Liver is primary organ damaged; kidneys secondary
- Large doses: acute liver cell damage, jaundice, hemorrhages, blood will not clot, build-up of toxins, death
- Lower dosages: chronic liver damage, poor wt. gain, poor feed conversion; lowered immune resistance, tumors (trout)

Aflatoxin

Lethal Dose 50 for Domestic Animals *

*Lethal dose based on 100% mortality in 14 days

- Lab rabbits...0.3 mg/kg
- Day-old ducklings...0.33-0.36 mg/kg
- Weanling swine...0.62 mg/kg
- Adult horse...0.8-1.0 mg/kg
- WT Deer...1.0 mg/kg
- Calves...1.0-1.5 mg/kg
- Turkeys...1.36 mg/kg
- Sheep...2.0 mg/kg
- Week-old Chicken...6.5 mg/kg

Aflatoxin

Domestic Animals: Effects of Dietary Levels

- Turkey poult and ducklings have impaired growth with 250 ppb
- Japanese quail have impaired growth with 400 ppb
- Goslings had death at 400 ppb
- Pheasants had weight decrease at 1,250 ppb
- Chickens have impaired growth with 1,500 ppb
- Quail had decreased weight gain and increased mortality at 2,100 to 2,500 ppb
- Chukkar's had wt loss at 5,000 ppb

Aflatoxin

Deer Bark Pile Study, NC and SC 1993

- 39 Corn samples analyzed
- 20 (51%) had trace to 750ppb
- 12 (31%) had 21-300 ppb
- 4 (10%) had 300-750ppb

Aflatoxin

Georgia Deer Dose Trial*

- Deer given 4 mg/kg dead in 10 hours
- Deer given 1 mg/kg dead in 23-48 hours
- Deer given 0.25-0.5 mg/kg had depression, 1 of 4 died
- Deer given 0.1 mg/kg no change

*Aflatoxin injected in rumen

Aflatoxin

Georgia Deer Feeding Trial

- 4 to 6-month-old WT deer fed 800 ppb aflatoxin (AF) for 8 weeks (7 experimental's, 7 controls)
- No clinical illness
- AF-exposed deer had reduced feed consumption and body weights (not stat. significant)
- AF-exposed deer had greater serum bile acids ($P=0.03$)
- 2 of 7 AF-exposed deer had mild degenerative liver damage
- Residues of AF in livers but not muscle

Aflatoxin

Texas Waterfowl Mortality

- Two instances in 1977-78 winter
- 500 snow geese died. Blindness, weakness, inability to fly, convulsions, acute liver necrosis, crop contents were corn and rice. AF level in crop contents 800ppb
- 7,000 mallards died. General depression, swollen livers, acute liver necrosis, crop contents were peanuts with 10-250 ppb AF. Sample of peanuts in field had 110 ppb.
- After adjustment for 80-90% moisture in crop, levels were 4,500 ppb for geese and 90 to 2,250 ppb for ducks for a 10% moisture level experimental ration

Aflatoxin

UGA Quail Studies

- Corn in fields for 4-6 mos. wild quail collected same time
- When cornfields had ave. AF 1,210 ppb, wild quail crops had ave. 63 ppb AF. (Moisture level?)
- Field 770crops 30; field 127/crops 58; field 204/crops 14
- Wild BW quail had liver lesions consistent with AF damage
- Quail fed 1,000 ppb AF had no real effect
- Adult BW quail fed 2,000ppb AF or more had low blood protein, altered liver enzymes, microscopic damage to liver, decreased egg production.
- No death loss or body weight problems at 4,000 ppb

Aflatoxin

Georgia Wild Turkey Feeding Trial

- 4-month old pen-raised wild turkeys fed 0, 100, 200, and 400 ppb for 2 weeks
- Decreased weight gains and feed consumption
- Decreased liver function
- Poorer blood coagulation
- Reduced immune function
- Low level liver damage seen at necropsy
- Statistical significance at 400 ppb level

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 3, 1998

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, LA September 3, 1998.

WHEREAS, the Louisiana Department of Wildlife and Fisheries and Wildlife and Fisheries Commission is constitutionally mandated to protect, manage and conserve the wildlife resources of the state, and

WHEREAS, corn is the predominant grain used throughout the state for feeding wildlife, and

WHEREAS, severe drought conditions this summer have resulted in Louisiana's corn crop exhibiting unusually high levels of contamination from aflatoxins with up to 1500 parts per billion (ppb), and

WHEREAS, past experience has shown that under these conditions more contaminated grain is offered for sale as wildlife feed since it cannot meet the aflatoxin standards established for grain intended for domestic animal or human consumption, and

WHEREAS, research has shown that feed contaminated with aflatoxins can have adverse effects on all wildlife, especially birds, and

WHEREAS, deer fed contaminated grain may experience reduced food intake and associated weight loss and liver disfunction at aflatoxin levels of 800 ppb, and

WHEREAS, supplemental feeding activity for deer and other wildlife has begun and will peak through the next several months, and

WHEREAS, this time of year coincides with the peak of fawn nursing and growth and deer are also experiencing drought related stress, and

WHEREAS, wild turkeys, quail, dove and a variety of song birds also utilize supplemental feeding stations supplied with corn, and

WHEREAS, research has also indicated that juvenile turkeys exhibit evidence of liver damage and decreased immune functions resulting in less resistance to other disease such as avian pox when fed contaminated grains containing aflatoxins at levels of 100 to 400 ppb, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries has expended tremendous amounts of time and effort restoring wild turkeys throughout the state, and

WHEREAS, drought conditions experienced throughout the state have reduced natural food availability in the form of forage and mast, and

WHEREAS, under these conditions wildlife respond more readily to supplemental feeding programs, and

WHEREAS, the Southeastern Cooperative Wildlife Disease group has recommended that grains contaminated with aflatoxins in excess of levels allowable in animal feeds (100 ppb) should not be used in supplemental wildlife feeding programs, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby prohibit the use of corn for supplemental feeding of wildlife, and

BE IT FURTHER RESOLVED, that this ban will remain in effect until such time that the Secretary determines the level of aflatoxins no longer pose a threat to wildlife.

Thomas M. Gattle, Jr., Chairman
La. Wildlife and 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 R.S. 49:953(B) of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7 and R.S. 56:6, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following emergency rule:

The supplemental feeding of corn to wildlife is prohibited until such time that the Secretary of the Department of Wildlife and Fisheries determines that contamination levels of aflatoxins no longer pose a threat to Louisiana's wildlife populations.

Severe drought conditions this summer have resulted in Louisiana's corn crop exhibiting unusually high levels of contamination from aflatoxins. In some instances, levels have reached 1500 parts per billion (USDA guidelines for human consumption and animal feed range from 20 to 100 ppb). Under these conditions more contaminated grain may be offered for sale as wildlife feed because the grain cannot meet the aflatoxin standards established for grain intended for domestic animal or human consumption. Since corn is the predominant grain used throughout the state for feeding wildlife and research has shown that feeds contaminated with aflatoxins can have adverse effects on all wildlife, especially birds, the Commission has determined that a prohibition of feeding corn is in the best interest of wildlife in Louisiana. A Declaration of Emergency is necessary because supplemental feeding activity for deer and other wildlife has begun

and will peak through the next several months. Steps must be taken now to ensure that the public is aware of this problem and every effort has been made to ensure that wildlife species are not adversely impacted as a result of aflatoxin poisoning.

The Wildlife and Fisheries Commission also grants the Secretary of the Department the authority to rescind and/or extend this Declaration of Emergency if conditions warrant.

This Declaration of Emergency will become effective September 3, 1998 and will extend for a minimum of 120 days or until such time that contamination levels have been reduced.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

**1998-99 Fur Trapping Season
adopted by the
Louisiana Wildlife and Fisheries Commission**

WHEREAS, R.S. 56:259(A) authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, allows the Commission to use emergency provisions to set seasons, and

WHEREAS, Louisiana has historically lead the nation in the production of wild fur with value to the trappers as high as \$24 million in some seasons, and

WHEREAS, the harvest of this renewable resource is important in providing supplemental income to citizens of the state while furnishing an essential management tool to reduce nuisance wildlife problems, property damage, the impact of prey species, the incident of density dependent disease and provide a measure of population health and general condition, and

WHEREAS, regulated trapping provides the only practical control of muskrat and nutria populations, an essential part of any effort to protect or enhance coastal wetlands. The role of such trapping cannot be overstated because of the rate of wetland loss and the impact that these wetland grazers are having in southeastern parishes, and

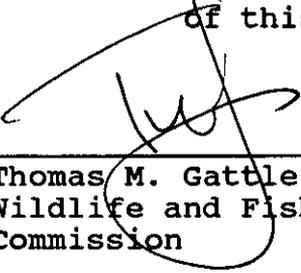
WHEREAS, the increased commercial harvest of beaver can play a major role in assisting in the reduction of damage to timber, agriculture, drainage, and wildlife habitat, and

WHEREAS, historical and current information collected by the Department of Wildlife and Fisheries have indicated that the optimum time frame for the harvest of furbearers is between November and March each year, now

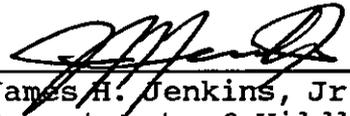
THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby grant authority to the Secretary of the Department of Wildlife and Fisheries to extend or shorten the trapping season in any area of the state.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998-99 fur harvest season is attached to and made a part of this resolution.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Thomas M. Gattle, Jr.

Chairman

MEMORANDUM

TO: Brandt Savoie

FROM: Greg Linscombe

DATE: August 24, 1998

RE: Results of the 1997-98 Trapping Season and
Recommendations for 1998-99 Trapping Season

Results of the 1997-98 Trapping Season

The records available from the License Section, at this time, indicate 2,442 trapping licenses(15 years and older) and 68 licenses(less than 15 years) were sold during the 1997-98 trapping season. The final accounting of trapping licenses sold in the state has not been completed since some parishes have not turned in licenses and money. The figures available show a slight decrease (126) in licenses sold last season when compared the previous season. When we have sales data by parish we should be able to better explain this drop. If license sales declined in the northern part of the state it might be explained by the drop in prices paid for raccoon. However, until we have the final license figures this is only speculation.

Attached is a copy of the 1997-98 Comparative Take. The total of 468,454 pelts harvested (all species) was down 18,017 pelts from the previous season. The total value of the 1997-98 fur harvest, to the state's trappers, was estimated at \$2,605,979. This was down \$266,518 from the previous season. **Even though the total harvest and value were down the results of the season was very positive and this decline is largely due to a drop in prices for raccoon and the resulting drop in harvest.**

The nutria harvest increased for a second season with a total of 359,232 pelts worth \$1,860,392. The nutria harvest was up 31,000 pelts with the average price per pelt to the trapper at \$5.17. This was an increase of one dollar over the previous season. The eastern nutria harvest (309,154)was up 16,868 and made up 86 percent of the total harvest with an average of \$4.90 per pelt (.90 over the previous year). The western nutria harvest (50,078) was up 15,078 with an

average price of \$6.90 (\$1.65 over the previous year). A portion of the difference in nutria price from east to west is a result of a large portion of the eastern nutria being sold whole by the trapper. The price paid for whole nutria is \$1-2 less than the price paid for dry pelts.

This second year of an increased nutria harvest is encouraging. The increased income to coastal trappers is beneficial in maintaining numbers of trappers, which is essential in reducing vegetative damage to coastal wetlands. The nutria harvest would have been even greater, with these improved prices if weather conditions would have been more conducive to trapping. Winter temperatures and precipitation were above normal and tides were above normal during a portion of the season. Oil industry related jobs were plentiful on the coast and some former trappers may not have been as dependent on trapping to supplement their income.

Division staff conducted a coastwide nutria vegetation damage survey this past spring. Data from the survey is still being compiled and analyzed, however the amount of vegetative damage appeared to still be very high. In 1996 the estimated number of acres damaged in the Barataria-Terrebonne Basin was 80,000. The 1998 survey may show a larger figure for this region. An increase in the nutria harvest can only help reduce damage, but any recovery of damaged marsh will require time for vegetative regrowth.

During this past year the Fur and Refuge staff continued to work closely with the Fur and Alligator Advisory Council (FAAC) on marketing programs for fur and alligators. Last year's efforts concentrated on developing contacts in Europe and China as gateways to the Russian market. Although difficult to believe, the Russian market has been the largest consumer of wild furs for several years. Nutria fits in well to this market as a versatile inexpensive fur. As this market grew during the last three years, the demand for nutria increased in Argentina (the largest producer of nutria in the world). However, Argentina has suffered three years of drought followed by floods this past spring. Their nutria populations are down and Argentine buyers were short of nutria so they were in the state this year aggressively buying and Europeans were also requesting pelts. This demand resulted in the average price increasing to levels equal to the 1981-82 season when over 900,000 nutria were harvested.

The FAAC will concentrate marketing programs in Eastern Europe, Greece, and Mainland China again this year. The Council has contracted with a Montreal furrier to work with manufacturers in these areas to demonstrate how to use nutria and other La. furs in today's fashionable garments. Seminars will be conducted in Poland, Greece, and China.

The harvest of raccoon dropped from 122,095 to 66,267 pelts as a result of a drop in price paid to trappers from \$9.33 to \$5.30. The warm winter throughout the U.S. allowed a large harvest early in the season resulting in a drop in prices shortly after the season opened in La. Most of the reduction in the raccoon harvest occurred in North La. and may account for the drop in trapping licenses sold. The largest buyer of raccoon during recent years has been Greece.

The third most important furbearer in terms of total value was the river otter with 7,200 pelts worth \$204,840. The average price paid to trappers this past season was \$28.45. This was up \$3.45 from the previous year. This has been the highest price paid since 1994-95. River otter pelts are being sold primarily to China.

The beaver harvest this past season was 10,229 with an average price of \$8.56 paid to trappers. This harvest was down slightly from the previous year (11,630). The harvest of the past two seasons has been over double that of any previous year. This harvest of beaver is very beneficial in the control of damage throughout the state. If the price can be increased slightly and the harvest sustained or increased for several years beaver damage should be reduced. The price

for beaver is a direct result of marketing activity of the FAAC and most of the pelts were purchased by Canadians.

The harvest of muskrat doubled from the previous year, 6,078 to 13,375. Other furbearers are listed on the Comparative Take.

Recommendations for the 1998-99 Trapping Season

Last years's season dates (statewide): November 20, 1997 to March 20, 1998 worked well. The Department approved a request for extending the season through the end of March because of wet warm weather. Most dealers contacted in August 1998 indicated general satisfaction with the dates and the Fur and Alligator Advisory Council also agreed. These dates allowed trappers to start when species became prime and fur buyers to start buying when they believe furs are prime. Trappers could continue to trap if they believed prime furbearers were abundant and they could sell fur at a reasonable price. **Our objective last year was to allow the maximum possible trapping opportunity to increase harvest, especially of nutria, beaver, and raccoon.** Our objective for this coming season remains the same.

The same season dates are recommended for this year: November 20, 1998-March 20, 1999; Statewide. Bobcat and river otter tagging requirements will remain unchanged. Federal approval to export bobcat and river otter from the United States requires that the Department insure that only Louisiana bobcat and river otter are tagged with Louisiana CITES export tags. This requires that all bobcat and river otter pelts be accompanied by completed Possession Tags once purchased from a trapper and that these tags be kept with the pelts until they are submitted to the Department in exchange for CITES export tags.

The recommended trapping season dates on WMA's are listed on the attached draft 1998-99 trapping season pamphlet.

**COMPARATIVE TAKE OF FUR ANIMALS
IN LOUISIANA
1997-98**

<u>SPECIES</u>	<u>NUMBER OF PELTS</u>	<u>APPROX. PRICE TO TRAPPER</u>	<u>VALUE</u>
NUTRIA(Eastern)	309,154	\$4.90	\$1,514,854.60
NUTRIA(Western)	<u>50,078</u>	<u>6.90</u>	<u>345,538.20</u>
	359,232	\$5.17	\$1,860,392.80
MUSKRAT(Eastern)	5,275	\$1.70	\$ 8,967.50
MUSKRAT(Western)	<u>8,100</u>	<u>1.50</u>	<u>12,150.00</u>
	13,375	\$1.58	\$ 21,117.50
RACCOON(Upland)	46,427	\$5.70	\$ 264,633.90
RACCOON(Coastal)	<u>19,840</u>	<u>4.38</u>	<u>86,899.20</u>
	66,267	\$5.30	\$ 351,533.10
MINK	9,294	\$7.60	\$ 70,634.40
OPOSSUM	1,777	.80	1,421.60
RIVER OTTER	7,200	28.45	204,840.00
RED FOX	92	7.31	672.52
GRAY FOX	318	6.00	1,908.00
BOBCAT	610	9.18	5,599.80
BEAVER	10,229	8.56	87,560.24
COYOTE	60	5.00	300.00
TOTAL PELTS	468,454	TOTAL VALUE	\$2,605,979.90

August 19, 1998

LA Department of Wildlife & Fisheries
Fur and Refuge Division
2415 Darnall Road
New Iberia, LA 70560
Phone: 318-373-0032

RESOLUTION

**1998-99 Fur Trapping Season
adopted by the
Louisiana Wildlife and Fisheries Commission**

WHEREAS, R.S. 56:259(A) authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, allows the Commission to use emergency provisions to set seasons, and

WHEREAS, Louisiana has historically lead the nation in the production of wild fur with value to the trappers as high as \$24 million in some seasons, and

WHEREAS, the harvest of this renewable resource is important in providing supplemental income to citizens of the state while furnishing an essential management tool to reduce nuisance wildlife problems, property damage, the impact of prey species, the incident of density dependent disease and provide a measure of population health and general condition, and

WHEREAS, regulated trapping provides the only practical control of muskrat and nutria populations, an essential part of any effort to protect or enhance coastal wetlands. The role of such trapping cannot be overstated because of the rate of wetland loss and the impact that these wetland grazers are having in southeastern parishes, and

WHEREAS, the increased commercial harvest of beaver can play a major role in assisting in the reduction of damage to timber, agriculture, drainage, and wildlife habitat, and

WHEREAS, historical and current information collected by the Department of Wildlife and Fisheries have indicated that the optimum time frame for the harvest of furbearers is between November and March each year, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby grant authority to the Secretary of the Department of Wildlife and Fisheries to extend or shorten the trapping season in any area of the state.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998-99 fur harvest season is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the provisions of R.S. 56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Thomas M. Gattle, Jr.

Chairman

DECLARATION OF EMERGENCY

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

WILDLIFE AND FISHERIES COMMISSION

In accordance with the provisions of R.S.56:259(A) which authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the commission to extend, curtail or prohibit trapping in any area of the state each year and in accordance with emergency provisions of R.S.49:953(B) and R.S.49:967(D) of the Administrative Procedure Act, which allows the Louisiana Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20,1998 through March 20,1999. The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to extend or shorten the adopted season.

