

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

SEPTEMBER 4, 1997

**DANIEL BABIN
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive
Baton Rouge Louisiana 70808
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AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
SEPTEMBER 4, 1997

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 4, 1997

Chairman Daniel Babin presiding.

Glynn Carver
Perry Gisclair
Joseph Cormier

Deputy Secretary Clyde Kimball was also present.

Commissioners Jerald Hanchey, Norman McCall and Tom Gattle were absent.

Chairman Babin called for a motion for approval of the **August 7, 1997 Commission Minutes**. A motion for approval was made by Commissioner Carver and seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Hugh Bateman began the discussion on the **White-Tailed Deer, Declaration of Emergency**. Mr. Bateman asked if the Declaration of Emergency on white-tailed deer could be read so the background and specific issues could be noted. Chairman Babin allowed the reading of the Declaration of Emergency. During the reading, Mr. Bateman stated the Department of Agriculture had formulated rules as of September 3 and did not incorporate any of the Department's comments. Mr. Jim Gelpi with the Department of Agriculture and Forestry stated it was a temporary set of rules, and that his Department has been sharing the rules with the Department of Wildlife and Fisheries. Chairman Babin thanked the representatives from the Department of Agriculture and Forestry for attending the meeting and assured them they would have a chance to speak. After reading the Declaration of Emergency, Mr. Bateman stated the emergency issue was to prohibit the importation of white-tailed deer into this state. A letter from Secretary Jenkins pointed out four main concerns which the Department has with Department of Agriculture's proposed rules. These included: 1) farm raised white-tailed deer must not come from the state's wild deer herd resources; 2) all farm raised white-tailed deer must have electronic identification devices implanted soon after birth to safeguard the state's wild deer herd; 3) regulation of hunting activities of any species is the province of the Department and Commission; and 4) due to the incidental impacts that private hunting preserves will have on law enforcement, statewide resource management, disease, genetics and other public opinions concerning hunting activities--the Department and Commission must maintain regulatory authority over private preserves. Mr. Bateman thanked Mr. Fred Kimmel, the Enforcement Division and Legal staff for

putting the package together and trying to resolve some of the issues. Two items that are threatened to be breached according to Mr. Bateman were 1) taking away the tradition and constitutional authority of regulating hunting from the Department of Wildlife and Fisheries and 2) privatization of wildlife.

Commissioner Carver asked Mr. Bateman what was the original intent of the bill when it was passed? Mr. Bateman stated this has been researched and from what has been stated by Senator Cain it was not intended for the two issues mentioned before to be breached. Commissioner Carver then commented the Department of Agriculture has taken it upon themselves to interpret the bill differently than what was originally intended. Commissioner Gisclair felt Mr. Bateman pointed out the problems the Department of Wildlife and Fisheries has and what clarification was needed. Chairman Babin asked someone from the Department of Agriculture to come up so they could address some of the issues and answer questions the Commission may have. Commissioner Cormier asked Mr. Bateman if the legislation was specific in establishing the rules the Department of Agriculture has initiated. Also he stated he understood that Senator Cain did not believe the legislation read like that. Mr. Bateman stated when Senator Cain was informed of Department of Agriculture's interpretation of the bill, he did not want it to get into the areas mentioned earlier, it was to be strictly a deer farming operation and not a hunting operation. Chairman Babin asked if Senator Cain's intent of the bill was to create an industry for deer farming and not private hunting clubs? Mr. Bateman answered yes.

Mr. Jim Gelpi, Attorney, began stating he appreciated the opportunity to come before the Commission. He also stated he has met with Department of Wildlife and Fisheries staff members, but not as much as he would have liked. Four items of principal concern to Mr. Bateman were addressed by Mr. Gelpi. The first was on the removal of deer from the enclosures, Mr. Gelpi stated the regulations required all of the deer to be removed before the enclosure can be completed. A plan must be submitted from the deer farmer before a license would be issued. Department of Agriculture has offered Wildlife and Fisheries the option of ascertaining that the deer has been removed before a license can be issued. The second issue of concern was implantation. The regulations require a plan must be submitted on implanting all of the deer on the farm and a systematic plan for capturing deer, stated Mr. Gelpi. The last two items, which related to enforcement and regulatory authority, Mr. Gelpi stated no regulatory authority has been taken from the Department of Wildlife and Fisheries that it has always had. Then he stated an offer was made to the Department of Wildlife and Fisheries to enter into a cooperative endeavor agreement setting out who would do what and when. Chairman Babin asked Mr. Gelpi to explain what a cooperative endeavor agreement was. Following the explanation, Mr. Gelpi continued stating it was the Department of Agriculture's interest to see private land put