Thomas Gattle
Chairman

RESOLUTION

1998-99 Fur Trapping Season adopted by the Louisiana Wildlife and Fisheries Commission

WHEREAS, R.S. 56:259(A) authorizes the Wildlife and Fisheries Commission to set the open season for the taking of nongame quadrupeds and allows the Commission to extend, curtail or prohibit trapping in any area of the state each year, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, allows the Commission to use emergency provisions to set seasons, and

WHEREAS, Louisiana has historically lead the nation in the production of wild fur with value to the trappers as high as \$24 million in some seasons, and

WHEREAS, The harvest of this renewable resource is important in providing supplemental income to citizens of the state while furnishing an essential management tool to reduce nuisance wildlife problems, property damage, the impact of prey species, the incident of density dependent disease and provide a measure of population health and general condition, and

WHEREAS, regulated trapping provides the only practical control of muskrat and nutria populations, an essential part of any effort to protect or enhance coastal wetlands. The role of such trapping cannot be overstated because of the rate of wetland loss and the impact that these wetland grazers are having in southeastern parishes, and

WHEREAS, the increased commercial harvest of beaver can play a major role in assisting in the reduction of damage to

timber, agriculture, drainage, and wildlife habitat, and

WHEREAS, Historical and current information collected by the Department of Wildlife and Fisheries have indicated that the optimum time frame for the harvest of furbearers is between November and March each year,

NOW THEREFORE BE IT RESOLVED, The Wildlife and Fisheries Commission does hereby set the 1998-99 fur harvest season, statewide from November 20, 1998 through March 20, 1999.

BE IT FURTHER RESOLVED, The Wildlife and Fisheries Commission does hereby grant authority to the Secretary of the Department of Wildlife and Fisheries to extend, the trapping season in any area of the state.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998-99 fur harvest season is attached to and made a part of this resolution.

Thomas Gattle , Chairman
Wildlife and Fisheries
Commission

James H. Jenkins, Jr., Secretary
La. Dept. of Wildlife and Fisheries

RECIPROCAL RECREATIONAL FISHING LICENSE AGREEMENT
BETWEEN THE STATE OF TEXAS AND
THE STATE OF LOUISIANA

This Agreement made and entered into this 3rd day of September, 1998, by and between the Louisiana Wildlife and Fisheries Commission ("Louisiana") and the Texas Parks and Wildlife Department ("Texas"), each acting by and through duly authorized officials,

WITNESSETH:

WHEREAS, the neighboring states of Louisiana and Texas each hold interests in fishery resources that are enjoyed by the citizens of these states, including the waters that form the common boundary between the two states, and

WHEREAS, it is in the best interests of the citizens of those states that licensing regulations for the shared boundary waters be consistent, and

WHEREAS, the parties hereto also desire to grant similar sport fishing license exemptions whereby residents of Texas 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a fishing license, and likewise, residents of Louisiana 65 years of age or older and those under 17 years of age may fish in all Texas waters without a fishing license, and

WHEREAS, non-residents from many parts of the country travel to the Louisiana-Texas border to enjoy the abundant fishery resources of the common boundary waters of that area, and

WHEREAS, those non-resident tourists contribute to the local economies of the area, and

WHEREAS, clear regulations regarding common boundary waters that are available to non-resident fishing license holders should provide for more compliance with the applicable laws, and

WHEREAS, Louisiana Revised Statutes 56:671 and 673 provide that the Louisiana Wildlife and Fisheries Commission may enter into reciprocal fishing license agreements, and may also enter into reciprocal agreements with the state of Texas pertaining to seasons, creel limits, and all other rules and regulations pertaining to fishing in waters forming the common boundary between Louisiana and Texas,

NOW, THEREFORE, for and in consideration of the premises and the mutual benefits hereof, Texas and Louisiana contract as follows:

A. STATE-REGULATED WATERS

1. Texas residents 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a license; provided however, proof of age as set out below is required.

2. Louisiana residents 65 years of age or older and those under 17 years of age may fish in Texas waters without a license; provided, however, proof of age as set out below is required.

B. COMMON BOUNDARY WATERS

1. For the purposes of this reciprocal agreement, common boundary waters are Caddo Lake proper, the Toledo Bend Lake project including the spillway outfall and the hydro power outfall channels below Toledo Bend Dam, Sabine Lake proper, and the main channel of the Sabine River where it forms the boundary between the states of Texas and Louisiana, but not including the waters of the Sabine River ship channel south of the line between Texas Point and Louisiana Point. Tributaries of the named common boundary waters are specifically not included as boundary waters. For purposes of this rule, tributary water bodies enter boundary waters at a line that runs from point to point across the mouth of the tributary water body.

2. Residents of Texas or Louisiana who meet the licensing requirements of their state may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

3. Persons who have in their possession a Texas or Louisiana valid non-resident recreational fishing license may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

4. Texas residents under 17 years of age and those 65 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

5. Louisiana residents under 16 years of age and those 60 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

C. GENERAL

1. Proof of age must be in the form of a birth certificate, driver's license, or a military record which states age (or a photostatic copy of same).

2. This agreement applies only to sport fishing licenses, and does not apply to any sport fishing activities that require specific recreational gear licenses in either state (e.g. crab traps, crawfish traps, hoop nets, etc.).

3. Other than the license privileges provided herein, the fishing regulations of the state in which the fishing occurs shall control.

4. This agreement supercedes the previous reciprocal agreements on recreational fishing licenses dated February 13, 1968 and September 27, 1984 including the undated amendment to the last-cited agreement.

5. This agreement shall remain in effect until ninety (90) days after it has been rescinded in writing by either the Louisiana Wildlife and Fisheries Commission or Texas Parks and Wildlife Department, or their successors.

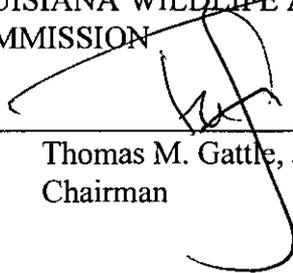
6. The effective date of this reciprocal agreement will be September 3, 1998.

TEXAS PARKS AND WILDLIFE DEPARTMENT

BY:  _____

Andrew Sansom,
Executive Director

LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

BY:  _____

Thomas M. Gattle, Jr.,
Chairman

RECIPROCAL RECREATIONAL FISHING LICENSE AGREEMENT
BETWEEN THE STATE OF TEXAS AND
THE STATE OF LOUISIANA

This Agreement made and entered into this ____ day of _____, 1998, by and between the Louisiana Wildlife and Fisheries Commission ("Louisiana") and the Texas Parks and Wildlife Department ("Texas"), each acting by and through duly authorized officials,

WITNESSETH:

WHEREAS, the neighboring states of Louisiana and Texas each hold interests in fishery resources that are enjoyed by the citizens of these states, including the waters that form the common boundary between the two states, and

WHEREAS, it is in the best interests of the citizens of those states that licensing regulations for the shared boundary waters be consistent, and

WHEREAS, the parties hereto also desire to grant similar sport fishing license exemptions whereby residents of Texas 65 years of age or older and those under 16 years of age may fish in all Louisiana waters without a fishing license, and likewise, residents of Louisiana 65 years of age or older and those under 17 years of age may fish in all Texas waters without a fishing license, and

WHEREAS, non-residents from many parts of the country travel to the Louisiana-Texas border to enjoy the abundant fishery resources of the common boundary waters of that area, and

WHEREAS, those non-resident tourists contribute to the local economies of the area, and

WHEREAS, clear regulations regarding common boundary waters that are available to non-resident fishing license holders should provide for more compliance with the applicable laws, and

WHEREAS, Louisiana Revised Statutes 56:671 and 673 provide that the Louisiana Wildlife and Fisheries Commission may enter into reciprocal fishing license agreements, and may also enter into reciprocal agreements with the state of Texas pertaining to seasons, creel limits, and all other rules and regulations pertaining to fishing in waters forming the common boundary between Louisiana and Texas,

NOW, THEREFORE, for and in consideration of the premises and the mutual benefits hereof, Texas and Louisiana contract as follows:

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2. Louisiana residents 65 years of age or older and those under 17 years of age may fish in Texas waters without a license; provided, however, proof of age as set out below is required.

B. COMMON BOUNDARY WATERS

1. For the purposes of this reciprocal agreement, common boundary waters are Caddo Lake proper, the Toledo Bend Lake project including the spillway outfall and the hydro power outfall channels below Toledo Bend Dam, Sabine Lake proper, and the main channel of the Sabine River where it forms the boundary between the states of Texas and Louisiana, but not including the waters of the Sabine River ship channel south of the line between Texas Point and Louisiana Point. Tributaries of the named common boundary waters are specifically not included as boundary waters. For purposes of this rule, tributary water bodies enter boundary waters at a line that runs from point to point across the mouth of the tributary water body.

2. Residents of Texas or Louisiana who meet the licensing requirements of their state may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

3. Persons who have in their possession a Texas or Louisiana valid non-resident recreational fishing license may legally fish recreationally on all waters that form a common boundary between Texas and Louisiana inland from a line across Sabine Pass between Texas Point and Louisiana Point.

4. Texas residents under 17 years of age and those 65 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

5. Louisiana residents under 16 years of age and those 60 years of age or older may legally fish recreationally in common boundary waters without a recreational fishing license.

C. GENERAL

1. Proof of age must be in the form of a birth certificate, driver's license, or a military record which states age (or a photostatic copy of same).

2. This agreement applies only to sport fishing licenses, and does not apply to any sport fishing activities that require specific recreational gear licenses in either state (e.g. crab traps, crawfish traps, hoop nets, etc.).

3. Other than the license privileges provided herein, the fishing regulations of the state in which the fishing occurs shall control.

4. This agreement supercedes the previous reciprocal agreements on recreational fishing licenses dated February 13, 1968 and September 27, 1984 including the undated amendment to the last-cited agreement.

5. This agreement shall remain in effect until ninety (90) days after it has been rescinded in writing by either the Louisiana Wildlife and Fisheries Commission or Texas Parks and Wildlife Department, or their successors.

6. The effective date of this reciprocal agreement will be September 3, 1998.

TEXAS PARKS AND WILDLIFE DEPARTMENT

BY: _____

LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

BY: _____

Thomas M. Gattle, Jr.,
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby advertises its intent to amend the following rule on black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

Title 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§169. Black Bass Regulations, Eagle Lake

The size regulation for black bass (Micropterus spp.) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 16 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule shall become effective January 1, 1999.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:909 (July 1993); amended LR 21:477 (May 1995); LR 22:376 (May 1996), LR 24:

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 statements, 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 of the amended rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Wednesday, November 4, 1998.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 COMMERCIAL KING MACKEREL SEASONS

September 3, 1998

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 1998 commercial king mackerel fishery in EEZ waters closed on August 25, 1998, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

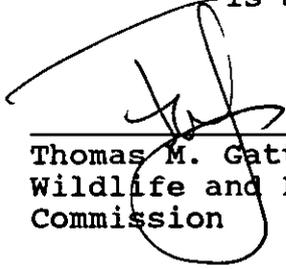
WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Commission closes the 1998 commercial king mackerel season at 12:01 a.m., September 7th, 1998, and, that the season shall remain closed until 12:01 a.m. on July 1, 1999.

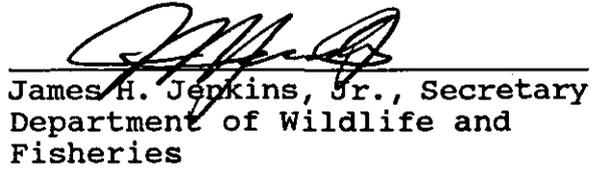
BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that 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 declaration of emergency.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998 commercial king mackerel season in Louisiana state waters is attached to and made a part of this resolution.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The king mackerel fishery in the Gulf of Mexico is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF), and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close the commercial harvest seasons for king mackerel in the EEZ off of Louisiana, and NMFS and the Gulf Council requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for commercial harvest of king mackerel in Louisiana state waters:

The season for the commercial fishery for king mackerel in Louisiana state waters will close at 12:01 a.m., September 7, 1998; the season shall remain closed until 12:01 a.m. on July 1, 1999.

The Commission also grants authority to the Secretary of the

Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed by the Regional Director of the National Marine Fisheries Service (NMFS) that the season dates for the commercial harvest of king mackerel in the federal waters of the western Gulf of Mexico as set out herein have been modified, and that the Regional Director of NMFS requests that the season be modified in Louisiana state waters and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit. Provided however, that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.4 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 COMMERCIAL KING MACKEREL SEASONS

September 3, 1998

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 1998 commercial king mackerel fishery in EEZ waters closed on August 25, 1998, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Commission closes the 1998 commercial king mackerel season at 12:01 a.m., September 7th, 1998, and, that the season shall remain closed until 12:01 a.m. on July 1, 1999.

BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that 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 declaration of emergency.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998 commercial king mackerel season in Louisiana state waters is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The king mackerel fishery in the Gulf of Mexico is cooperatively managed by the Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF), and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close the commercial harvest seasons for king mackerel in the EEZ off of Louisiana, and NMFS and the Gulf Council requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for commercial harvest of king mackerel in Louisiana state waters:

The season for the commercial fishery for king mackerel in Louisiana state waters will close at 12:01 a.m., September 7, 1998; the season shall remain closed until 12:01 a.m. on July 1, 1999.

The Commission also grants authority to the Secretary of the

Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed by the Regional Director of the National Marine Fisheries Service (NMFS) that the season dates for the commercial harvest of king mackerel in the federal waters of the western Gulf of Mexico as set out herein have been modified, and that the Regional Director of NMFS requests that the season be modified in Louisiana state waters and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit. Provided however, that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S. 56:306.4 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 COMMERCIAL KING MACKEREL SEASONS

September 3, 1998

WHEREAS, The king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the ^{La.} Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 1998 commercial king mackerel fishery in EEZ waters closed on August 25, 1998, and

WHEREAS, R.S. 46:953(B) and R.S.49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S.56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Commission closes the 1998 commercial king mackerel season at 12:01 a.m., Sept. 7th, 1998, and, that the season shall remain closed until 12:01 a.m. on July 1, 1999.

~~THEREFORE~~ BE IT FURTHER RESOLVED, that the Commission authorizes the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed that National Marine Fisheries Service has opened an additional season and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

~~THEREFORE~~ BE IT FURTHER RESOLVED, that 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 declaration of emergency.

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 1998 commercial king mackerel season in Louisiana state waters is attached to and made a part of this resolution.

Thomas M. Gattle, Jr., Chairman

James H. Jenkins, Jr.
Secretary

DECLARATION OF EMERGENCY

Louisiana Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

The king mackerel fishery in the Gulf of Mexico is cooperatively managed by the ~~Louisiana~~ Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF), and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close the commercial harvest seasons for king mackerel in the EEZ off of Louisiana, and NMFS and the Gulf Council requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S.49:953(B), the Administrative Procedure Act, R.S.49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S.56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby sets the following seasons for commercial harvest of king mackerel in Louisiana state waters:

The season for the commercial fishery for king mackerel in Louisiana state waters will close at 12:01 am September 7, 1998; the season shall remain closed until 12:01 a.m. on July 1, 1999.

The Commission also grants authority to the Secretary of the Department of Wildlife and Fisheries to open an additional commercial king mackerel season in Louisiana state waters if he is informed by the Regional Director of the National Marine Fisheries Service (NMFS) that the season dates for the commercial harvest of king mackerel in the federal waters of the western Gulf of Mexico as set out herein have been modified, and that the Regional Director of NMFS requests that the season be modified in Louisiana state waters and to close such season when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Nothing herein shall preclude the legal harvest of king mackerel by legally licensed recreational fishermen. Effective with any closure, no person shall commercially harvest, transport, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell king mackerel. Effective with the closure, no person shall possess king mackerel in excess of a daily bag limit. Provided however, that fish in excess of the daily bag limit which were legally taken prior to the closure may be purchased, possessed, transported, and sold by a licensed wholesale/retail dealer if appropriate records in accordance with R.S.56:306.4 are properly maintained, and those other than wholesale/retail dealers may purchase such fish in excess of the daily bag limit from wholesale/retail dealers for their own use or for sale by a restaurant as prepared fish.

Thomas M. Gattle, Jr.
Chairman

James H. Jenkins, Jr.
Secretary

RESOLUTION

SHARK HARVEST RULES

WHEREAS, the shark fisheries in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico off the coast of Louisiana are managed by the National Marine Fisheries Service (NMFS), and by the Louisiana Wildlife and Fisheries Commission (LWFC) and Department of Wildlife and Fisheries (LDWF) in the state Territorial Sea and inshore waters, and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the EEZ of the U.S., in Louisiana generally three miles offshore, and

WHEREAS, NMFS has adopted management measures and permit regulations for sharks harvested in the EEZ off of Louisiana, and

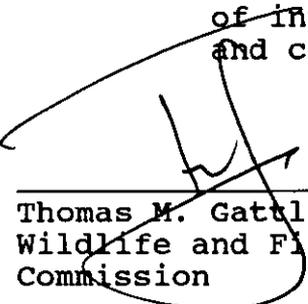
WHEREAS, adoption of compatible regulations for Louisiana state waters where feasible would enhance effectiveness and enforcability of the regulations already in place for sharks harvested in the EEZ off of Louisiana, and

WHEREAS, substantial fisheries for sharks do also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and

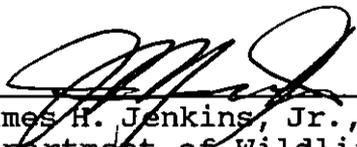
WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set possession limits, quotas, places, seasons, times, size limits, and daily take limits based upon biological and technical data for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Declaration of Emergency to establish permit regulations, possession and trip limits, and also promulgates a Notice of Intent to provide for limits, permit regulations, and a framework for seasonal closures for sharks in Louisiana state waters, that are attached to and made part of this resolution, and

BE IT FURTHER RESOLVED, that 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Emergency Commercial Shark Harvest Rules

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(10), 56:326(E)(2), 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 Federal regulations on the commercial fishery for sharks in Federal waters off of Louisiana. Practices reported to presently occur in this fishery are contrary to sound conservation of the species, and to proper utilization of the fishery resource. Rules for Louisiana State waters are being promulgated through the Administrative Procedure Act. Some aspects of present practices require more expeditious action than is available through this procedure. Commercial license renewals are distributed beginning in November, and thus action prior to that time provides for more expeditious service by the Department to those people who require renewal of shark permits. High volume commercial trips, exceeding federally allowed limits, are presently occurring. Placing compatible trip limits in state waters will allow more effective enforcement of existing Federal limits. The practice of "finning", as described in this rule, has become more prevalent in some parts of the fishery, resulting in less utilization of the potential resource, and a loss of valuable scientific information on the species that are harvested in the fishery. It is therefore in the best interest of the state, and

appropriate that these regulations be enacted expeditiously, thereby requiring emergency action.

This emergency rule shall be effective at 12:01 a.m., September 14, 1998 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

**Sharks and Sawfishes Daily Take and Possession Limits,
Quotas and Special Permit Requirements**

A. Permits

1. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

2. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons

who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

3. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

B. Trip and Possession Limits

1. A possession limit consists of two Atlantic sharpnose sharks and two sharks of any other species unless a valid original Louisiana "Shark Permit", and, if applicable, a federal shark permit, issued in the name of the commercial fisherman is in possession.

2. A person that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not

possess on any trip, or land from any trip, or sell, Large Coastal species in excess of 4,000 pounds per vessel, dressed weight.

3. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds per vessel, dressed weight.

4. Large Coastal species of sharks are composed of: Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Carribean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

C. Fins

1. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in Louisiana waters.

2. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

3. Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations for the taking of sharks from Louisiana waters.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§357. Sharks and Sawfishes Daily Take and Possession Limits, Quotas and Special Permit Requirements

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations for the taking of sharks (including sawfishes) (Class Elasmobranchiomorphi: Orders Hexanchiformes, Lamniformes, Squaliformes, and Rajiformes) from Louisiana waters. The provisions of this Section shall not apply to shrimp or menhaden harvest, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing, except for provisions: outlawing finning of shark; requiring a "Shark Permit" for sale, barter or exchange; limiting sale, barter, or exchange of sharks during closed seasons; limiting shark retained by non-permit holders to be only as a mixed part of the total harvest, and only retained, held, or sold, purchased, bartered, traded, or exchanged as such; and outlawing transfer of sharks between vessels at sea.

1. For management purposes, sharks are divided into the

following categories:

a. Small Coastal Sharks - Atlantic angel shark, Bonnethead shark, Atlantic sharpnose shark, Blacknose shark, Caribbean sharpnose shark, Finetooth shark, Smalltail shark.

b. Large Coastal Sharks - Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Caribbean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

c. Pelagic Sharks - Bigeye sixgill shark, Sevengill shark, Sixgill shark, Longfin mako, Porbeagle shark, Shortfin mako, Blue shark, Oceanic whitetip shark, Bigeye thresher shark, Thresher shark.

d. Prohibited Species - Basking shark, White shark, Bigeye sand tiger, Sand tiger, Whale shark, Smalltooth sawfish, Largetooth sawfish.

2. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the

preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any sharks in excess of any possession limit for which a commercial permit was issued.

4. a. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

b. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S.

56:306.4 and 56:306.5.

5. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, bartered, or attempted to be sold, purchased, exchanged or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the bag limits as follows:

a. The aggregate daily take and possession limit for Atlantic Sharpnose Sharks caught recreationally within or without Louisiana waters shall be two fish per person per day and in possession.

b. The aggregate daily take and possession limit for all other "Small Coastal", "Large Coastal" and "Pelagic" sharks combined, caught recreationally within or without Louisiana waters, shall be 2 fish per vessel per trip and in possession.

6. Those persons possessing a Federal Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks are limited to daily take, trip and possession limits as specified in that Federal Permit. A person aboard a vessel for which a Federal Shark Permit has been issued shall not retain shark of any species group for which the commercial quota has been reached and the season closed in Federal waters.

7. a. A vessel that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or

sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

b. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

8. A person aboard a vessel for which a federal shark permit has been issued, or persons aboard a vessel fishing for or possessing shark in the EEZ shall comply with all applicable federal regulations.

9. Fins

a. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited within and without Louisiana waters.

b. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

c. Shark fins shall not be possessed aboard a fishing vessel after the vessel's first point of landing.

10. Prohibited Species

a. No person shall take, possess, purchase, sell,

barter, exchange or attempt to possess, purchase, sell, barter, or exchange any of the following species or parts thereof:

- i. Basking shark - *Cetorhinus maximus*
- ii. White shark - *Carcharodon carcharias*
- iii. Bigeye sand tiger - *Odontaspis noronhai*
- iv. Sand tiger - *Odontaspis taurus*
- v. Whale shark - *Rhincodon typus*
- vi. Smalltooth sawfish - *Pristis pectinata*
- vii. Largetooth sawfish - *Pristis pristis*

b. Notwithstanding other provisions of this part, a person may fish for, but not retain, white sharks (*Carcharodon carcharias*) with rod and reel only under a catch and release program, provided the person releases and returns such fish to the sea immediately with a minimum of injury.

c. Notwithstanding other provisions of this part, smalltooth sawfish or largetooth sawfish may be possessed as authorized by a special Scientific and Educational Collecting Permit issued by the department under R.S. 56:318, including whatever conditions that the department may deem necessary to ensure the maintenance and protection of the species. Nothing herein shall prohibit the possession of smalltooth sawfish or largetooth sawfish, or parts thereof, that were possessed prior to the effective date of this rule.

11. No person aboard any vessel shall transfer or cause the transfer of sharks between vessels on state or federal waters. Standard menhaden harvesting activities do not constitute transfer

of sharks between vessels at sea.

12. Seasonal Closures

a. All Louisiana State waters out to the seaward boundary of the Louisiana Territorial Sea shall be closed to the recreational and commercial harvest of all sharks between April 1 and June 30 of each year. A holder of a Federal Shark Permit may legally harvest sharks from Federal waters beyond the Louisiana Territorial Sea and bring those sharks into Louisiana waters for sale within the provisions of that Federal Shark Permit. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell sharks from the closed area. Effective with the closure, no person shall retain or possess any sharks in the closed area. Sharks taken incidental to shrimp or menhaden fishing in the closed area, that are retained on the vessel as part of the harvest, may be retained only as a mixed part of the total harvest, and shall not be retained, held, purchased, bartered, traded, exchanged, sold or attempted to be purchased, bartered, traded, exchanged or sold.

b. The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close any recreational or commercial fishery for sharks, within and without Louisiana's territorial waters, when the Secretary is notified by the National Marine Fisheries Service that the seasonal quota for that species group and fishery has been met. The closure order shall close the fishery until the date projected for the re-opening of that fishery in the adjacent Federal waters. The Secretary is also hereby authorized to modify any such closure order to maintain consistency

with re-opening dates in the adjacent Federal waters, should the Federal closure dates be modified.

13. The fishing year for shark shall begin on January 1, 1998 and every January 1st thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), 326(E)(2), 326.1, 326.3.

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

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 comment on the proposed rule in writing to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Thursday, December 3, 1998.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

SHARK HARVEST RULES

- WHEREAS,** the shark fisheries in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico off the coast of Louisiana are managed by the National Marine Fisheries Service (NMFS), and by the Louisiana Wildlife and Fisheries Commission (LWFC) and Department of Wildlife and Fisheries (LDWF) in the state Territorial Sea and inshore waters, and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the EEZ of the U.S., in Louisiana generally three miles offshore, and
- WHEREAS,** NMFS has adopted management measures and permit regulations for sharks harvested in the EEZ off of Louisiana, and
- WHEREAS,** adoption of compatible regulations for Louisiana state waters where feasible would enhance effectiveness and enforcability of the regulations already in place for sharks harvested in the EEZ off of Louisiana, and
- WHEREAS,** substantial fisheries for sharks do also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and
- WHEREAS,** R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set possession limits, quotas, places, seasons, times, size limits, and daily take limits based upon biological and technical data for saltwater finfish,
- THEREFORE BE IT RESOLVED,** that the Wildlife and Fisheries Commission hereby promulgates a Declaration of Emergency to establish permit regulations, possession and trip limits, and also promulgates a Notice of Intent to provide for limits, permit regulations, and a framework for seasonal closures for sharks in Louisiana state waters, that are attached to and made part of this resolution, and
- BE IT FURTHER RESOLVED,** that 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 statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Emergency Commercial Shark Harvest Rules

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(10), 56:326(E)(2), 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 Federal regulations on the commercial fishery for sharks in Federal waters off of Louisiana. Practices reported to presently occur in this fishery are contrary to sound conservation of the species, and to proper utilization of the fishery resource. Rules for Louisiana State waters are being promulgated through the Administrative Procedure Act. Some aspects of present practices require more expeditious action than is available through this procedure. Commercial license renewals are distributed beginning in November, and thus action prior to that time provides for more expeditious service by the Department to those people who require renewal of shark permits. High volume commercial trips, exceeding federally allowed limits, are presently occurring. Placing compatible trip limits in state waters will allow more effective enforcement of existing Federal limits. The practice of "finning", as described in this rule, has become more prevalent in some parts of the fishery, resulting in less utilization of the potential resource, and a loss of valuable scientific information on the species that are harvested in the fishery. It is therefore in the best interest of the state, and

appropriate that these regulations be enacted expeditiously, thereby requiring emergency action.

This emergency rule shall be effective at 12:01 a.m., September 14, 1998 and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

**Sharks and Sawfishes Daily Take and Possession Limits,
Quotas and Special Permit Requirements**

A. Permits

1. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

2. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons

who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

3. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S. 56:306.4 and 56:306.5.

B. Trip and Possession Limits

1. A possession limit consists of two Atlantic sharpnose sharks and two sharks of any other species unless a valid original Louisiana "Shark Permit", and, if applicable, a federal shark permit, issued in the name of the commercial fisherman is in possession.

2. A person that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not

possess on any trip, or land from any trip, or sell, Large Coastal species in excess of 4,000 pounds per vessel, dressed weight.

3. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds per vessel, dressed weight.

4. Large Coastal species of sharks are composed of: Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Carribean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

C. Fins

1. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited in Louisiana waters.

2. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

3. Shark fins may not be possessed aboard a fishing vessel after the vessel's first point of landing.

Thomas M. Gattle, Jr.

Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations for the taking of sharks from Louisiana waters.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§357. Sharks and Sawfishes Daily Take and Possession Limits, Quotas and Special Permit Requirements

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations for the taking of sharks (including sawfishes) (Class Elasmobranchiomorphi: Orders Hexanchiformes, Lamniformes, Squaliformes, and Rajiformes) from Louisiana waters. The provisions of this Section shall not apply to shrimp or menhaden harvest, and nothing contained herein is intended or shall be construed to repeal, amend, or otherwise modify the provisions of law applicable to shrimp or menhaden fishing, except for provisions: outlawing finning of shark; requiring a "Shark Permit" for sale, barter or exchange; limiting sale, barter, or exchange of sharks during closed seasons; limiting shark retained by non-permit holders to be only as a mixed part of the total harvest, and only retained, held, or sold, purchased, bartered, traded, or exchanged as such; and outlawing transfer of sharks between vessels at sea.

1. For management purposes, sharks are divided into the

following categories:

a. Small Coastal Sharks - Atlantic angel shark, Bonnethead shark, Atlantic sharpnose shark, Blacknose shark, Caribbean sharpnose shark, Finetooth shark, Smalltail shark.

b. Large Coastal Sharks - Great Hammerhead, Scalloped Hammerhead, Smooth Hammerhead, Nurse shark, Bignose shark, Blacktip shark, Bull shark, Caribbean reef shark, Dusky shark, Galapagos shark, Lemon shark, Narrowtooth shark, Night shark, Sandbar shark, Silky shark, Spinner shark, Tiger shark.

c. Pelagic Sharks - Bigeye sixgill shark, Sevengill shark, Sixgill shark, Longfin mako, Porbeagle shark, Shortfin mako, Blue shark, Oceanic whitetip shark, Bigeye thresher shark, Thresher shark.

d. Prohibited Species - Basking shark, White shark, Bigeye sand tiger, Sand tiger, Whale shark, Smalltooth sawfish, Largetooth sawfish.

2. In addition to all other licenses and permits required by law, a valid original "Shark Permit" shall be annually required for persons commercially taking shark from Louisiana waters and for persons selling, exchanging, or bartering sharks to Louisiana Wholesale/Retail dealers; the valid original permit shall be in immediate possession of the permittee while engaged in fishing for or possessing shark. Each "Shark Permit" holder shall on or before the tenth of each month submit an information return to the Department on forms provided or approved for this purpose, including the number and weight of each species of shark taken commercially from Louisiana waters during each trip of the

preceding month, and the commercial dealers to whom these were sold. Monthly reports shall be filed, even if catch or effort is zero.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any sharks in excess of any possession limit for which a commercial permit was issued.

4. a. All persons who do not possess a "Shark Permit" issued by the Department of Wildlife and Fisheries, and, if applicable, a Federal Shark Permit issued by the National Marine Fisheries Service, are limited to a possession limit. All persons who do not possess a Louisiana "Shark Permit" and, if applicable, a permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks, shall not sell, barter, trade, exchange or attempt to sell, barter, trade or exchange any sharks, or possess any sharks in excess of a possession limit. Sharks taken incidental to menhaden fishing, that are retained on the vessel as part of the harvest, shall be retained and sold only as a mixed part of the total harvest, and shall not be retained, held, or sold, purchased, bartered, traded, or exchanged separately. Sharks retained as a result of menhaden fishing shall not exceed legal bycatch allowances for menhaden fishing as provided for in R.S. 56:324.

b. Legally licensed Louisiana Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers are not required to hold a "Shark Permit" in order to purchase, possess, exchange, barter and sell any quantities of sharks, so long as they maintain records as required by R.S.

56:306.4 and 56:306.5.

5. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, bartered, or attempted to be sold, purchased, exchanged or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the bag limits as follows:

a. The aggregate daily take and possession limit for Atlantic Sharpnose Sharks caught recreationally within or without Louisiana waters shall be two fish per person per day and in possession.

b. The aggregate daily take and possession limit for all other "Small Coastal", "Large Coastal" and "Pelagic" sharks combined, caught recreationally within or without Louisiana waters, shall be 2 fish per vessel per trip and in possession.

6. Those persons possessing a Federal Shark Permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks are limited to daily take, trip and possession limits as specified in that Federal Permit. A person aboard a vessel for which a Federal Shark Permit has been issued shall not retain shark of any species group for which the commercial quota has been reached and the season closed in Federal waters.

7. a. A vessel that has been issued or possesses a federal shark permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for Atlantic Sharks shall not possess on any trip, or land from any trip, or

sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

b. Persons possessing a Louisiana "Shark Permit" shall not possess on any trip, or land from any trip, or sell, Large Coastal Species in excess of 4,000 pounds, dressed weight.

8. A person aboard a vessel for which a federal shark permit has been issued, or persons aboard a vessel fishing for or possessing shark in the EEZ shall comply with all applicable federal regulations.

9. Fins

a. The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea, is prohibited within and without Louisiana waters.

b. Shark fins that are possessed aboard or offloaded from a fishing vessel must not exceed 5 percent of the weight of the shark carcasses. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and such weights of the fins landed must be recorded on dealer records in compliance with R.S. 56:306.5. Fins from shark harvested by a vessel that are disproportionate to the weight of the carcasses landed shall not be sold, purchased, traded, or bartered or attempted to be sold, purchased, traded, or bartered.

c. Shark fins shall not be possessed aboard a fishing vessel after the vessel's first point of landing.

10. Prohibited Species

a. No person shall take, possess, purchase, sell,

barter, exchange or attempt to possess, purchase, sell, barter, or exchange any of the following species or parts thereof:

- i. Basking shark - *Cetorhinus maximus*
- ii. White shark - *Carcharodon carcharias*
- iii. Bigeye sand tiger - *Odontaspis noronhai*
- iv. Sand tiger - *Odontaspis taurus*
- v. Whale shark - *Rhincodon typus*
- vi. Smalltooth sawfish - *Pristis pectinata*
- vii. Largetooth sawfish - *Pristis pristis*

b. Notwithstanding other provisions of this part, a person may fish for, but not retain, white sharks (*Carcharodon carcharias*) with rod and reel only under a catch and release program, provided the person releases and returns such fish to the sea immediately with a minimum of injury.

c. Notwithstanding other provisions of this part, smalltooth sawfish or largetooth sawfish may be possessed as authorized by a special Scientific and Educational Collecting Permit issued by the department under R.S. 56:318, including whatever conditions that the department may deem necessary to ensure the maintenance and protection of the species. Nothing herein shall prohibit the possession of smalltooth sawfish or largetooth sawfish, or parts thereof, that were possessed prior to the effective date of this rule.

11. No person aboard any vessel shall transfer or cause the transfer of sharks between vessels on state or federal waters. Standard menhaden harvesting activities do not constitute transfer

of sharks between vessels at sea.

12. Seasonal Closures

a. All Louisiana State waters out to the seaward boundary of the Louisiana Territorial Sea shall be closed to the recreational and commercial harvest of all sharks between April 1 and June 30 of each year. A holder of a Federal Shark Permit may legally harvest sharks from Federal waters beyond the Louisiana Territorial Sea and bring those sharks into Louisiana waters for sale within the provisions of that Federal Shark Permit. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell sharks from the closed area. Effective with the closure, no person shall retain or possess any sharks in the closed area. Sharks taken incidental to shrimp or menhaden fishing in the closed area, that are retained on the vessel as part of the harvest, may be retained only as a mixed part of the total harvest, and shall not be retained, held, purchased, bartered, traded, exchanged, sold or attempted to be purchased, bartered, traded, exchanged or sold.

b. The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close any recreational or commercial fishery for sharks, within and without Louisiana's territorial waters, when the Secretary is notified by the National Marine Fisheries Service that the seasonal quota for that species group and fishery has been met. The closure order shall close the fishery until the date projected for the re-opening of that fishery in the adjacent Federal waters. The Secretary is also hereby authorized to modify any such closure order to maintain consistency

with re-opening dates in the adjacent Federal waters, should the Federal closure dates be modified.

13. The fishing year for shark shall begin on January 1, 1998 and every January 1st thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), 326(E)(2), 326.1, 326.3.

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

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 comment on the proposed rule in writing to Mr. Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., Thursday, December 3, 1998.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON CLOSURE

September 3, 1998

- WHEREAS,** the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS,** the most recent stock assessment for Gulf of Mexico red snapper indicates that the stock is in an overfished condition and that restrictions on harvest are necessary to rebuild the stock, and
- WHEREAS,** the Total Allowable Catch (TAC) for the stock is set each year by NMFS based on recommendations by the Gulf Council, and
- WHEREAS,** the annual TAC is divided into recreational and commercial allocations, based on relative historic harvests, and
- WHEREAS,** NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that, among other measures, establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS,** the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS,** the best information available indicates that the recreational sector will have harvested their quota on September 30, 1998, and
- WHEREAS,** NMFS has announced that it will close the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

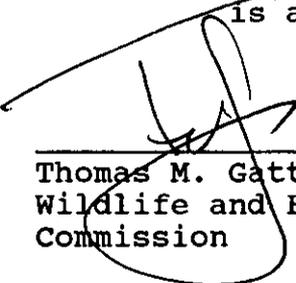
WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby closes the 1998 season for recreational harvest of red snapper in Louisiana state waters effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero for that time period,

BE IT FURTHER RESOLVED, a Declaration of Emergency closing the 1998 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.



Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission



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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish season, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby closes the recreational harvest of red snapper in Louisiana state waters for

the 1998 season as follows:

The season for the recreational fishery for red snapper in Louisiana state waters will close at 12:01 a.m., September 30, 1998 and remain closed through December 31, 1998 by reducing the bag limit to zero for that time period.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON CLOSURE

September 3, 1998

- WHEREAS,** the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS,** regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS,** the most recent stock assessment for Gulf of Mexico red snapper indicates that the stock is in an overfished condition and that restrictions on harvest are necessary to rebuild the stock, and
- WHEREAS,** the Total Allowable Catch (TAC) for the stock is set each year by NMFS based on recommendations by the Gulf Council, and
- WHEREAS,** the annual TAC is divided into recreational and commercial allocations, based on relative historic harvests, and
- WHEREAS,** NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that, among other measures, establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS,** the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS,** the best information available indicates that the recreational sector will have harvested their quota on September 30, 1998, and
- WHEREAS,** NMFS has announced that it will close the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and

WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and

WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and

WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission hereby closes the 1998 season for recreational harvest of red snapper in Louisiana state waters effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero for that time period,

BE IT FURTHER RESOLVED, a Declaration of Emergency closing the 1998 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Thomas M. Gattle, Jr., Chairman
Wildlife and Fisheries
Commission

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective 12:01 a.m., September 30, 1998 through December 31, 1998 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish season, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby closes the recreational harvest of red snapper in Louisiana state waters for

the 1998 season as follows:

The season for the recreational fishery for red snapper in Louisiana state waters will close at 12:01 a.m., September 30, 1998 and remain closed through December 31, 1998 by reducing the bag limit to zero for that time period.

Thomas M. Gattle, Jr.

Chairman

RESOLUTION

1998 RECREATIONAL RED SNAPPER SEASON CLOSURE

September 3, 1998

- WHEREAS, the red snapper fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and
- WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore, and
- WHEREAS, the most recent stock assessment for Gulf of Mexico red snapper indicates that the stock is in an overfished condition and that restrictions on harvest are necessary to rebuild the stock, and
- WHEREAS, the Total Allowable Catch (TAC) for the stock is set each year by NMFS based on recommendations by the Gulf Council, and
- WHEREAS, the annual TAC is divided into recreational and commercial allocations, based on relative historic harvests, and
- WHEREAS, NMFS has put into place a regulatory amendment under the framework procedure of the reef fish fishery management plan that, among other measures, establishes a recreational red snapper quota equal to the recreational allocation, and authorizes the closure of the fishery for the remainder of the fishing year (= calendar year) in Federal waters of the Gulf of Mexico when the quota is reached or is projected to be reached, and
- WHEREAS, the 1998 recreational quota for red snapper in the Gulf of Mexico was set at 4.47 million pounds, and
- WHEREAS, the best information available indicates that the recreational sector will have harvested their quota on September 30, 1998, and
- WHEREAS, NMFS has announced that it will close the recreational fishing season for red snapper effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero in the EEZ off of Louisiana for that time period, and
- WHEREAS, the Department of Wildlife and Fisheries has received a request from NMFS requesting consistent regulations in Louisiana state waters, and
- WHEREAS, in order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted, and
- WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, R.S.49:953(B) and R.S.49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and
- WHEREAS, R.S.56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE, BE IT RESOLVED, the Wildlife and Fisheries Commission hereby closes the 1998 season for recreational harvest of red snapper in Louisiana state waters effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero for that time period,

BE IT FURTHER RESOLVED, a Declaration of Emergency closing the 1998 recreational red snapper season in Louisiana state waters is attached to and made part of this resolution.

Thomas M. Gattle, Jr.
Chairman

James H. Jenkins, Jr.
Secretary

DECLARATION OF EMERGENCY

Louisiana Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Recreational Red Snapper Season Closure

The red snapper fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were recently established by NMFS to close recreational harvest season in the EEZ off of Louisiana effective 12:01 am September 30, 1998 through December 31, 1998 by reducing the bag limit to zero, and NMFS requested that consistent regulations be established in Louisiana waters. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters for the 1998 recreational red snapper season, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S.49:953(B), the Administrative Procedure Act, R.S.49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish season, and R.S.56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby ~~sets the following seasons~~ ~~for~~ recreational harvest of red snapper in Louisiana state waters:

The season for the recreational fishery for red snapper in Louisiana state waters will close at 12:01 am September 30, 1998 and remain closed through December 31, 1998 by reducing the bag limit to zero for that time period.

for the 1998 season as follows!

closes

Thomas M. Gattle, Jr.
Chairman

James H. Jenkins, Jr.
Secretary

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of Louisiana Constitution, Article IX, Section 7: LSA 36:601 et seq., R.S. 56:115, 56:171 et seq. and 56:651 et seq., the Wildlife and Fisheries Commission adopts the following Emergency Rule.

This Declaration of Emergency is necessary to implement portions of the written stipulations entered into on August 10, 1998, in the matter entitled Jenkins et al. v. Odom et al., No. 449244, 19th Judicial District Court, and further to provide for regulation of hunting of white-tailed deer and exotics on Supplemented Hunting Preserves. This Declaration of Emergency will govern the regulation of hunting on Supplemented Hunting Preserves until the ratification of permanent rules.

Supplemented Hunting Preserves: Hunting Seasons and Deer Management Assistance Program Participation

A. Definitions

Hunting: In its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Supplemented Hunting Preserve: For purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer: For purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

Exotics: For purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Same as Outside: For purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

B. Hunting Seasons

White-tailed Deer: All hunting seasons for farm-raised white-tailed deer are still hunt only.

Archery: October 1, 1998 - January 31, 1999, either-sex

Modern Firearms: November 1 - December 6, 1998; December 21 - 23, 1998; and December 26, 1998 - January 31, 1999.

Either-sex deer may be taken November 1-3, December 21-23, and December 26-30, otherwise, all modern firearm dates are bucks only. (Either-sex deer may also be taken in accordance with provisions of the Deer Management Assistance Program).

Muzzleloader: December 7 - December 20, 1998, either-sex.

Exotics: Year round.

C. Methods of Take

White-tailed Deer: Same as outside.

Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than 22 caliber centerfire; or muzzleloading rifles or pistols, 44 caliber minimum, or shotguns 10 gauge or

smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

D. Shooting Hours

White-tailed Deer: Same as outside.

Exotics: one-half hour before sunrise to one-half hour after sunset.

E. Bag Limit

Farm-Raised White-tailed Deer: Same as outside.

Exotics: No limit.

F. Hunting Licenses

White-tailed Deer: Same as outside.

Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

G. Tagging

White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

H. Deer Management Assistance Program

Supplemented Hunting Preserves containing at least 300 acres will be eligible to participate in the Deer Management Assistance Program for the 1998-99 hunting season.

I. Additional Restrictions

Except as otherwise specified herein, all of the provisions of Title 56 of the Louisiana Revised Statutes and the LWFC rules pertaining to the hunting and possession of white-tailed deer shall apply

to white-tailed deer and exotics located on Supplemented Hunting Preserves.

J. Effective Date

This Declaration of Emergency shall become effective on October 31, 1998, and supplant any prior Declaration of Emergency pertaining to hunting of farm-raised deer and exotics.

Thomas M. Gattle, Jr.

Chairman

PROCLAMATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BY THE AUTHORITY VESTED IN the Wildlife and Fisheries Commission by law, the Commission does hereby issue this proclamation memorializing by coordinates, bearings and distances the historic perimeter boundary of Pass A Loutre Wildlife Management Area in the Parish of Plaquemines, State of Louisiana, set aside and created from public lands at the mouth of the Mississippi River by the Legislature in Act 52 of 1921. Said boundary description is contained in Exhibit A, and further illustrated on the Map of Perimeter Boundary of Pass A Loutre Wildlife Management Area identified as Exhibit B, both of which are attached hereto and made a part hereof.

Said public lands, comprised of uplands, marshlands and water bottoms, have been, since the creation of Pass A Loutre Wildlife Management Area, and shall continue to be, owned and administered by the Department of Wildlife and Fisheries for the management of wildlife and fisheries resources under rules and regulations adopted by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission which provide for the conservation of wildlife and fisheries resources and their habitats. Said rules also provide for a full range of outdoor uses of the public lands which comprise Pass A Loutre Wildlife Management Area, including but not limited to recreational hunting and fishing, commercial fishing and trapping, non consumptive outdoor uses, and reasonable mineral exploration and production activities compatible with maintaining Pass A Loutre Wildlife Management Area for its primary purpose, which is the management and protection of various fish and wildlife species and the habitats on which those species depend for survival. As public lands under the jurisdiction of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, all revenues derived therefrom from any source, including, without limitation, mineral revenues from existing leases and future leases, are and shall remain dedicated to the Louisiana Wildlife and Fisheries' Conservation Fund in accordance with La. Const. art. VII, Sec. 10-A and La. R.S. 56:631 to be used by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission in fulfilling their constitutional and statutory mandates.

WITNESSETH

WHEREAS, Pass A Loutre Wildlife Management Area was created by Act 52 of 1921 by the Louisiana Legislature as the first wildlife management area in the State;

WHEREAS, by Act 52 of 1921, the Legislature dedicated all of the vacant and unappropriated public lands belonging to the State on December 9, 1921, within specified townships and ranges as a perpetual game and fish preserve and public hunting ground for the protection of fur bearing animals, game, and fish thereon;

WHEREAS, the Legislature further declared that the Department of Conservation, predecessor in title and function to the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, shall have absolute control and authority concerning the use of said lands and shall adopt rules and regulations controlling said area;

WHEREAS, since 1921 the Louisiana Department of Wildlife and Fisheries and its predecessor agencies have administered the public lands at the mouth of the Mississippi River comprised of uplands, marshlands and water bottoms, including within said public lands all or parts of East Bay, Garden Island Bay, Redfish Bay, North Shore Bay and Blind Bay, as Pass A Loutre Wildlife Management Area;

WHEREAS, numerous maps exist from a variety of both state and federal sources which illustrate that the above mentioned bays are, and have always been, within the boundary of Pass A Loutre Wildlife Management Area, including one such map which was researched and drawn by the State Land Office in 1972 on a 1958 U.S. Geological Survey East Delta, Louisiana quadrangle map, and another map in the form of a survey of specific inholdings of privately owned tracts within Pass A Loutre Wildlife Management Area which was created by the Department of Public Works in 1968;

WHEREAS, over the years both acquisitions by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission and natural accretion have increased the surface area of the land portion of Pass A Loutre Wildlife Management Area;

WHEREAS, due to increased competing uses of Pass A Loutre Wildlife Management Area, including public use by both recreational and commercial users and the resurgence of mineral exploration and seismic activity, it has become necessary to more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area and thus the jurisdiction of the *Department of Wildlife and Fisheries*.

WHEREAS, until recently, the technology did not exist to identify with specificity the perimeter boundary of Pass A Loutre Wildlife Management Area, particularly where it interfaces with the Gulf of Mexico, but with the advent of Global Positioning Satellites and computer topography this can now be done with considerable accuracy;

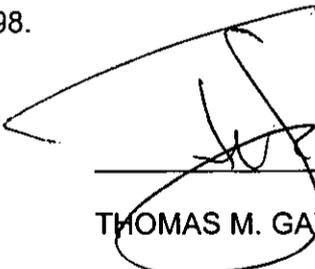
WE THE UNDERSIGNED, DO HEREBY PROCLAIM THIS ORDER
SPECIFYING AND MEMORIALIZING THE HISTORIC PERIMETER
BOUNDARY OF PASS A LOUTRE WILDLIFE MANAGEMENT AREA
IN THE PARISH OF PLAQUEMINES, STATE OF LOUISIANA

BY THE AUTHORITY VESTED IN THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION by law, and particularly by Title 56, Sections 751 and 781 of the Louisiana Revised Statutes, and in order to confirm, fix and more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area as it has been recognized by the State and the public since the creation of the wildlife management area in 1921, we do with the approval of the Governor of the State of Louisiana, hereby declare the legal description contained in Exhibit A to be the perimeter boundary of Pass A Loutre Wildlife Management Area, located in the Parish of Plaquemines, State of Louisiana, and the map attached as Exhibit B to illustrate and delineate the perimeter boundary of Pass A Loutre Wildlife Management Area, said wildlife management area being comprised of all uplands, marshlands and water bottoms within, as determined by research from the State Land Office, the Office of the Governor and the Department of Wildlife and Fisheries, less and except certain privately owned parcels alienated by the State prior to the passage of Act 52 of 1921.

THUS DONE AND ORDERED BY THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION ON THIS THE 3rd DAY OF Sept, 1998.



JAMES H. JENKINS, JR., SECRETARY
LOUISIANA DEPARTMENT OF WILDLIFE
AND FISHERIES



THOMAS M. GATTLE, JR., CHAIRMAN
LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

EXHIBIT A

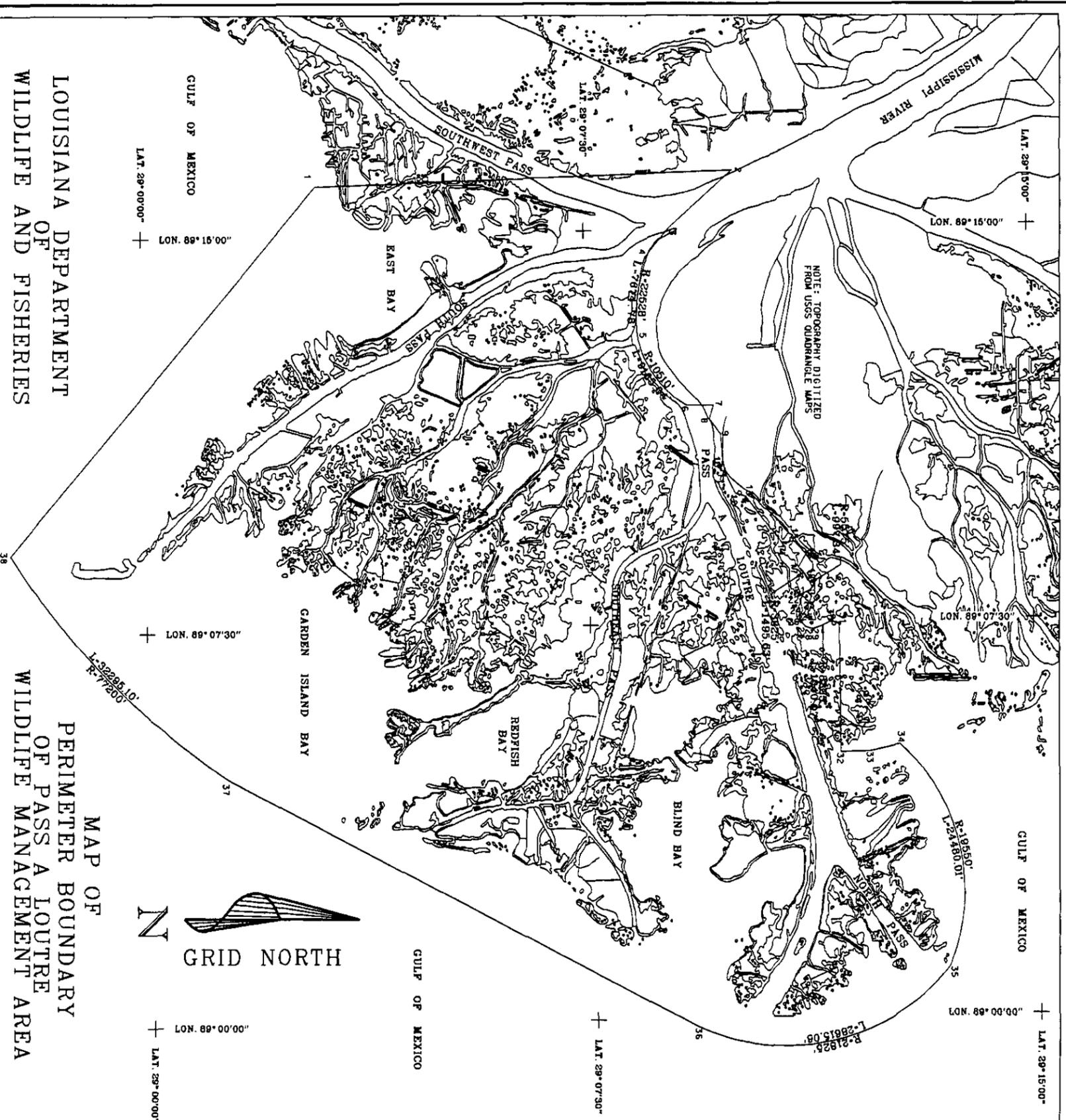
Pass A Loutre Wildlife Management Area Boundary Description

Beginning at the most southwesterly corner of the Pass A Loutre Wildlife Management Area at the coordinates in feet of X=3,941,542.98; Y=205,886.56 of the Louisiana State Plane Coordinate System, South Zone, 1983 North American Datum; thence North 2 degrees 13 minutes 24 seconds West a distance of 42,679.67 feet; thence South 42 degrees 19 minutes 09 seconds East a distance of 8,750.40 feet; thence South 50 degrees 49 minutes 11 seconds East a distance of 3,815.04 feet; thence along a curve to the left having a radius of 22,528.00 feet a distance of 7,674.78 feet; said curve is subtended by a chord bearing of South 83 degrees 47 minutes 24 seconds East; a distance of 7,637.72 feet; thence along a curve to the left having a radius of 10,510.00 feet a distance of 9,165.04 feet; said curve is subtended by a chord bearing North 55 degrees 48 minutes 16 seconds East; a distance of 8,877.40 feet; thence North 0 degrees 43 minutes 44 seconds West a distance of 2,836.56 feet; thence South 72 degrees 58 minutes 25 seconds East a distance of 1,497.62 feet; thence North 53 degrees 14 minutes 21 seconds East a distance of 1,936.29 feet; thence North 85 degrees 17 minutes 49 seconds East a distance of 2,739.80 feet; thence North 75 degrees 28 minutes 24 seconds East a distance of 1,301.52 feet; thence North 63 degrees 47 minutes 43 seconds East a distance of 2,149.32 feet; thence North 17 degrees 44 minutes 54 seconds East a distance of 1,133.27 feet; thence North 51 degrees 54 minutes 18 seconds East a distance of 6,013.98 feet; thence North 8 degrees 56 minutes 28 seconds West a distance of 1,219.79 feet; thence North 46 degrees 26 minutes 00 seconds East a distance of 1,803.56 feet; thence South 61 degrees 03 minutes 06 seconds East a distance of 1,517.80 feet; thence along a curve to the right having a radius of 3,825.00 feet a distance of 1,495.63 feet; said curve is subtended by a chord bearing North 51 degrees 17 minutes 15 seconds East; a distance of 1,486.12 feet; thence along a curve to the left having a radius of 5575.00 feet a distance of 997.34 feet; said curve is subtended by a chord bearing North 62 degrees 23 minutes 01 seconds East; a distance of 996.01 feet; thence South 48 degrees 11 minutes 50 seconds East a distance of 356.51 feet; thence South 27 degrees 56 minutes 20 seconds East a distance of 601.97 feet; thence South 57 degrees 53 minutes 10 seconds East a distance of 750.63 feet; thence North 85 degrees 08 minutes 59 seconds East a distance of 680.19 feet; thence North 78 degrees 06 minutes 10 seconds East a distance of 535.66 feet; thence South 65 degrees 51 minutes 42 seconds East a distance of 710.18 feet; thence South 89 degrees 35 minutes 54 seconds East a distance of 339.44 feet; thence North 47 degrees 33 minutes 37 seconds East a distance of 799.89 feet; thence North 18 degrees 04 minutes 18 seconds East a distance of 532.58 feet; thence North 6 degrees 29 minutes 58 seconds East a distance of 454.10 feet; thence along a curve to the left having a radius of 8,225.00 feet a distance of 1,840.07 feet; said curve is subtended by a chord bearing North 24 degrees 21 minutes 16 seconds West; a distance of 1,836.23 feet; thence North 12 degrees 06 minutes 24 seconds East a distance of 911.26 feet; thence North 88 degrees 44 minutes 12 seconds East a distance of 13,001.60 feet; thence North 2 degrees 28 minutes 21 seconds West a distance of 3,054.14 feet; thence North 12 degrees 41 minutes 25 seconds West a distance of 2,972.06 feet; thence along a curve to the right having a radius of 19,550.00 feet a distance of 24,480.01 feet; said curve is subtended by a chord bearing North 76 degrees 38 minutes 01 seconds East; a distance of 22,911.76 feet; thence along a curve to the right having a radius of 21,825.00 feet and a distance of 28,615.06 feet; said curve is subtended by a chord bearing South 13

degrees 41 minutes 40 seconds East; a distance of 26,609.07 feet; thence South 27 degrees 15 minutes 54 seconds West a distance of 54,011.78 feet; thence along a curve to the right having a radius of 77,200.00 feet and a distance of 32,295.10 feet; said curve is subtended by a chord bearing South 45 degrees 19 minutes 01 seconds West; a distance of 32,060.13 feet; thence North 50 degrees 10 minutes 22 seconds West a distance of 48,752.02 feet to the point of beginning.