into agricultural production and deer farming was a constitutionally authorized activity of the Commissioner of Agriculture. He then stated deer farming was a legitimate interest to them. Chairman Babin asked Mr. Gelpi about their regulations on fencing and the grandfather clause for fences built before April 22, 1997? Mr. Gelpi stated fences that have proven to be adequate should be allowed to remain. Chairman Babin then asked about the wild deer still within an enclosed area that belongs to the public and why would a farmer harvest deer unless it was for a hunting purpose? Then he asked about a harvesting permit valid only for a specific period of time established by Department of Agriculture and could this not create a special hunting club if the dates were outside the Commission's deer season frameworks? Chairman Babin asked what would a farmer do with deer meat if he could not sell it for consumption. Then he let it be known that he felt the Department of Agriculture was trying to set up their own permitting system, which may have dates contrary to what all hunters have to follow, and allow hunters to harvest deer for a fee. From the surface, Chairman Babin felt Department of Agriculture was creating a private hunting club (which meant anyone could hunt for a price). Mr. Gelpi felt this was a legitimate use of private lands and private property. Chairman Babin asked if the Department of Wildlife and Fisheries was not being cooperative and had not met with the Department of Agriculture in a timely fashion. Mr. Gelpi stated that was not correct, he felt there was a need for more contact or input. Chairman Babin read a letter from Commissioner Odom to Secretary Jenkins asking for comments from draft rules sent on August 18, 1997. Then he stated the Department received a telephone call from Dr. Debbie Cox, a State Veterinarian, telling us not to respond to the August 18 proposed rules and a revised version would be faxed on August 20. Mr. Gelpi stated the revisions were being fine tuned and the Department of Agriculture would have accepted comments on any version the Department of Wildlife and Fisheries may have received. Chairman Babin stated he had a concern with the Department of Wildlife and Fisheries losing their authority over wildlife. Commissioner Carver asked, if the farmer could not sell the meat or export the meat, what then would they be selling? To which he answered, a trophy hunt. Commissioner Gisclair read from the proposed regulations on the hunting seasons and the meaning of alternative livestock and stated how it all relates to their opinion of offering a ranch for trophy hunts at dates other than specified by Wildlife and Fisheries. Mr. Gelpi reminded Commissioner Gisclair that there are no wild animals involved, they are all farm raised. Chairman Babin asked Mr. Gelpi if the Department of Agriculture would be willing to relinquish setting harvest permits and seasons. Mr. Gelpi stated the Department of Agriculture was dealing totally with imported or farm raised animals. Chairman Babin had a problem with the word "totally" and how it related back to the April 22, 1997 grandfather clause. Mr. Gelpi again stated his Department has offered to sit down with Wildlife and Fisheries to address policy matters such as this and Wildlife and Fisheries has not accepted that offer.

Chairman Babin asked Mr. Bateman to address the fact the offer was not acted upon. Mr. Bateman stated the Department of Agriculture and Department of Wildlife and Fisheries have had a long history of very good cooperation and that this is the first time serious disagreements have arisen over authority. He then stated one of his staff members has attended several meetings where the same concerns were discussed but have not been resolved. Mr. Bateman advised the Commission, the Department of Agriculture would determine when an enclosure is free of wild deer, whether a harvesting period would be established, and whether or not the rules governing the hunting of the deer in the pens is correct. He then felt the Department of Agriculture was going to be allowed to start regulating hunting which is a traditional responsibility of the Department of Wildlife and Fisheries. Mr. Bateman then asked Chairman Babin to allow Mr. Fred Kimmel to make a few comments.

Mr. Kimmel began first explaining the wild deer removal from enclosures and the exception that included the April 22, 1997 grandfather clause and felt there was no reason to grandfather anyone since it has never been a legal activity. The second point discussed was the Department of Agriculture having the final say on deer removal. Mr. Kimmel questioned their expertise in determining it and the standards which would be used. The Department of Wildlife and Fisheries was more interested in the results and not just the effort made and then accepted the responsibility of determining whether all of the wild deer have been removed. Then Mr. Kimmel stated he was the person that received the call from Dr. Debbie Cox and she told him to wait for another set of rules that would be forthcoming. Chairman Babin asked Mr. Kimmel what, to his knowledge, was the most current revision? Mr. Gelpi interjected there was a revised rule finalized the day before and it was presented to Mr. Don Puckett before the meeting began. He added that the changes were very minor and the basic structure was not changed. Mr. Kimmel explained the difference between deer farming and deer hunting. Deer Farming was to be small enclosures where the population could be controlled, but now it was being expanded to include much larger areas of land that included wild deer. According to Mr. Kimmel, the Department of Wildlife and Fisheries did not have a problem with deer farming or hunting deer in enclosures as long as the regulations are followed. The objection comes when a farmer takes the law and expands it to include the introduction of deer into large wooded enclosures and hunting them.

Mr. Don Puckett stated the questions and issues the Department of Wildlife and Fisheries has continued to oppose remain unchanged, and if anything, some parts are more objectionable. One such issue was the harvesting and harvester's permit which Wildlife and Fisheries sees as a defacto hunting license. Wild deer and the act of hunting should be regulated by the Commission and no compromise could be made. Then Mr. Puckett stated the Department of Wildlife and Fisheries has been opposed to the April 22 grandfather clause since it appeared, the lack of oversight regarding the removal of

deer and the non-compliance with the microchipping requirement. The fundamental disagreement between the two agencies is what constitutes wild deer versus farm raised.

Chairman Babin asked Mr. Gelpi if he had any additional comments. Mr. Gelpi stated he heard some concerns on the proposed rules that he has not heard before. He then commented the grandfather clause did not refer to anything but the fence. On the non-removal of all wild deer, Mr. Gelpi stated the Department of Wildlife and Fisheries has regulations authorizing enclosures of deer and his Department went to those regulations to incorporate similar language. Commissioner Gisclair stated the scale of operation the Department of Agriculture is proposing has no limitations as far as acreage. Another concern from Wildlife and Fisheries that was not presented before, according to Mr. Gelpi, was the difference the two agencies has with farm raised deer and wild deer. Commissioner Carver stated he cannot find but one place where Wildlife and Fisheries is even mentioned and asked Mr. Gelpi about the cooperative endeavor agreement. Then he stated deer in enclosures of 1,000 acres or more could not be contained within a fence at all times. When the farm raised deer escape into the wild, there will be an intermixing of deer regardless of how careful the situation is monitored, stated Commissioner Carver. Mr. Gelpi stated he had a conversation with a deer expert that told him deer were creatures of habit and if a breach occurred in the fence, a corral would be needed to gate them when they return. Commissioner Carver stated deer will travel sometimes between 35 to 40 miles before setting up another territory. The disease possibilities and the underlying statement that Department of Agriculture can do anything with no penalties were concerns for Commissioner Carver. Commissioner Gisclair asked what did the Department of Agriculture consider reasonable effort and why was there no penalty for not recapturing deer? Mr. Gelpi stated the Department of Wildlife and Fisheries should inform Department of Agriculture of their concerns during the writing process. He then stated he was regulating the right of citizens in this State to use their private property as long as the activity is not prohibited. Chairman Babin stated the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission does not have a problem with farming of animals. The problem occurs when there is complete control over everything that takes place within an enclosure. He also stated the Department of Agriculture did not have the right to allow hunters to kill deer on private property at a specific time. It seemed to him as well as others that the regulations were creating special interest groups for trophy hunts. Chairman Babin stated he expected this situation would probably be resolved in a court of law but hoped the two agencies could solve the problems. He then directed the Secretary and staff to request an oversight of Department of Agriculture's rules. Mr. Gelpi felt there would be no problem with that request. Commissioner Carver stated one of the primary responsibilities of the Commission was to protect the resource. If the deer population was infected with a disease and

he did not express his concern on this, Commissioner Carver felt he would be responsible for this occurring. Mr. Gelpi stated Louisiana placed power in the State Livestock Sanitary Board to look after diseases of animals and they have done an exemplary job. Also he stated provisions have been included in the regulations that would address the disease issue. Commissioner Carver agreed with Mr. Gelpi, but he added the Department of Agriculture has not dealt with farm raised deer with wild deer on the outside.