LOUISIANA DEPARTMENT
OF
WILDLIFE AND FISHERIES

MAP OF
PERIMETER BOUNDARY
OF PASS A LOUÏRE
WILDLIFE MANAGEMENT AREA



PT. X-COORDINATE	Y-COORDINATE	BEARING	DISTANCE	LATITUDE	LONGITUDE
1 3941542.98	205886.56	N 2°13'24" W	42879.67	N29°02'33"	W89°15'56"
2 3533887.19	248534.10	S 42°19'09" E	8750.40	N29°10'01"	W89°16'06"
3 3945178.49	242064.01	S 50°49'11" E	3615.04	N29°08'56"	W89°15'01"
4 3948175.76	238553.81	S 83°47'24" E	7637.72	N29°08'32"	W89°14'28"
5 3958328.66	238827.63	N 55°48'16" E	8877.40	N29°08'22"	W89°13'03"
6 3963671.38	243816.88	N 0°43'44" W	2836.56	N29°08'10"	W89°11'39"
7 3961635.29	246653.21	S 72°58'25" E	14971.62	N29°09'39"	W89°11'39"
8 3965067.27	246214.69	N 53°14'21" E	1938.29	N29°09'34"	W89°11'23"
9 3966618.51	247373.51	N 85°17'49" E	2735.80	N29°09'45"	W89°11'05"
10 3969349.09	247598.15	N 15°28'24" E	2149.32	N29°09'47"	W89°10'34"
11 3970609.00	247924.61	N 63°47'43" E	2149.32	N29°08'50"	W89°10'20"
12 3972537.42	248873.71	N 17°44'54" E	1133.27	N29°09'59"	W89°09'58"
13 3972882.88	248893.04	N 51°54'18" E	6013.98	N29°10'09"	W89°09'54"
14 3971615.81	253653.47	N 8°56'28" W	1219.79	N29°10'45"	W89°08'60"
15 3971426.23	254868.44	N 46°28'00" E	1803.56	N29°10'57"	W89°08'01"
16 3978733.04	256111.45	S 61°03'06" E	1517.80	N29°11'09"	W89°08'46"
17 3980061.20	255316.80	N 51°11'15" E	1486.12	N29°11'02"	W89°08'32"
18 3981220.81	256306.24	N 62°23'01" E	996.01	N29°11'11"	W89°08'18"
19 3982103.35	256767.94	S 48°11'50" E	356.51	N29°11'15"	W89°08'08"
20 3982359.11	255998.49	S 27°58'20" E	601.97	N29°11'13"	W89°08'05"
21 3982651.15	255589.45	S 57°53'10" E	750.63	N29°11'07"	W89°08'02"
22 3983286.93	255559.45	N 85°08'59" E	680.19	N29°11'03"	W89°07'55"
23 3983964.58	255656.96	N 18°06'10" E	535.66	N29°11'04"	W89°07'47"
24 3984488.83	255167.39	S 65°51'42" E	110.18	N29°11'05"	W89°07'42"
25 3985136.91	255416.97	S 89°35'54" E	339.44	N29°11'02"	W89°07'34"
26 3985476.34	255474.59	N 47°33'37" E	799.89	N29°11'07"	W89°07'30"
27 3986066.55	256014.37	N 18°04'18" E	532.58	N29°11'07"	W89°07'24"
28 3986231.86	256971.86	N 6°29'58" E	454.10	N29°11'12"	W89°07'22"
29 3986283.26	256971.86	N 24°21'16" W	1836.23	N29°11'16"	W89°07'21"
30 3986526.03	258644.69	N 12°06'24" E	911.26	N29°11'33"	W89°07'29"
31 3985717.15	259530.68	N 88°44'12" E	13001.60	N29°11'42"	W89°07'27"
32 3998115.59	259922.35	N 2°28'21" W	3054.14	N29°11'42"	W89°05'00"
33 3998583.84	262873.65	N 12°41'25" W	2972.06	N29°12'12"	W89°05'01"
34 3997930.93	265773.11	N 16°38'01" E	22911.76	N29°12'41"	W89°05'08"
35 4020222.04	271069.84	S 13°41'40" E	26609.07	N29°13'29"	W89°05'55"
36 4026521.55	245271.20	S 27°15'54" W	54011.78	N29°09'12"	W89°05'50"
37 4001778.45	197206.25	S 46°19'01" W	32980.13	N29°01'22"	W89°04'40"
38 3976983.47	174662.06	N 50°10'22" W	48752.02	N28°57'43"	W89°09'01"
1 3941542.98	205886.56	N 50°10'22" W	48752.02	N29°02'59"	W89°15'56"

NOTE: THIS MAP DOES NOT ILLUSTRATE PRIVATELY OWNED TRACTS WITHIN THE PASS A LOUÏRE WILDLIFE MANAGEMENT AREA.

NOTE: BEARINGS, DISTANCES AND COORDINATES REFER TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, 1983 NORTH AMERICAN DATUM. COORDINATES AND DISTANCES ARE IN FEET. DIVIDE BY 3.28083333 TO CONVERT TO METERS.

PROCLAMATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BY THE AUTHORITY VESTED IN the Wildlife and Fisheries Commission by law, the Commission does hereby issue this proclamation memorializing by coordinates, bearings and distances the historic perimeter boundary of Pass A Loutre Wildlife Management Area in the Parish of Plaquemines, State of Louisiana, set aside and created from public lands at the mouth of the Mississippi River by the Legislature in Act 52 of 1921. Said boundary description is contained in Exhibit A, and further illustrated on the Map of Perimeter Boundary of Pass A Loutre Wildlife Management Area identified as Exhibit B, both of which are attached hereto and made a part hereof.

Said public lands, comprised of uplands, marshlands and water bottoms, have been, since the creation of Pass A Loutre Wildlife Management Area, and shall continue to be, owned and administered by the Department of Wildlife and Fisheries for the management of wildlife and fisheries resources under rules and regulations adopted by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission which provide for the conservation of wildlife and fisheries resources and their habitats. Said rules also provide for a full range of outdoor uses of the public lands which comprise Pass A Loutre Wildlife Management Area, including but not limited to recreational hunting and fishing, commercial fishing and trapping, non consumptive outdoor uses, and reasonable mineral exploration and production activities compatible with maintaining Pass A Loutre Wildlife Management Area for its primary purpose, which is the management and protection of various fish and wildlife species and the habitats on which those species depend for survival. As public lands under the jurisdiction of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, all revenues derived therefrom from any source, including, without limitation, mineral revenues from existing leases and future leases, are and shall remain dedicated to the Louisiana Wildlife and Fisheries' Conservation Fund in accordance with La. Const. art. VII, Sec. 10-A and La. R.S. 56:631 to be used by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission in fulfilling their constitutional and statutory mandates.

WITNESSETH

WHEREAS, Pass A Loutre Wildlife Management Area was created by Act 52 of 1921 by the Louisiana Legislature as the first wildlife management area in the State;

WHEREAS, by Act 52 of 1921, the Legislature dedicated all of the vacant and unappropriated public lands belonging to the State on December 9, 1921, within specified townships and ranges as a perpetual game and fish preserve and public hunting ground for the protection of fur bearing animals, game, and fish thereon;

WHEREAS, the Legislature further declared that the Department of Conservation, predecessor in title and function to the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, shall have absolute control and authority concerning the use of said lands and shall adopt rules and regulations controlling said area;

WHEREAS, since 1921 the Louisiana Department of Wildlife and Fisheries and its predecessor agencies have administered the public lands at the mouth of the Mississippi River comprised of uplands, marshlands and water bottoms, including within said public lands all or parts of East Bay, Garden Island Bay, Redfish Bay, North Shore Bay and Blind Bay, as Pass A Loutre Wildlife Management Area;

WHEREAS, numerous maps exist from a variety of both state and federal sources which illustrate that the above mentioned bays are, and have always been, within the boundary of Pass A Loutre Wildlife Management Area, including one such map which was researched and drawn by the State Land Office in 1972 on a 1958 U.S. Geological Survey East Delta, Louisiana quadrangle map, and another map in the form of a survey of specific inholdings of privately owned tracts within Pass A Loutre Wildlife Management Area which was created by the Department of Public Works in 1968;

WHEREAS, over the years both acquisitions by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission and natural accretion have increased the surface area of the land portion of Pass A Loutre Wildlife Management Area;

WHEREAS, due to increased competing uses of Pass A Loutre Wildlife Management Area, including public use by both recreational and commercial users and the resurgence of mineral exploration and seismic activity, it has become necessary to more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area and thus the jurisdiction of the Department of Wildlife and Fisheries.

WHEREAS, until recently, the technology did not exist to identify with specificity the perimeter boundary of Pass A Loutre Wildlife Management Area, particularly where it interfaces with the Gulf of Mexico, but with the advent of Global Positioning Satellites and computer topography this can now be done with considerable accuracy;

WE THE UNDERSIGNED, DO HEREBY PROCLAIM THIS ORDER
SPECIFYING AND MEMORIALIZING THE HISTORIC PERIMETER
BOUNDARY OF PASS A LOUTRE WILDLIFE MANAGEMENT AREA
IN THE PARISH OF PLAQUEMINES, STATE OF LOUISIANA

BY THE AUTHORITY VESTED IN THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION by law, and particularly by Title 56, Sections 751 and 781 of the Louisiana Revised Statutes, and in order to confirm, fix and more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area as it has been recognized by the State and the public since the creation of the wildlife management area in 1921, we do with the approval of the Governor of the State of Louisiana, hereby declare the legal description contained in Exhibit A to be the perimeter boundary of Pass A Loutre Wildlife Management Area, located in the Parish of Plaquemines, State of Louisiana, and the map attached as Exhibit B to illustrate and delineate the perimeter boundary of Pass A Loutre Wildlife Management Area, said wildlife management area being comprised of all uplands, marshlands and water bottoms within, as determined by research from the State Land Office, the Office of the Governor and the Department of Wildlife and Fisheries, less and except certain privately owned parcels alienated by the State prior to the passage of Act 52 of 1921.

THUS DONE AND ORDERED BY THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION ON THIS THE _____ DAY OF _____, 1998.

JAMES H. JENKINS, JR., SECRETARY
LOUISIANA DEPARTMENT OF WILDLIFE
AND FISHERIES

THOMAS M. GATTLE, JR., CHAIRMAN
LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

EXHIBIT A

Pass A Loutre Wildlife Management Area Boundary Description

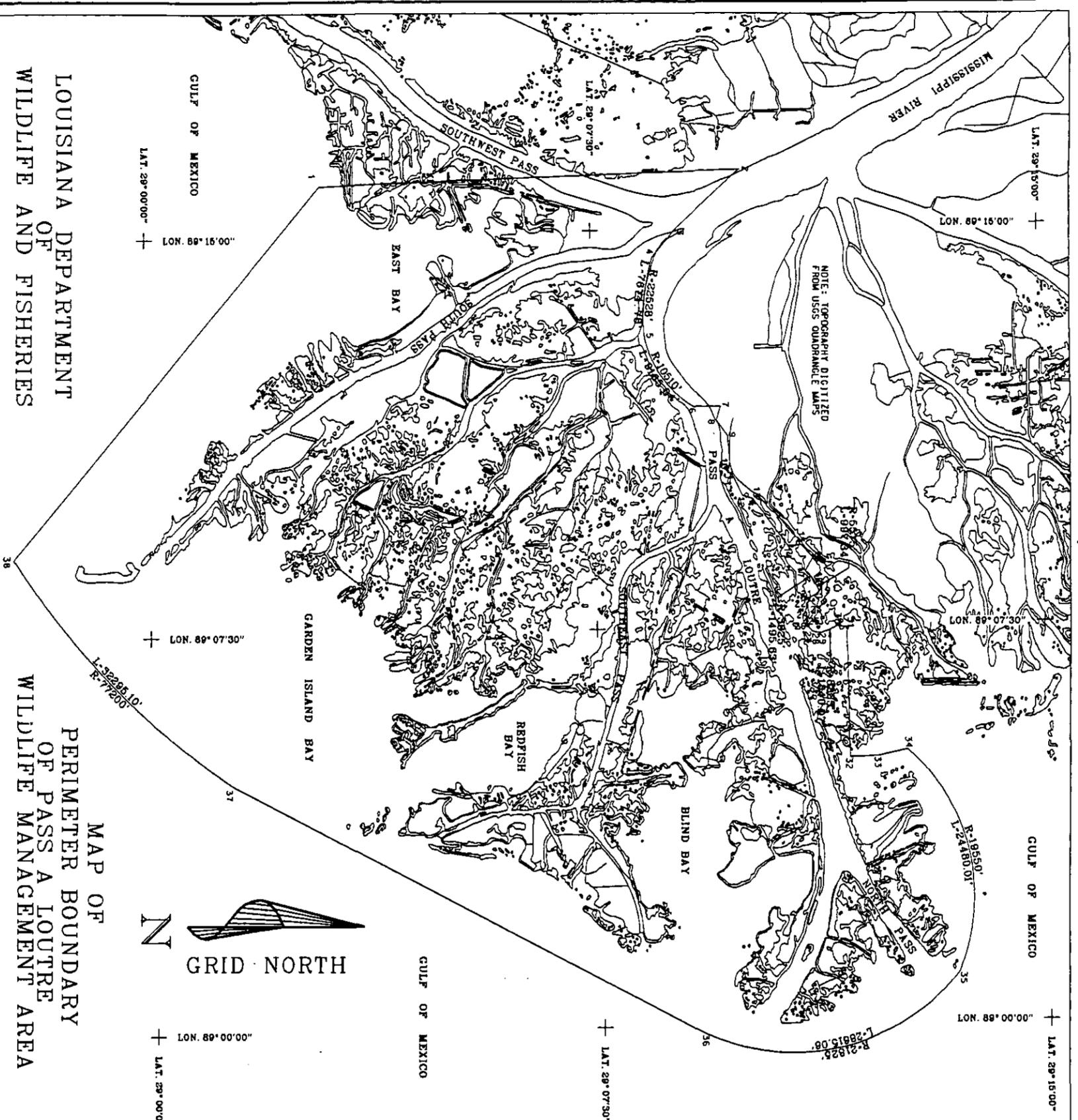
Beginning at the most southwesterly corner of the Pass A Loutre Wildlife Management Area at the coordinates in feet of X=3,941,542.98; Y=205,886.56 of the Louisiana State Plane Coordinate System, South Zone, 1983 North American Datum; thence North 2 degrees 13 minutes 24 seconds West a distance of 42,679.67 feet; thence South 42 degrees 19 minutes 09 seconds East a distance of 8,750.40 feet; thence South 50 degrees 49 minutes 11 seconds East a distance of 3,815.04 feet; thence along a curve to the left having a radius of 22,528.00 feet a distance of 7,674.78 feet; said curve is subtended by a chord bearing of South 83 degrees 47 minutes 24 seconds East; a distance of 7,637.72 feet; thence along a curve to the left having a radius of 10,510.00 feet a distance of 9,165.04 feet; said curve is subtended by a chord bearing North 55 degrees 48 minutes 16 seconds East; a distance of 8,877.40 feet; thence North 0 degrees 43 minutes 44 seconds West a distance of 2,836.56 feet; thence South 72 degrees 58 minutes 25 seconds East a distance of 1,497.62 feet; thence North 53 degrees 14 minutes 21 seconds East a distance of 1,936.29 feet; thence North 85 degrees 17 minutes 49 seconds East a distance of 2,739.80 feet; thence North 75 degrees 28 minutes 24 seconds East a distance of 1,301.52 feet; thence North 63 degrees 47 minutes 43 seconds East a distance of 2,149.32 feet; thence North 17 degrees 44 minutes 54 seconds East a distance of 1,133.27 feet; thence North 51 degrees 54 minutes 18 seconds East a distance of 6,013.98 feet; thence North 8 degrees 56 minutes 28 seconds West a distance of 1,219.79 feet; thence North 46 degrees 26 minutes 00 seconds East a distance of 1,803.56 feet; thence South 61 degrees 03 minutes 06 seconds East a distance of 1,517.80 feet; thence along a curve to the right having a radius of 3,825.00 feet a distance of 1,495.63 feet; said curve is subtended by a chord bearing North 51 degrees 17 minutes 15 seconds East; a distance of 1,486.12 feet; thence along a curve to the left having a radius of 5575.00 feet a distance of 997.34 feet; said curve is subtended by a chord bearing North 62 degrees 23 minutes 01 seconds East; a distance of 996.01 feet; thence South 48 degrees 11 minutes 50 seconds East a distance of 356.51 feet; thence South 27 degrees 56 minutes 20 seconds East a distance of 601.97 feet; thence South 57 degrees 53 minutes 10 seconds East a distance of 750.63 feet; thence North 85 degrees 08 minutes 59 seconds East a distance of 680.19 feet; thence North 78 degrees 06 minutes 10 seconds East a distance of 535.66 feet; thence South 65 degrees 51 minutes 42 seconds East a distance of 710.18 feet; thence South 89 degrees 35 minutes 54 seconds East a distance of 339.44 feet; thence North 47 degrees 33 minutes 37 seconds East a distance of 799.89 feet; thence North 18 degrees 04 minutes 18 seconds East a distance of 532.58 feet; thence North 6 degrees 29 minutes 58 seconds East a distance of 454.10 feet; thence along a curve to the left having a radius of 8,225.00 feet a distance of 1,840.07 feet; said curve is subtended by a chord bearing North 24 degrees 21 minutes 16 seconds West; a distance of 1,836.23 feet; thence North 12 degrees 06 minutes 24 seconds East a distance of 911.26 feet; thence North 88 degrees 44 minutes 12 seconds East a distance of 13,001.60 feet; thence North 2 degrees 28 minutes 21 seconds West a distance of 3,054.14 feet; thence North 12 degrees 41 minutes 25 seconds West a distance of 2,972.06 feet; thence along a curve to the right having a radius of 19,550.00 feet a distance of 24,480.01 feet; said curve is subtended by a chord bearing North 76 degrees 38 minutes 01 seconds East; a distance of 22,911.76 feet; thence along a curve to the right having a radius of 21,825.00 feet and a distance of 28,615.06 feet; said curve is subtended by a chord bearing South 13

degrees 41 minutes 40 seconds East; a distance of 26,609.07 feet; thence South 27 degrees 15 minutes 54 seconds West a distance of 54,011.78 feet; thence along a curve to the right having a radius of 77,200.00 feet and a distance of 32,295.10 feet; said curve is subtended by a chord bearing South 45 degrees 19 minutes 01 seconds West; a distance of 32,060.13 feet; thence North 50 degrees 10 minutes 22 seconds West a distance of 48,752.02 feet to the point of beginning.