Mr. Fred Kimmel stated Wildlife and Fisheries has never issued a permit for pens that contained wild deer. He then read from the proposed regulations on the enclosure system and noted the Department of Wildlife and Fisheries was working on their comments. Property rights is an important issue, stated Mr. Kimmel. He then felt changing the tradition of wildlife as a public resource should not be changed through Administrative Procedure Act but by statutory law or Constitutional Convention with a full public debate. The Department of Wildlife and Fisheries' Declaration of Emergency is related to the Department of Agriculture's proposed rule, but separate also, stated Mr. Kimmel. The Declaration of Emergency is intended to shut down importation of deer into Louisiana until all the issues have been resolved.

Major Brian Spillman with the Enforcement Division stated Department of Agriculture's rules do not give them powers to regulate the harvesting of deer. Also, not being able to tell the difference between a farm raised white-tailed deer and a wild white-tailed deer leaves the Enforcement agents with virtually no authority to regulate the deer, except with an electronic implant. But once the deer was reduced to meat, there was no way to identify it. Another concern is the lose of authority to enter properties to regulate wild harvest of animals such as turkeys, rabbits, squirrels, etc., without having some kind of complaint or probable cause.

Commissioner Cormier reminded everyone the State of Louisiana spends millions of dollars in purchasing land and managing resources for deer hunters. He felt it was an obligation to the taxpayers and the state to vote for the Declaration of Emergency.

Chairman Babin thanked both agencies for their comments. He then asked the two departments to meet as soon as possible and resolve the differences. Mr. Bateman read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to adopt the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

- WHEREAS,** the Louisiana Department of Agriculture and Forestry has been given certain authority to regulate farm-raised deer raised for commercial purposes, and
- WHEREAS,** the Louisiana Department of Wildlife and Fisheries maintains authority to regulate white-tailed deer in exhibits, game parks, zoos, and wild white-tailed deer, and
- WHEREAS,** the Louisiana Department of Agriculture and Forestry has promulgated and circulated an emergency rule and subsequent draft rules purporting to allow wild deer captured in enclosures to become "farm-raised", and
- WHEREAS,** the Louisiana Department of Agriculture and Forestry has proposed to set special "harvesting seasons" apart from those hunting seasons set by the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS,** the Louisiana Wildlife and Fisheries Commission and Louisiana Department of Wildlife and Fisheries has not concurred with these proposed Louisiana Department of Agriculture and Forestry rules and has questioned the legal authority of the Louisiana Department of Agriculture and Forestry to establish such rules, and
- WHEREAS,** there is believed to be increased activity by some deer breeders to import deer into Louisiana for the establishment of hunting preserves and breeding farms in expectation of promulgation of favorable rules by the Louisiana Department of Agriculture and Forestry, and
- WHEREAS,** individuals have, without notifying the Louisiana Department of Wildlife and Fisheries, proposed to capture wild deer from a state with a high incidence of Lyme Disease and transport them to Louisiana without regard to statutes and regulations forbidding the possession of wild deer and without regard to potential human health impacts, and
- WHEREAS,** the uncertain regulatory situation regarding white-tailed deer has increased opportunity for importation of white-tailed deer into Louisiana under circumstances that pose

a danger to Louisiana's wild white-tailed deer in the form of illegal exploitation, disease introduction, and genetic alteration, and

WHEREAS, unregulated and undocumented importation of white-tailed deer also poses a threat to human health, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is charged with the protection and management of Louisiana's wild deer which provides 3.7 million days of recreation and over \$284,000,000 in economic benefits to Louisiana's citizens annually, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby adopts the Declaration of Emergency attached hereto and made a part hereof for the purpose of immediately prohibiting the importation of white-tailed deer (Odocoileus virginianus) into Louisiana, and

BE IT FURTHER RESOLVED, that this prohibition will remain in effect until such time as the regulatory issues which threaten Louisiana's wild deer and human health are addressed.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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 LSA Const. Art. IX §7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule:

The importation of white-tailed deer (Odocoileus virginianus) into the State of Louisiana is prohibited.

This rule is effective September 4, 1997 and shall remain in effect for 120 days.

The reasons for the promulgation of this Declaration of Emergency are as follows:

The Louisiana Constitution vests the LWFC with the exclusive "control and supervision of the wildlife of the state." With the passage of Act 461 of the 1995 Legislature, effective August 15, 1995, the Louisiana Department of Agriculture and Forestry (LDAF)

was given certain authority to regulate farm-raised white-tailed deer (Odocoileus virginianus). Since that time, the Louisiana Department of Wildlife and Fisheries (LDWF) has attempted to cooperate with the LDAF in the formulation of its deer farming rules.

However, the LDAF draft rules have consistently failed to address the LDWF's concerns about impacts on wild deer. On May 5, 1997, a LDAF emergency rule was promulgated and distributed to Louisiana deer farmers and game breeders, which purported to authorize them to enclose wild deer on the property within deer-proof fences, thereby converting this publicly owned wildlife resource to private property. This provision of the rule is without statutory authority. At present, LWFC statutes and rules at LSA R.S. 56:116.1(B)(6) and LAC 76:V.107C expressly prohibit the possession of live, wild, white-tailed deer. The LDWF does not permit the commingling of wild white-tailed deer and farm-raised white-tailed deer. The LDWF has concerns that some deer farmers and breeders, possibly acting in reliance on the May 5th LDAF emergency rule, are attempting to import deer for release into enclosures which may also contain wild deer. Since the May 5th emergency rule, there have been two other drafts of the LDAF rules, all of which purport to: 1) allow releasing of pen-reared deer in large enclosures containing wild deer, 2) give some deer farmers property rights over wild deer confined in enclosures, 3) establish special hunting seasons and licenses beyond those established by the Wildlife and Fisheries Commission, and 4) deny LDWF enforcement agents unaccompanied access to deer farmer records. The LDWF has not concurred with these provisions and has questioned, and continues to question, the legal authority of the LDAF to establish such rules.

The result of this conflict has been an uncertain and confusing regulatory climate. Some individuals, possibly taking advantage of this uncertain climate, have begun to import white-tailed deer for release into enclosures for hunting, breeding, or other purposes. Indications are that importation of white-tailed deer may be increasing. In one instance, and without consulting the LDWF, individuals from Louisiana have proposed to capture wild deer from New York, and bring them to Louisiana for release.

Unregulated importation of white-tailed deer into Louisiana poses several threats to the wild deer resources, as well as, to human health. Currently, there is no way to independently distinguish wild deer from farm-raised deer in an enclosure or transport vehicle. Therefore, the effective enforcement of laws to protect Louisiana's wild deer is jeopardized. Neither adequate reporting nor record keeping regulations are in place, and the LDAF has not proposed regulations which require that all deer within an enclosure be implanted with microchips as required by law (LSA R.S. 3:3106). There is an increased threat of exposure of wild deer to disease from imported deer. Bovine tuberculosis is found in

captive and wild white-tailed deer in some states. Although there are USDA testing requirements for tuberculosis, the current regulatory situation in Louisiana hampers the effective enforcement of testing regulations and results in a regulatory climate whereby circumvention of the testing requirements can occur. There will be an increased threat to the genetic integrity of the wild deer should large numbers of imported deer be released or escape into the wild. There is currently a great deal of interest among deer breeders in replacing our native white-tailed deer with northern varieties which tend to be larger, but are not as resistant to endemic disease and are not genetically adapted for Louisiana. Under the current regulatory situation there is an increased threat of the covert release of imported deer into the wild for genetic manipulation. Such activities would also increase the potential for disease transmission to wild deer. The uncertain regulatory climate which has resulted in increased and unregulated deer imports, also poses a potential threat to human health. Imported deer may carry diseases such as tuberculosis or carry the vectors of disease, such as Lyme disease infected ticks. The deer that were proposed to be imported from New York, were from an area with a very high incidence of Lyme disease. In contrast, while Lyme disease occurs in Louisiana, the incidence is currently very low. Lyme disease, as well as, other diseases carried by deer or their parasites, can be contracted by humans and is a threat to public health.