LOUISIANA DEPARTMENT
OF
WILDLIFE AND FISHERIES

MAP OF
PERIMETER BOUNDARY
OF PASS A LOUÏRE
WILDLIFE MANAGEMENT AREA

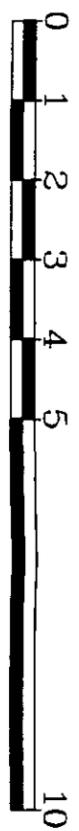
GRAPHIC SCALE IN MILES
SCALE 1:62500
February 20, 1998



NOTE: BEARINGS, DISTANCES AND COORDINATES REFER TO THE LOUISIANA STATE PLANS
COORDINATE SYSTEM, 1983 NORTH AMERICAN DATUM. COORDINATES AND
DISTANCES ARE IN FEET. DIVIDE BY 320003539 TO CONVERT TO METERS

PT. X-COORDINATE	Y-COORDINATE	BEARING	DISTANCE	LATITUDE	LONGITUDE
1 3941542.98	205886.56	N 2°13'24" W	42679.67	N29°02'59"	W89°15'56"
2 3839887.19	248334.10	S 42°19'09" E	8750.40	N29°10'01"	W89°16'06"
3 3945178.49	242064.01	S 50°49'11" E	3815.04	N29°08'56"	W89°15'01"
4 3948735.76	239653.81	S 63°47'24" E	7637.72	N29°08'32"	W89°14'28"
5 3956328.66	238827.63	N 55°48'16" E	8877.40	N29°08'22"	W89°13'03"
6 3863671.38	243816.88	N 0°43'44" W	2836.56	N29°09'10"	W89°11'39"
7 3953635.29	246553.21	S 72°58'25" E	1497.62	N29°09'39"	W89°11'39"
8 3865067.27	246214.69	N 53°14'21" E	1936.29	N29°09'45"	W89°11'05"
9 3966618.51	247373.51	N 85°17'49" E	2739.80	N29°09'45"	W89°11'05"
10 3863349.09	247398.15	N 15°28'24" E	1301.52	N29°09'47"	W89°10'34"
11 3970609.00	247924.61	N 63°47'43" E	2149.32	N29°09'50"	W89°10'20"
12 3972537.42	248813.71	N 17°44'54" E	1133.27	N29°09'59"	W89°09'58"
13 3972882.88	249953.04	N 51°54'18" E	6013.98	N29°10'09"	W89°09'54"
14 3871645.81	253663.47	N 8°56'28" W	1219.79	N29°10'45"	W89°08'60"
15 3977426.23	253663.47	N 46°28'00" E	1803.56	N29°10'09"	W89°09'54"
16 3878733.04	256111.45	S 61°03'06" E	1517.80	N29°11'09"	W89°08'46"
17 3980061.20	255376.80	N 51°11'15" E	1486.12	N29°11'02"	W89°08'32"
18 3881220.81	256306.24	N 62°23'01" E	996.01	N29°11'15"	W89°08'18"
19 3882103.35	256767.94	S 48°11'50" E	556.51	N29°11'15"	W89°08'08"
20 3882369.11	256530.30	S 27°58'20" E	601.97	N29°11'13"	W89°08'05"
21 3882651.15	255998.49	S 57°53'10" E	750.63	N29°11'07"	W89°08'02"
22 3883286.93	255599.45	N 85°08'59" E	680.19	N29°11'03"	W89°07'55"
23 3883964.68	255556.96	N 18°06'10" E	535.66	N29°11'04"	W89°07'47"
24 3884488.83	255767.39	S 65°51'42" E	710.18	N29°11'05"	W89°07'42"
25 3885136.91	255476.97	S 89°39'54" E	339.44	N29°11'02"	W89°07'34"
26 3885476.34	255474.59	N 47°33'37" E	799.89	N29°11'07"	W89°07'24"
27 3885866.65	256814.37	N 18°04'18" E	532.58	N29°11'12"	W89°07'22"
28 3886231.86	256520.68	N 6°29'58" E	454.10	N29°11'16"	W89°07'21"
29 3886283.26	256981.86	N 24°21'16" W	1836.23	N29°11'33"	W89°07'29"
30 3886526.03	258644.69	N 12°06'24" E	911.26	N29°11'42"	W89°07'27"
31 3885717.15	259355.68	N 88°44'12" E	13001.60	N29°11'42"	W89°07'00"
32 3898115.59	259822.35	N 2°28'21" W	3054.14	N29°12'12"	W89°06'01"
33 3898535.84	262813.65	N 12°41'25" W	2972.06	N29°12'41"	W89°05'08"
34 3891930.93	265773.11	N 16°38'01" E	22911.76	N29°13'29"	W89°00'55"
35 4020222.04	271069.84	S 13°41'40" E	26609.07	N29°09'12"	W88°59'50"
36 4026521.55	245211.20	S 27°15'54" W	54011.78	N29°01'22"	W89°04'40"
37 4001778.45	197206.25	S 45°19'01" W	32060.13	N28°57'43"	W89°09'01"
38 3978983.47	174662.06	N 50°10'22" W	48752.02	N29°02'59"	W89°15'56"
1 3941542.98	205886.56				

NOTE: THIS MAP DOES NOT ILLUSTRATE PRIVATELY OWNED TRACTS WITHIN THE PASS A LOUÏRE WILDLIFE MANAGEMENT AREA.



DRAFT
Not in Final Form

PROCLAMATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BY THE AUTHORITY VESTED IN the Wildlife and Fisheries Commission by law, the Commission does hereby issue this proclamation fixing by coordinates, memorializing, recognizing and delineating with specificity the historic perimeter boundary of Pass A Loutre Wildlife Management Area in the Parish of Plaquemines, State of Louisiana, set aside and created from public lands at the mouth of the Mississippi River by the Legislature in Act 52 of 1921. Said boundary description is contained in Exhibit A, and further illustrated on the Pass A Loutre Wildlife Management Area perimeter boundary map identified as Exhibit B, both of which are attached hereto and made a part hereof.

Said public lands, comprised of uplands, marshlands and water bottoms, have been, since the creation of Pass A Loutre Wildlife Management Area, and shall continue to be, owned and administered by the Department of Wildlife and Fisheries for the management of wildlife and fisheries resources under rules and regulations adopted by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission which provide for the conservation of wildlife and fisheries resources and their habitats. Said rules also provide for a full range of outdoor uses of these public lands within Pass A Loutre Wildlife Management Area, including but not limited to recreational hunting and fishing, commercial fishing and trapping, non consumptive outdoor uses, and reasonable mineral exploration and production activities compatible with maintaining Pass A Loutre Wildlife Management Area for its primary purpose, which is the management and protection of various fish and wildlife species and the habitats on which those species depend for survival. As public lands under the jurisdiction of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, all revenues derived therefrom from any source, including, without limitation, mineral revenues from existing leases and future leases, are and shall remain dedicated to the Louisiana Wildlife and Fisheries' Conservation Fund in accordance with La. Const. art. VII, Sec. 10-A and La. R.S. 56:631 to be used by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission in fulfilling their constitutional and statutory mandates.

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WITNESSETH

WHEREAS, Pass A Loutre Wildlife Management Area was created by Act 52 of 1921 by the Louisiana Legislature as the first wildlife management area in the State;

WHEREAS, by Act 52 of 1921, the Legislature dedicated all of the vacant and unappropriated public lands belonging to the State on December 9, 1921, within specified townships and ranges as a perpetual game and fish preserve and public hunting ground for the protection of fur bearing animals, game, and fish thereon;

WHEREAS, the Legislature further declared that the Department of Conservation (predecessor in title and function to the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission) shall have absolute and complete control and full authority concerning the jurisdiction over and use of said lands and shall adopt rules and regulations controlling said area;

WHEREAS, since 1921 the Louisiana Department of Wildlife and Fisheries and its predecessor agencies have administered the public lands at the mouth of the Mississippi River comprised of uplands, marshlands and water bottoms, including within said public lands all or parts of East Bay, Garden Island Bay, Redfish Bay, North Shore Bay and Blind Bay, as Pass A Loutre Wildlife Management Area;

WHEREAS, numerous maps exist from a variety of both state and federal sources which illustrate that the above mentioned bays are, and have always been, within the boundary of Pass A Loutre Wildlife Management Area, including one such map which was researched and drawn by the State Land Office in 1972 on a 1958 U.S. Geological Survey East Delta, Louisiana quadrangle map, and another map in the form of a survey of specific inholdings of privately owned tracts within Pass A Loutre Wildlife Management Area which was created by the Department of Public Works in 1968;

WHEREAS, over the years both acquisitions by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission and natural accretion have increased the surface area of the land portion of Pass A Loutre Wildlife Management Area;

WHEREAS, due to increased competing uses of Pass A Loutre Wildlife Management Area, including public use by both recreational and commercial users and the resurgence of mineral exploration and seismic activity, it has become necessary to more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area

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and thus the jurisdiction of the Department of Wildlife and Fisheries.

WHEREAS, until recently, the technology did not exist to identify with specificity the perimeter boundary of Pass A Loutre Wildlife Management Area, particularly where it interfaces with the Gulf of Mexico, but with the advent of Global Positioning Satellites and computer topography this can now be done with considerable accuracy;

WE THE UNDERSIGNED, DO HEREBY PROCLAIM THIS ORDER
SPECIFYING AND MEMORIALIZING THE HISTORIC PERIMETER
BOUNDARY OF PASS A LOUTRE WILDLIFE MANAGEMENT AREA
IN THE PARISH OF PLAQUEMINES, STATE OF LOUISIANA

BY THE AUTHORITY VESTED IN THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES COMMISSION by law, and particularly by Title 56, Sections 751 and 781 of the Louisiana Revised Statutes, and in order to confirm, fix and more specifically delineate the perimeter boundary of Pass A Loutre Wildlife Management Area as it has been recognized by the State and the public since the creation of the wildlife management area in 1921, we do with the approval of the Governor of the State of Louisiana, hereby declare the legal description contained in Exhibit A to be the perimeter boundary of Pass A Loutre Wildlife Management Area, located in the Parish of Plaquemines, State of Louisiana, and the map attached as Exhibit B to illustrate and delineate the perimeter boundary of Pass A Loutre Wildlife Management Area, said wildlife management area being comprised of all uplands, marshlands and water bottoms within, less and except certain privately owned parcels alienated by the State prior to the passage of Act 52 of 1921, as determined by research from the State Land Office, the Office of the Governor and the Department of Wildlife and Fisheries.

THUS DONE AND ORDERED BY THE SECRETARY OF THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES AND THE WILDLIFE AND FISHERIES

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COMMISSION ON THIS THE _____ DAY OF _____, 1998.

JAMES H. JENKINS, JR., SECRETARY
LOUISIANA DEPARTMENT OF WILDLIFE
AND FISHERIES

THOMAS M. GATTLE, JR., CHAIRMAN
LOUISIANA WILDLIFE AND FISHERIES
COMMISSION

ENFORCEMENT CASE REPORT

AUGUST 1998

REGION 1-MINDEN

PARISHES: WEBSTER, CLAIBORNE,
BOSSIER, CADDO, DESOTO,
RED RIVER, BIENVILLE

TOTAL CASES	107	WILDLIFE MANAGEMENT AREA (WMA)& REFUGES	1
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TOTAL	DESCRIPTION OF CITATION
33	Boating
23	Angling W/O A License
3	Angling W/O License (Non-Resident)
40	Fishing W/O Resident Cane Pole License
1	Take Undersize Black Bass
1	Sell Commercial Fish W/O Commercial License
1	Take Commercial Fish W/O Commercial Gear License
1	Possession Wild Quadrupeds W/O License
1	Possession Wild Quadrupeds W/O Permit
1	DWI
1	Littering
1	Reckless Operation Of A Vehicle

CONFISCATIONS:

CONFISCATION DESCRIPTION
2 Undersize black bass-returned to water.

TOTAL OF EACH CATEGORY FOR REGION #

TOTAL	DESCRIPTION
33	Boating
2	Commercial Fishing
0	Federal Migratory
0	Littering
5	Miscellaneous
67	Recreational Fishing
0	State Hunting/Trapping
0	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
1	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
1	Bodcau

REGION 2 - MONROE

PARISHES: E.&W. CARROLL, JACKSON,
LINCOLN, MOREHOUSE, OUACHITA,
RICHLAND & UNION

TOTAL CASES	74	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	-0-
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TOTAL	DESCRIPTION OF CITATION
2	No Observer In Water Craft While Skiing
3	No Boat Numbers
5	No Boat Registration Certificate In Possession
1	Operate Unregistered Motor Boat
7	Failure To Comply With PFD Requirements
2	Failure To Have PFD On Person Under 13 While Underway
6	Careless Operation Of Water Craft
1	Allow Person Under 13 To Operate Personal Water Craft (PFC)
1	Sell Fish Without Wholesale/Retail Dealer's License
20	Angle Without A License
1	Angle Without A Non-Resident License
1	Fish Without A Resident Pole License
1	Take Illegal Size Black Bass
1	Take Alligator In Closed Season
4	Buy/Sell Deer Meat
9	Littering
4	Careless Operation
1	Driving Under Suspension
1	No Operator's License
3	Illegal Possession of Marijuana

CONFISCATIONS:

CONFISCATION DESCRIPTION
1 – black bass, 1 - alligator 9'9", 1 – Rem. .22 caliber rifle.

TOTAL OF EACH CATEGORY FOR REGION 2 –(Monroe)

TOTAL	DESCRIPTION
27	Boating
1	Commercial Fishing
-0-	Federal Migratory
9	Littering
9	Miscellaneous
23	Recreational Fishing
5	State Hunting/Trapping
-0-	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
12	Public Assistance (Assisting Boaters and Motorists)

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
-0-	

REGION 3 – PINEVILLE

**PARISHES: RAPIDES, WINN,
NATCHITOCHE
VERNON, GRANT
AVOUELLES
SABINE**

TOTAL CASES	94	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	10
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TOTAL	DESCRIPTION OF CITATION
29	Boating
4	Angling W/O A Non-Resident License
31	Angling W/O A License In Possession
2	Take Illegal Black Bass (Size)
11	Littering
3	Take Overlimit Of Freshwater Gamefish
8	Criminal Trespass On State Property
1	Not Abiding By R/R on WMA
1	Take Turkey Closed Season
1	Simple Possession Of Marijuana
2	Possess Drug Paraphernalia
1	Contribute To Delinquency Of Juvenile

CONFISCATIONS:

CONFISCATION DESCRIPTION
Small Bag Of Marijuana, 2 – Pipes, 52 – Black Bass.

TOTAL OF EACH CATEGORY FOR REGION 3

TOTAL	DESCRIPTION
29	Boating
0	Commercial Fishing
0	Federal Migratory
11	Littering
12	Miscellaneous
40	Recreational Fishing
1	State Hunting/Trapping
1	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
0	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
9	Alexandria State Forest
1	Camp Beauregard WMA

REGION 4- FERRIDAY

**PARISHES: CALDWELL,
CATAHOULA, CONCORDIA, FRANKLIN
LASALLE, MADISON, & TENSAS**

TOTAL CASES	87	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	10
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TOTAL	DESCRIPTION OF CITATION
32	Boating
37	Angling W/O A License
8	Fishing W/O Pole License
1	Take or Possess Game Fish Illegally
1	Failure to Have Commercial License in Possession
1	Sell and/or Purchase Gamefish
1	Use Illegal Length/Mesh nets—Freshwater (Gill Net)
2	Possess Live Wild Quadrupeds W/O Permit (Coons)
1	Sell Reptile or Amphibians without Collectors License
1	Fail to Maintain Records Reptiles/Amphibians
1	Not Abiding by Rules & Regulations on WMA (alcohol)
1	Driving Under Suspension

CONFISCATIONS:

CONFISCATION DESCRIPTION
160 yards of 2 inch gill net, 10 crappie, 1 bass, 3 coons, 229 cans of beer.

TOTAL OF EACH CATEGORY FOR REGION 4

TOTAL	DESCRIPTION
32	Boating
4	Commercial Fishing
0	Federal Migratory
0	Littering
5	Miscellaneous
45	Recreational Fishing
0	State Hunting/Trapping
1	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
5	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
1	Big Lake Wildlife Management Area
3	Boeuf Wildlife Management Area
5	Dewey Wills Wildlife Management Area
1	Red River Wildlife Management Area

REGION 5 -LAKE CHARLES

**PARISHES:
ACADIA, ALLEN, BEAUREGARD
CALCASIEU, CAMERON, EVANGELINE,
JEFF-DAVIS, VERMILION**

TOTAL CASES	194	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	59
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TOTAL	DESCRIPTION OF CITATION
76	Boating
8	Angling W/O A License
1	Allow Another To use Recreational License
9	Angling W/O A Non-Resident License
3	Use Gear W/O Recreational Gear License
8	Angling W/O Saltwater License
5	Failure To Have Intact Saltwater Finfish
1	Take Or Possess Undersize Red Drum "Rec"
1	Take Or Possess Undersize Black Drum "Black"
15	Not Abiding By Commission Rules "Rec" Finfish
2	Use Crab Trap W/O Required Markings
3	Set Crab Traps In Navigable Channels
2	Violate Crab Trap Escape Ring Requirements
3	Tending Crab Trap Illegal Hours
1	Butterflying In Closed Season
1	Failure To Mark Oyster Lease While Harvesting
1	Possess Squirrel Closed Season
38	Not Abiding By Rules And Regulations On WMA'S
6	Littering
4	Other Than Wildlife Violation
1	Operate ATV Vehicle On Public Road

TOTAL	DESCRIPTION OF CITATION
1	Obtain License By Fraud
1	Discharge Firearm From Public Road
1	Possessing Alligator Closed Season
1	Possess Over 20% Undersize Crabs
1	Possess Overlimit Of Black Bass

CONFISCATIONS:

CONFISCATION DESCRIPTION
1,266 lbs of shrimp, 200 lbs of crabs, 30 sacks of oysters, 2 red drum, 4 flounder, 1 speckled trout, 2 cobia, 1 blackdrum, 73 red snapper, 54 crab pots, 8 spanish mackeral, 1 gray squirrel, 2 filets of amber jack, 1 bee liner (snapper), 4 king mackeral, 11 black bass, 2 boats, 2 butterfly nets, 2 outboard motors.

TOTAL OF EACH CATEGORY FOR REGION 5

TOTAL	DESCRIPTION
76	Boating
14	Commercial Fishing
0	Federal Migratory
6	Littering
7	Miscellaneous
52	Recreational Fishing
1	State Hunting/Trapping
38	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
6	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
50	Rockefeller Refuge
1	Marsh Island
4	West Bay
2	State Wildlife Refuge
2	Sabine Island

REGION 6- OPELOUSAS

**PARISHES: ST.LANDRY, LAFAYETTE,
 POINTE COUPEE, WEST BATON ROUGE,
 IBERVILLE,, ST. MARTIN, IBERIA**

TOTAL CASES	216	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	13
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TOTAL	DESCRIPTION OF CITATION
80	Boating
38	Angling W/O A License
16	Fish Without Resident Pole License
17	Take Illegal Size Black Bass
2	Use Gear Without Recreational Gear License
3	Angling Without A Non-Resident License
2	Angling Without A Saltwater License
2	Take Commercial Fish Without Comm. Gear License
2	Taking Fish Illegally
2	Use Crab Traps Without Required Markings
1	Failure To Mark/Tag Nets
2	Take Commercial Fish Without Vessel License
1	Violate Crab Trap Escape Rings Requirement
1	Destroy Legal Crab Traps
1	Set Crab Traps In Navigatable Channel
1	Take Commercial Fish Without Comm. License
1	Allow Unlicensed Fisherman To Use Gear License
1	Allow Another To Use Commercial License
1	Allow Unlicensed Fisherman To Use Vessel License
3	Fail To Have Commercial License In Possession
11	Trawling Closed Season – Inside Water
9	Trawling Inside Waters With Oversize Double Rigs

TOTAL	DESCRIPTION OF CITATION
1	Use 4 Trawls In 2 Trawl Area
3	Take Shrimp At Night
1	Buy/Sell Fish Without Retail Seafood Dealer's License
2	Resisting An Officer
9	Not Abiding By Rules and Regulations On WMA
2	Littering
1	Illegal Possession Of Marijuana

CONFISCATIONS:

CONFISCATION DESCRIPTION
1 boat, 1 motor, 1 outboard motor, 1 shocking device, 23 Black bass, 50 lbs. Catfish, 1 plastic bag containing marijuana, 25 trawls, 8,226 lbs. Shrimp, checks totaling \$9,338.55, 1 champagne basket, 2 skimmer nets

TOTAL OF EACH CATEGORY FOR REGION 6

TOTAL	DESCRIPTION
80	Boating
44	Commercial Fishing
0	Federal Migratory
2	Littering
3	Miscellaneous
78	Recreational Fishing
0	State Hunting/Trapping
9	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
2	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
13	Sherburne Wildlife Management Area

REGION 7 – BATON ROUGE

PARISHES: E.&W.FELICIANA, E.B.R.
ASCENSION, ST.HELENA,
WASHINGTON, ST.TAMMANY
TANGIPHOA, LIVINGSTON

TOTAL CASES	184	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	1
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TOTAL	DESCRIPTION OF CITATION
70	Boating
41	Angling W/O A License
27	Angling W/O Non-Resident License
6	Angling W/O A Cane Pole License
4	Sell Shrimp W/O Wholesale/Retail License
2	Fail To Maintain Records
2	Fail To Report Commercial Fish Data
3	Take Gamefish Illegally
2	Trawl In Closed Season
4	Sell Undersize Crabs
4	Possess Over 20% Undersize Crabs
1	Use WMA W/O Wild Stamp
3	Violation Of Sanitary Code-Refrigeration
1	Flight From An Officer
3	Littering
1	DWI
1	Reckless Operation Of A Vehicle
1	Transport W/O A License
1	Operate Within 100 Feet Of Scenic River
1	Improper Lane Usage
1	Resisting Arrest
1	Public Intimidation

TOTAL	DESCRIPTION OF CITATION
2	Illegal Possession Of Marijuana
1	Possess Illegal Taken Deer Closed Season
1	Taking Alligators Closed Season

CONFISCATIONS:

CONFISCATION DESCRIPTION
1 deer, 1 boxes of crabs, 679 sacks of oysters.

TOTAL OF EACH CATEGORY FOR REGION 7

TOTAL	DESCRIPTION
70	Boating
25	Commercial Fishing
0	Federal Migratory
4	Littering
8	Miscellaneous
74	Recreational Fishing
2	State Hunting/Trapping
1	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
1	Pearl River

REGION 8-NEW ORLEANS

PARISHES: ORLEANS, JEFFERSON
ST.CHARLES, PLAQ.
ST.BERNARD

TOTAL CASES	201	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	18
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TOTAL	DESCRIPTION OF CITATION
36	Boating
53	Angling W/O A License
6	Angling W/O A Non-Resident License
2	Use Gear W/O Recreational Gear License
5	Angling W/O A Saltwater License
1	Angling W/O A Non-Resident Saltwater License
1	Take/Possess Over The Limit Of Freshwater Gamefish
7	Take/Possess Over the Limit Of Red Drum
5	Take/Possess Undersize Red Drum
8	Take/Possess Undersize Spotted Sea Trout
2	Take/Possess Undersize Black Drum
3	Take/Possess Undersize Black Drum
1	Take Commercial Fish W/O Commercial Gear License
4	Take Or Possess Commercial Fish W/O A Vessel License
2	Sell Or Buy Fish W/O A Retail Seafood Dealer's License
1	Fail To Maintain Records
1	Transport W/O Required License
1	Take/Possess Undersize Commercial Finfish (eelcat)
1	Allow Another To Use Commercial License
2	Allow Unlicensed Fisherman To Use Commercial Vessel License
2	Allow Unlicensed Fisherman to Use Commercial Gear License
1	Fail To Mark Soft-Shell Crab Container
1	Take/Possess Oysters W/O Oyster Harvester's License

TOTAL	DESCRIPTION OF CITATION
6	Trawling In Inside Waters In Closed Season
1	Butterflying In Closed Season
17	Violation Of Mullet Regulations
8	Failure To Have Written Permission
3	Unlawfully Take Oysters From State Water Bottoms
5	Take Oysters From Unapproved Area (polluted)
1	Harvest Oysters W/O Oyster Harvester's License
2	Violation of Sanitary Code-Chapter 9 (fail to refrigerate properly)
1	Operate Vehicle While Intoxicated
4	Littering
1	Obtain License By Fraud
1	Driving W/O Operator's License
1	Possession Of Non-Game Migratory Birds
1	Switched Licensed Plate
1	Butterflying In Restricted Area
2	Fail To Comply With No Wake Zone

CONFISCATIONS:

CONFISCATION DESCRIPTION
<p>4-trawls, 4 butterfly nets, 1 commercial vessel, 1 commercial fisherman's license, 1 Louisiana vehicle license plate, 2 oyster dredges. Seafood sold at bid: 641 lbs. of shrimp \$1,409.45, 96 lbs. of catsfish, 59 red drum, 107 spotted sea trout, 45 white trout, 3 black drum. Seafood and Game Released: 48 buster crabs, 37 sacks of oysters, 1 painted bunting. 2 spotted sea trout Seafood destroyed.</p>

TOTAL OF EACH CATEGORY FOR REGION 8

TOTAL	DESCRIPTION
36	Boating
62	Commercial Fishing
1	Federal Migratory
4	Littering
7	Miscellaneous
91	Recreational Fishing
	State Hunting/Trapping
	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
8	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
1	Pas a Loutre
17	Biloxi

SHRIMP ACTIVITY REPORT
REGION 8 ENFORCEMENT
MONTH OF AUGUST 1998

COMPLAINTS

- 1. Low activity due to closed season until opening on August 17. Violations were minimal – we did not catch anyone the evening before the season opened. There are not many shrimp in the area at present – a few shrimpers are doing O.K., but overall populations seem low.**

PATROLS

- 1. Directed shrimp patrols were scheduled to address complaints and agents observations. Regular saltwater patrols by boat have been continued. The plane was used to make many patrols. Compliance with net size and mesh restrictions, particularly in the commercial sector with double rig vessels, has been high.**

INQUIRIES

- 1. We received numerous inquiries for TED and BRD information, which were referred to the LSU Cooperative Extension Service Fisheries Agent Gerald Horst.**
- 2. We received quite a few calls regarding Breton and Chandeleur Sounds and the new law regarding trawl size in outside waters, and mesh size for inside waters. Numerous inquiries about mesh size regulations. Numerous inquiries about opening date for fall inshore season.**

MEETING

Met with Harbor Police Chief Hecker and representatives of the Port of New Orleans regarding their lack of enforcement of the Industrial Canal closure. They agree that it is their job, but claim lack of equipment and manpower. They will attempt to address the problem through deterrent patrols. They express little interest in actually catching people violating the closure or working to increase the penalties.

I also sent a letter to the Municipal Court judges regarding the Industrial Canal problem. Prosecution for recent cases has been very good since this letter.

SEIZURES: 8 NETS SEIZED/ 641# SHRIMP SEIZED/ \$\$1,409.45/ 2 LICENSES

SUBMITTED TO DEPUTY SECRETARY CLYDE KIMBAL BY CAPTAIN SANDY DARES

REGION 9 -THIBODAUX

PARISHES:ST. MARY, ST.JOHN
 ST. JAMES,
 LAFOURCHE
 TERREBONNE
 GRAND ISLE
 LOWER ST. MARTIN

TOTAL CASES	285	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	28
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TOTAL	DESCRIPTION OF CITATION
97	Boating
43	Angling W/O A License
5	Angling W/O A License Non-Resident
2	Fish W/O Resident Pole License
20	Angling W/O Saltwater License
2	Taking Over Limit Freshwater Gamefish (Catfish)
3	Take O/L Of Red Drum (On Water)
1	Fail To Have Saltwater Fish In Tact
2	Take Illegal Size Black Bass
4	Take Undersized Red Drum
5	Take Undersized Spotted Sea Trout (Rec)
10	Take Undersized Black Drum (Rec)
1	Not Abiding By Commission Rules & Regulations (O/L Red Snapper)
1	Take Commercial Fish W/O Commercial License
1	Take Commercial Fish W/O Commercial Gear License (Oyster)
2	Take Commercial Fish W/O Commercial Gear License (Skimmer Nets)
1	Take Commercial Fish W/O Vessel License
1	Theft Of Crab Trap
1	Possess Over 20% Undersize Crabs
1	Trawling In Closed Season (Inside Waters)
5	Use Skimmers In Closed Season

TOTAL	DESCRIPTION OF CITATION
2	Use Oversize Skimmers
2	Failure To Have Written Permission
2	Unlawfully Take Oysters From State Water Bottoms
6	Unlawfully Take Oysters Off A Private Lease
12	Fail to Mark Oyster Lease While Harvesting
4	Not Abiding By Rules & Regs On WMA (After Hours)
9	Not Abiding By Rules & Regs On WMA By Skimming
5	Operating Vehicle While Intoxicated
1	Littering
6	Violation of Sanitary Code-Chapter 9
1	Fail To Tag Oysters
2	Butterflying In Closed Season
2	Use Gear W/O Recreational Gear Lic.
4	Angling W/O Saltwater License Non-Resident License
3	Poss. O/L Red Drum In Excess Of 27" Recreational
1	Fail To Have Commercial License In Possession
1	Take Commercial Fish W/O Commercial Gear License (Trawl)
3	Use Crab Traps W/O Required Markings
1	Violate Crab Trap Escape Ring Requirements
1	Use Trawl Exceeding Size Requirements (Offshore La Waters)
1	Use Illegal Mesh Trawl
2	Resisting An Officer
4	Battery On An Officer
2	Possession Of Alcohol By Person Under 21

CONFISCATIONS:

CONFISCATION DESCRIPTION
35 Red Drum, 22 Seatrout, 170 Sacks Oysters, 5 Lb Filet Fish, 14,891Lbs Shrimp Sold \$25,633.70, 25 Black Drum, 4 Red Snapper, 100 Lbs Crabs, 133 Catfish, 30 Lbs Shrimp, 11 Crab Traps, 12 Skimmer Nets, 5 Oyster Dredges, 2 Champagne Containers, 2 Butterfly Nets, 2 Shrimp Trawl Tails, 8 Shrimp Trawls, 1 Boat (Paper Seizure), 4 Black Bass, 2 Beer Cans

TOTAL OF EACH CATEGORY FOR REGION 9

TOTAL	DESCRIPTION
97	Boating
48	Commercial Fishing
0	Federal Migratory
1	Littering
20	Miscellaneous
106	Recreational Fishing
	State Hunting/Trapping
13	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
1	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
17	Point Aux Chene
11	Atchafalaya Delta
	Time Spent On Management Areas:
	100 Hrs Point Aux Chene
	33 Hrs Atchafalaya Delta

OYSTER STRIKE FORCE**PARISHES: STATEWIDE**

TOTAL CASES	34	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	
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TOTAL	DESCRIPTION OF CITATION
1	Boating
2	Angling W/O A License
3	Failure To Properly Refrigerate Oysters
5	Failure To Have Written Perm. To Take Oysters From A Private Lease
10	Failure To Mark Lease Prior To Taking Oysters
3	Failure To Cover Oysters With Tarp
1	Take Oysters W/O Gear License
1	Take Oysters W/O Commercial Fisherman's License
1	Take Oysters W/O Non-Resident Harvester's License
3	Failure To Complete Vessel/Harvester Log Book
1	Allow Unlicensed Fisherman To Use Vessel License
1	Allow Another To Use Commercial Fisherman License
1	Allow Unlicensed Fisherman to Use Gear License
1	Take Oysters From Unleased State Water Bottoms

CONFISCATIONS:

CONFISCATION DESCRIPTION
870 sacks of oysters, 2 oyster dredges, 1 commercial license, 1 gear license, 1 vessel license.

TOTAL OF EACH CATEGORY FOR OYSTER STRIKE FORCE

TOTAL	DESCRIPTION
1	Boating
31	Commercial Fishing
0	Federal Migratory
0	Littering
0	Miscellaneous
2	Recreational Fishing
0	State Hunting/Trapping
0	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA

REGION -SEAFOOD INVESTIGATIVE UNIT

PARISHES: STATEWIDE

TOTAL CASES	54	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	0
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TOTAL	DESCRIPTION OF CITATION
10	Fail to Maintain Records
3	Transport W/O Required License
7	Fail To Have Commercial Fish Intact
4	Fail To Comply W/Quota Closure (Spotted Sea Trout)
1	Take Spotted Sea Trout W/O Permit
1	Littering
3	Possess Over 50 Spotted Sea Trout
3	Sell And/Or Buy Fish W/O Wholesale/Retail Dealers License
3	Fail To Maintain Records
3	Possession Of Red Drum And Spotted Sea Trout
5	Sell And/Or Buy Fish W/O A Retail Seafood Dealers License
2	Possess/Sell Undersize Crabs
6	Sell Reptiles Or Amphibians W/O Collectors License
2	Use Trawls Exceeding Size Requirements
1	Violation Of Sanitation Code

CONFISCATIONS:

CONFISCATION DESCRIPTION
5 lbs. of amberjack, 250 lbs. of spotted sea trout filets, 5,000 lbs. of shrimp value at \$34,000.00, 237 sacks of oysters and returned to water.

TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT

TOTAL	DESCRIPTION
0	Boating
50	Commercial Fishing
0	Federal Migratory
1	Littering
0	Miscellaneous
3	Recreational Fishing
0	State Hunting/Trapping
0	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA

STATEWIDE STRIKE FORCE

PARISHES: STATEWIDE

TOTAL CASES	70	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	2
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TOTAL	DESCRIPTION OF CITATION
15	Boating
15	Angling W/O A License
12	Angling W/O A License
2	Fish W/O Resident Pole License
1	Use Gear W/O Recreational Gear License
10	Angle W/O Saltwater License
1	Take Or Possess Undersize Red Drum
1	Take Or Possess Undersize Black Drum
2	Fail To Comply With Charter Boat Regs.
3	Take Or Possess Spotted Sea Trout
1	Fail To Have Commercial License In Possession
1	Take Commercial Fish W/O Commercial Gear License
2	Use Crab Traps W/O Required Markings
1	Butterflying In Closed Season
2	Not Abiding By Rules And Regs. On WMA
1	Violation Of Sanitary Code-Chapter 9

CONFISCATIONS:

CONFISCATION DESCRIPTION
1 crab trap, 11 sacks of oysters, 14 spotted sea trout, 2 red fish, 3 black drum, 11 sacks of oysters, 14 spotted sea trout, 2 red fish, 3 black drum.

TOTAL OF EACH CATEGORY FOR STATEWIDE STRIKE FORCE

TOTAL	DESCRIPTION
15	Boating
9	Commercial Fishing
0	Federal Migratory
0	Littering
0	Miscellaneous
44	Recreational Fishing
0	State Hunting/Trapping
2	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA
2	Rockefeller

S.W.E.P. -COASTAL

PARISHES: STATEWIDE

TOTAL CASES	17	WILDLIFE MANAGEMENT AREA (WMA) & REFUGES	
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TOTAL	DESCRIPTION OF CITATION
3	Angling W/O A License
4	Trawling Closed Season
1	No Gear License
2	Use Illegal Mesh Size 1/8 inch skimmers
3	Use Oversize Trawls In State Waters Over 130 feet
1	Violation Of Sanitary Code-Chapter 9 Refrigeration
3	Take Or Possess Undersize Black Drum

CONFISCATIONS:

CONFISCATION DESCRIPTION
5,000 lbs. of shrimp value of \$31,237.00, 237 sacks of oysters, 9 black drum, 21 trawls.