In the past, importation of deer into Louisiana was not a significant problem. The public was aware that the LDWF and LWFC regulated the activity, and there was no doubt that LWFC regulations applied to all white-tailed deer activities. Deer that were imported into Louisiana were placed in relatively small deer-proof enclosures and did not come into contact with wild deer. All breeders were licensed by the LDWF, and the LDWF had access to all records and documents. However, the regulatory climate has gone from one where regulatory authority was clearly defined, to one that is now uncertain in the eyes of the public. The nature of private deer breeding activities is now generally small scale operations of exhibitors and hobbyists; however the activity being contemplated by LDAF includes large scale breeding and hunting operations.

It is the LDWF's belief that, to many in the public, the current status of regulations concerning captive white-tailed deer are confusing and uncertain. Some may take advantage of this situation to engage in activities that endanger the wild white-tailed deer resources of Louisiana and the public health. Others, without illicit intentions, may act in reliance on the May 5th LDAF emergency rule or subsequent draft rules and discover that they have violated provisions of Title 56 and are subject to prosecution.

For the above reasons, the Wildlife and Fisheries Commission believes that an immediate ban on the importation of white-tailed deer into the State of Louisiana is necessary and that such a ban should remain in effect until such time as the above issues are resolved.

Daniel J. Babin
Chairman

A Declaration of Emergency for the 1997-98 Waterfowl Season Dates was presented by Mr. Hugh Bateman. At the last Commission Meeting, proposed duck season dates were announced. All requirements from the federal government have been met and it was time to adopt a Declaration of Emergency that would set the season dates. Reconvening from a break, Mr. Bateman read the Therefore Be It Resolved portion of the Resolution. Commissioner Cormier made a motion to adopt 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.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 4, 1997.

- 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.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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 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 1997-98 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone: (60 days) Nov. 8 (Sat.)- Nov. 30 (Sun.) (23 days)
Dec. 13 (Sat.)- Jan. 18 (Sun.) (37 days)

East Zone: (60 days) Nov. 15 (Sat.)- Dec. 14 (Sun.) (30 days)
Dec. 20 (Sat.)- Jan. 18 (Sun.) (30 days)

Catahoula Lake Zone:

(60 days) Nov. 15 (Sat.)- Dec. 14 (Sun.) (30 days)
Dec. 20 (Sat.)- Jan. 18 (Sun.) (30 days)

Youth Waterfowl Day - January 24 in all zones

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, 3 pintail, 1 canvasback and 2 redhead. 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. 8 (Sat.)-February 22 (Sun.)	(107 days)
Daily bag limit (snow and blue):	10
Possession limit (snow and blue):	30

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 8 (Sat.)- Nov. 30 (Sun.)	(23 days)
Dec. 13 (Sat.)- Jan. 28 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 20-Jan. 28), 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. 20 (Tues)-Jan. 28 (Wed)	(9 days)
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During the Canada Goose Season (Jan. 20-Jan. 28) 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 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 Hwy. 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, 1998 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 Nov. 1, 1997 and extend through sunset on March 10, 1998.

Daniel J. Babin
Chairman

Rule Ratification for the Non-Resident Duck Stamp Fee was also presented by Mr. Hugh Bateman. The rule would raise the non-resident duck stamp fee from \$7.50 to \$13.50. No comments have been received on this proposed rule. The increase in fees would bring Louisiana's fees more in line with other states. Money received from this stamp is used for habitat restoration. Mr. Bateman felt this was a good rule. He then read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to accept the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

WHEREAS, the Louisiana Duck Stamp Program was established by the legislature in 1988 by Act 632 to raise funds to conserve Louisiana's valuable wetlands, and

WHEREAS, the funds raised from the sale of Louisiana duck stamps are deposited in the Louisiana Duck Stamp Fund to be used specifically for the purpose of wetland conservation, and

WHEREAS, the Department has been actively involved with acquiring, managing and maintaining numerous wetland projects and

providing funding assistance for these efforts on both public and private lands, and