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

TOTAL	DESCRIPTION
0	Boating
14	Commercial Fishing
0	Federal Migratory
0	Littering
0	Miscellaneous
3	Recreational Fishing
0	State Hunting/Trapping
0	WMA Rules and Regulations

TOTAL NUMBER FOR PUBLIC ASSISTANCE

TOTAL	DESCRIPTION
	Public Assistance

TOTAL NUMBER OF CASES MADE ON WMAs AND REFUGES

TOTAL	NAME OF MANAGEMENT AREA

TOTAL CASES WMA AND REFUGES-140

TOTAL CASES **-1442**

ENFORCEMENT AVIATION REPORT
AUGUST, 1998

185-Amph. - 61092
Hrs. - 48.4

185-Float - 70365
Hrs. -

210 - 9467Y
Hrs. - 48.8

Enforcement Hours - 75.7

Other Divisions - 21.5

Total Plane Use - 97.2

1999		January				1999	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
					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

- SEPT-98** **RULE - Commercial Fisherman's Assistance Program**
- OCT-98** **RULE - Hunting of Farm Raised White-Tailed Deer & Exotics**
- RULE - Reef Fish-Daily Take, Possession & Size Limits Set by Commission**
- NOV-98** **RULE - Non-Resident Charter Trip Fishing License**
- RULE - Goose Creeping**
- DEC-98** **RULE - Harvest Regulations - Billfishes**
- RULE - 1999 Turkey Season**

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT

CURRENT MONTH 08/01/1998 TO 08/31/1998 FISCAL YEAR TO DATE 07/01/1998 TO 08/31/1998 INCEPTION TO DATE 08/31/1998

	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	10	\$2,240.70	19	\$3,456.13	3,612	\$2,473,113.62
HEARING COSTS ASSESSED	0	\$0.00	7	\$175.00	157	\$3,925.00
SALE OF CONFISCATED COMMODS	0	\$0.00	0	\$0.00	331	\$269,865.45-
SALES EXCEEDING RESTITUTION	0	\$0.00	0	\$0.00	148	\$71,951.21

	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
RESTITUTION ASSESSED	10	\$2,240.70	19	\$3,631.13	3,612	\$2,279,124.38
PAYMENTS	10	\$1,048.28-	18	\$3,012.48-	2,372	\$400,922.21-
DISCOUNTS FOR TIMELY PAYMENTS	7	\$372.47-	11	\$1,089.22-	1,629	\$195,623.44-
OVERPAYMENTS	1	\$204.74	1	\$204.74	100	\$2,032.14
REFUND OF OVERPAYMENT	1	\$204.74	1	\$204.74	39	\$7,565.07
APPLIED EXCEEDING BALANCE DUE	0	\$0.00	0	\$0.00	4	\$18,449.45-
APPLIED EXCEEDING BALANCE DUE	0	\$0.00	0	\$0.00	4	\$10,601.49
REFUND OF CONFISCATED COMMOD.	0	\$0.00	0	\$0.00	18	\$78,254.09
RETURNED CHECKS	0	\$0.00	0	\$0.00	1	\$36.75
MISC. ADJUSTMENTS	0	\$0.00	0	\$0.00	2	\$35.00
DEBITS	0	\$0.00	0	\$0.00	13	\$10.22-
REASSESSMENTS	0	\$0.00	0	\$0.00	19	\$6,567.67
DEBITS	0	\$0.00	0	\$0.00	54	\$34,095.46-
CREDITS	0	\$0.00	0	\$0.00	207	\$138,113.64-
WRITE-OFFS	0	\$0.00	0	\$0.00	6	\$1,399.24-
ASSESSMENTS WITHDRAWN	0	\$0.00	0	\$0.00	0	\$4,297.59-
ADJUDICATION ADJUSTMENTS	0	\$0.00	0	\$2.00-	0	\$0.00
FOUND NOT RESPONSIBLE	0	\$0.00	0	\$0.00	29	\$27,932.90-
CASES VOIDED BY ENFORCEMENT	0	\$0.00	0	\$0.00	0	\$0.00
** TOTAL OUTSTANDING			1,013	\$1,563,372.44		

FOOTNOTE:
 PAYMENTS FROM COLLECTION EFFORT 1 1 \$25.00 \$25.00 \$11,119.67
 AMOUNT PAID TO COLLECTOR 0 1 \$6.25 \$6.25 \$2,779.91
 FORFEIT OF CONFISCATED COMMODS 0 1 \$0.00 \$0.00 \$3,202.60 *

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT

AGING OF SALE OF CONFISCATED COMMODITIES

AGING OF OUTSTANDING CASES

VIOLATION DATE	UNKNOWN	0	\$0.00	CAN NOT BE INVOICED			
1 - 30 DAYS		15	\$9,730.87	CURRENT		3	\$125.52
31 - 60 DAYS		14	\$4,056.05	1 - 30 DAYS		10	\$2,334.46
61 - 90 DAYS		28	\$37,455.65			2	\$257.98
91 - 120 DAYS		17	\$18,438.15	31 - 90 DAYS		3	\$1,802.50
121 - 150 DAYS		5	\$1,930.60				
151 - 180 DAYS		13	\$2,588.80	91 - 180 DAYS		14	\$60,664.01
181 - 365 DAYS		56	\$53,909.73	181 - 365 DAYS		39	\$31,971.13
OVER ONE YEAR		113	\$56,817.80	CASES SENT FOR COLLECTION		109	\$506,648.59
OVER TWO YEARS		179	\$165,097.62	OVER 1 YEAR PENDING		0	\$0.00
OVER THREE YEARS		219	\$168,747.43	OVER 1 YEAR (OTHER)		833	\$959,570.25
=====							
** TOTAL AGING		659	\$518,772.70	** TOTAL AGING		1,013	\$1,563,374.44

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
FISCAL YEAR 1993-94								
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%
FISCAL YEAR 1994-95								
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%
FICAL YEAR 1995-96								
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	30	11,007		36	7,173	2,712		
May., 1996	23	7,989		24	3,942	2,020		
June 1996	50	22,151		16	2,790	1,182		
Total FY 1996	509	360,141	(15,296)	357	60,787	30,350	25.3%	70.1%
FICAL YEAR 1995-96								
July, 1996	40	71,894		32	5,250	2,948		
Aug., 1996	32	5,363		32	6,255	3,784		
Sept., 1996	41	7,210		29	2,260	1,327		
Oct., 1996	29	11,093		25	3,698	2,262		
Nov., 1996	20	10,009		22	1,625	698		
Dec., 1996	13	238,466		22	5,877	2,122		
Jan., 1997	27	11,755		17	4,393	2,377		
Feb., 1997	47	18,521		42	8,580	5,553		
Mar., 1997	26	13,434		27	5,000	2,758		
Apr., 1997	10	2,909		15	2,323	1,299		
May., 1997	20	11,683		15	5,199	1,399		
June 1997	5	8,037		10	2,335	765		
Total FY 1997	310	410,373	0	288	52,794	27,290	19.5%	92.9%
FICAL YEAR 1997 - 98								
July, 1997	10	2,812		8	1,585	823		
Aug., 1997	14	8,741		8	1,496	779		
Sept., 1997	29	19,926		12	2,052	1,278		
Oct., 1997	12	4,717		23	3,185	2,064		
Nov., 1997	23	54,965		10	2,425	1,218		
Dec., 1997	25	36,881		15	4,377	2,776		
Jan., 1998	42	30,026		17	5,300	3,534		
Feb., 1998	37	31,165		29	22,962	8,501		
Mar., 1998	9	13,273		32	9,407	4,372		
Apr., 1998	10	5,628		10	2,603	1,280		
May., 1998	0	225		8	2,885	950		
June 1998	5	2,414		6	1,042	98		
Total FY 1998	216	210,774	0	178	59,317	27,673	41.3%	82.4%
FICAL YEAR 1998 - 99								
July, 1998	9	1,390		8	1,964	717		
Aug., 1998	10	2,241		10	1,048	372		
Sept., 1998								
Oct., 1998								
Nov., 1998								
Dec., 1998								
Jan., 1999								
Feb., 1999								
Mar., 1999								
Apr., 1999								
May., 1999								
June 1999								
Total FY 1999	19	3,631	0	18	3,012	1,089	113.0%	94.7%

C O V E R



FAX

S H E E T

To: Tom Gattle, 318-559-1524 ✓
Bill Busbice, 318-837-1423 ✓
Jerald Hanchey, 318-233-3534 ✓
Glynn Carver, 318-256-0323 ✓
Norman McCall, 318-775-7025 ✓
Tom Kelly, 318-276-7867 ✓
Danny Babin, 504-563-4202 ✓

Subject: Commission Agenda

Date: September 1, 1998

Pages: 10, including this cover sheet.

COMMENTS:

The attached is a revised agenda for Thursday's meeting along with back-up material on the king mackerel and red snapper. Please let me know if you will not be attending Thursday's meeting. Thank you.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

98-255

8/27/98

TO REPLACE NEWS RELEASE 98-252

AMENDED COMMISSION MEETING AGENDA

The next regular public board meeting of the Louisiana Wildlife and Fisheries Commission has been scheduled for 10 a.m. on Thursday, Sept. 3, 1998 at the Wildlife and Fisheries building, 2000 Quail Dr., Baton Rouge, LA. The meeting is open to the public. The agenda follows.

1. Roll call
2. Approval of minutes of Aug. 6, 1998
3. Presentation of natural areas registry plaque to Tangipahoa Parish School Board
4. Declaration of emergency - 1998-99 duck, goose & coot hunting seasons & bag limits
5. Public comments - 1999 turkey season dates
6. Declaration of emergency - prohibition of using corn to feed wildlife
7. Declaration of emergency - set 1998-99 trapping season
8. Louisiana/Texas recreational fishing license reciprocal agreement
9. Notice of intent - black bass regulations, Eagle Lake
10. Declaration of emergency - commercial king mackerel season closure
11. Declaration of emergency - commercial shark rules
12. Notice of intent - sharks and sawfishes daily take, possession limits, quotas, seasons & special permit
13. Declaration of emergency - recreational red snapper season closure
14. Jenkins et al. vs. Odom et al., 19th JDC (executive session)
15. Declaration of emergency - supplemented game preserves: hunting seasons & DMAP

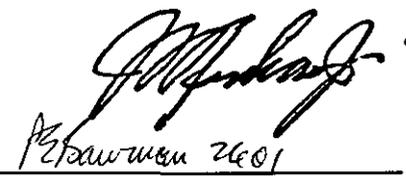
-over-

agenda/add-one.

16. Pass-a-Loutre WMA boundary proclamation
17. Enforcement & aviation reports/August
18. Division reports
19. Set January 1999 meeting date
20. Public comments
21. Adjournment

August 26, 1998

NEWS RELEASE

APPROVED: 

AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 3, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 6, 1998
3. Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board
4. Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits
5. Public Comments - 1999 Turkey Season Dates
6. Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife
7. Declaration of Emergency - Set 1998-99 Trapping Season
8. Louisiana/Texas Recreational Fishing License Reciprocal Agreement
9. Notice of Intent - Black Bass Regulations, Eagle Lake
10. Declaration of Emergency - Commercial King Mackerel Season Closure
11. Declaration of Emergency - Commercial Shark Rules
12. Notice of Intent - Sharks and Sawfishes Daily Take & Possession Limits, Quotas, Seasons & Special Permit
13. Declaration of Emergency - Recreational Red Snapper Season Closure
14. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
15. Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP
16. Pass-a-Loutre WMA Boundary Proclamation
17. Enforcement & Aviation Reports/August
18. Division Reports

19. Set January 1999 Meeting Date
20. Public Comments
21. Adjournment

Approved to add to agenda
8/26/98 by Mr. Hattle

Hawkins, Susan

From: Foote, Karen
Sent: Tuesday, August 25, 1998 4:34 PM
To: Hawkins, Susan
Cc: Roussel, John E; Boudreaux, Claude; Blanchet, Harry
Subject: Additional Commission agenda items

Please add the following agenda items to be presented by Harry Blanchet:

Declaration of Emergency- Commercial Shark Rules

Notice of Intent- Sharks and Sawfishes Daily Take and Possession Limits, Quotas, Seasons and Special Permit Requirements

Declaration of Emergency- Recreational Red Snapper Season Closure

August 24, 1998

NEWS RELEASE

APPROVED: _____



AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 3, 1998, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 6, 1998
3. Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board
4. Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits
5. Public Comments - 1999 Turkey Season Dates
6. Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife
7. Declaration of Emergency - Set 1998-99 Trapping Season
8. Louisiana/Texas Recreational Fishing License Reciprocal Agreement
9. Notice of Intent - Black Bass Regulations, Eagle Lake
10. Declaration of Emergency - Commercial King Mackerel Season Closure
11. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
12. Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP
13. Pass-a-Loutre WMA Boundary Proclamation
14. Enforcement & Aviation Reports/August
15. Division Reports
16. Set January 1999 Meeting Date
17. Public Comments
18. Adjournment

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, Jr.
Governor

August 24, 1998

MEMORANDUM

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

The next regular Commission meeting will be held at **10:00 A.M. on Thursday, September 3, 1998**, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of August 6, 1998
3. Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board

OFFICE OF WILDLIFE

4. Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits
5. Public Comments - 1999 Turkey Season Dates
6. Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife
7. Declaration of Emergency - Set 1998-99 Trapping Season

OFFICE OF FISHERIES

8. Louisiana/Texas Recreational Fishing License Reciprocal Agreement
9. Notice of Intent - Black Bass Regulations, Eagle Lake

Page 2
Commission Meeting
August 24, 1998

10. Declaration of Emergency - Commercial King Mackerel Season Closure
11. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
12. Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP
13. Pass-a-Loutre WMA Boundary Proclamation

WINTON VIDRINE

14. Enforcement & Aviation Reports/August
15. Division Reports
16. Set January 1999 Meeting Date
17. Public Comments

JHJ:sch

cc: Clyde Kimball
Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

C O V E R



FAX

S H E E T

To: Tom Gattle, 318-559-1524
Bill Busbice, 318-837-1423
Jerald Hanchey, 318-233-3534
Glynn Carver, 318-256-0323
Norman McCall, 318-775-7025
Tom Kelly, 318-276-7867
Danny Babin, 504-563-4202

Subject: Commission Agenda

Date: August 25, 1998

Pages: 3, including this cover sheet.

COMMENTS:

Original memorandum and back-up material will follow in the mail.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

Last Fax

<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
Babin	OK	03/03	Sent	Aug-25	02:00P	00:01:45	002165230020
Gattle	OK	03/03	Sent	Aug-25	02:02P	00:02:03	002064230020
Busbice	OK	03/03	Sent	Aug-25	02:05P	00:01:18	002566030022
Hanchey	OK	03/03	Sent	Aug-25	02:07P	00:02:02	002164230020
Carver	OK	03/03	Sent	Aug-25	02:09P	00:00:59	002466030022
McCall	OK	03/03	Sent	Aug-25	02:11P	00:00:59	002566030022
Kelly	OK	03/03	Sent	Aug-25	02:12P	00:02:02	002164230020

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, Jr.
Governor

August 6, 1998

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - **September 3, 1998**

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 18th any agenda items your office may have for the Thursday, September 3rd 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 September 3rd. 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
Karen Foote
Wynnette Kees
Lyle Soniat
Phil Bowman

A large handwritten signature, possibly "Lyle Soniat", and the word "Report" written vertically next to it.

okayed 8/24/98-
11:30AM

C O V E R



FAX

S H E E T

To: Tom Gattle
Fax #: 318-559-1524
Subject: September's Agenda
Date: August 21, 1998
Pages: 3, including this cover sheet.

COMMENTS:

Please call me after reviewing the proposed agenda. Thank you.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

225-765-2806
Fax: 225-765-0948

, 1998

MEMORANDUM

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

The next regular Commission meeting will be held at 10:00 A.M. on Thursday, September 3, 1998, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

The following items will be discussed:

1. Roll Call
2. Approval of Minutes of August 6, 1998
3. Presentation of Natural Areas Registry Plaque to Tangipahoa Parish School Board

OFFICE OF WILDLIFE

4. Declaration of Emergency - 1998-99 Duck, Goose & Coot Hunting Seasons & Bag Limits
5. Public Comments - 1999 Turkey Season Dates
6. Declaration of Emergency - Prohibition of Using Corn to Feed Wildlife
7. Declaration of Emergency - Set 1998-99 Trapping Season

OFFICE OF FISHERIES

8. Louisiana/Texas Recreational Fishing License Reciprocal Agreement
9. Notice of Intent - Black Bass Regulations, Eagle Lake

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Commission Meeting
, 1998

10. Declaration of Emergency - Commercial King Mackerel Season Closure
11. Jenkins et al. vs. Odom et al., 19th JDC (Executive Session)
12. Declaration of Emergency - Supplemented Game Preserves: Hunting Seasons & DMAP
13. Pass-a-Loutre WMA Boundary Proclamation

WINTON VIDRINE

14. Enforcement & Aviation Reports/August
15. Division Reports
16. Set January 1999 Meeting Date
17. Public Comments

JHJ:sch

cc: Clyde Kimball
Jim Patton
Phil Bowman
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

Hawkins, Susan

From: Foote, Karen
Sent: Wednesday, August 19, 1998 2:09 PM
To: Hawkins, Susan
Cc: Roussel, John E; Boudreaux, Claude; Blanchet, Harry
Subject: Commission agenda

Susan- Please add Commercial King Mackerel season closure to the September Commission agenda. We just got notice from the feds today. Thanks.

Added 8/20/98 by Fred Kimmel (per D. Puckett's instructions)
in this order:

- 1.) Executive Session - Jenkins et al vs. Adom et al
- 2.) Supplemental Game Preserves; Hunting Seasons
+ DMAP Amendment
- 3.) Pass-a-Loutre WMA Boundary Proclamation



FUR & FEEDS

TO: <i>Susan Hawkins</i>	DATE: <i>8/14/98</i>	Number of pages to follow: <i>1</i>
FROM: <i>Greg Sinscombe</i>	FAX # (318) 373-0182 FAX OPERATOR:	
ADDRESS: <i>2415 Darnall Rd.</i> <i>New Iberia, La. 70560</i> OFFICE PHONE: <i>(318) 373-0032</i> <i>0033</i> <i>0034</i>		
SUBJECT: <i>Commission Mtg</i>		
MESSAGE:		

State of Louisiana


REC'D

AUG 07 98

 FUR & REFUGE
 BATON ROUGE

 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, Jr.
 Governor

August 6, 1998

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary

SUBJECT: Commission Meeting Agenda - September 3, 1998

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 18th any agenda items your office may have for the Thursday, September 3rd 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 September 3rd. 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

SETTING TRAPPING SEASON

 cc: Commissioners
 Don Puckett
 Winton Vidrine
 Hugh Bateman
 Bennie Fontenot
 Karen Foote
 Wynnette Kees
 Lyle Soniat
 Phil Bowman

RECEIVED

AUG 14 1998

NEW IBERIA, LOUISIANA

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, Jr.
Governor

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cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Lyle Soniat
Phil Bowman

Dear Susan:

I have the following two items for the Sept. 3rd Commission agenda:

- 1) Louisiana/Texas Recreational Fishing License Reciprocal Agreement
- 2) Notice of Intent - Black Bass Size Regulations, Eagle Lake, Madison Parish, LA.

An Equal Opportunity Employer

Sincerely,
Bennie Fontenot
Deputy Secretary

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, Jr.
Governor

August 6, 1998

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