WHEREAS, portions of the money utilized for acquisition, management and maintenance of these wetland projects are derived from revenue generated from the sale of Louisiana duck stamps to both resident and non-resident hunters as well as collectors, and

WHEREAS, Louisiana's wetlands provide major wintering grounds for migratory birds and hunting opportunity for thousands of non-residents, and

WHEREAS, other states in the southeast charge from \$3.00 to \$16.00 for non-resident duck stamps, and

WHEREAS, increasing the cost of a non-resident duck stamp by \$6.00 will bring Louisiana's fee more in line with other states and commensurate with hunting opportunity, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has been granted the authority by the Legislature to establish non-resident fees for recreational hunting and fishing licenses and stamps, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission ratifies the attached rule that raises the non-resident duck stamp fee to \$13.50.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

RULE

Wildlife and Fisheries Commission
Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission does hereby promulgate a rule increasing the fee for non-resident waterfowl stamps.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§317. Non-Resident Duck Stamp Fee Increase

Beginning in the 1997-98 license year, the fee for purchasing a Non-Resident Duck Stamp will be increased from \$7.50 to \$13.50. This change will remain in effect until additional changes are warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : (September 1997).

Daniel J. Babin
Chairman

Mr. Hugh Bateman was requested by Commissioner Gattle to handle the next agenda item, **1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish**. The change for Area A would be to close the turkey season along the Mississippi River east of Highway 65 in Madison Parish down to the Tensas Parish line. Major landowners and hunting clubs in the area did not have any objections to the change. Commissioner Cormier asked if a motion was needed. Chairman Babin answered yes. Then Commissioner Cormier made a motion to accept the change for Area A. Commissioner Carver seconded the motion. Chairman Babin asked if there were any public comments on the change. Hearing no comments, the motion passed.

Mr. Phil Bowman presented the **Declaration of Emergency Setting 1997-98 Trapping Season**. Staff recommendations for the trapping season are to open on November 20, 1997 and extend through March 20, 1998. Mr. Bowman asked the Commission to pass a motion accepting the Declaration of Emergency. There were 486,471 pelts harvested during the 1996-97 season, valued at \$2.87 million. This resulted in a significant economic impact for some of the smaller communities in coastal Louisiana. The dates presented give trappers the maximum opportunity for the season. Commissioner Gisclair made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Bowman then stated the staff was in the final stages of issuing alligator tags. A total of 29,500 tags have been issued for the wild harvest which represents an increase of 11.2 percent over last year. The number of alligator hunters has increased also to approximately 1,700. Commissioner Gisclair asked when did the season open? Commissioner Carver asked what was the price for alligator hides? Mr. Bowman stated, from preliminary information, the price was going to be down from last year. Chairman Babin stated he felt there were a lot of alligators in this state and he hoped the Department was going to address this situation soon.

(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 R.S. 49:967(D), the Wildlife and Fisheries Commission is using emergency procedures to set the 1997-98 fur harvest season statewide from November 20, 1997 through March 20, 1998. Authority to extend or shorten the adopted season by the Secretary is hereby authorized by the Wildlife and Fisheries Commission.

Daniel J. Babin
Chairman

Rule Ratification for Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir was handled by Mr. Bennie Fontenot. John K. Kelly-Grand Bayou Reservoir, located near Coushatta, was being added to the list of quality lakes. The Lake Commission has requested the Commission go along with this management scheme. The regulations would include a creel limit of 8 fish with a slot limit of 14 to 17 inches and no more than four fish may be taken over 17 inches. Mr. Fontenot asked the Commission to ratify the rule. Commissioner Gisclair asked if the fish were being measured differently from any other fish? Commissioner Carver made a motion to ratify the rule and it was seconded by Commissioner Cormier. The motion passed with no opposition.

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby amends a rule for black bass in the John K. Kelly-Grand Bayou Reservoir.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

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

* * *

B. In addition, the Commission establishes special size and daily take regulations for black bass on the following water bodies:

* * *

2. Lake Bartholomew (Morehouse and Ouachita parishes), Black Bayou Lake (Bossier Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), John K. Kelly-Grand Bayou Reservoir (Red River Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

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

b. Daily Take: eight fish of which no more than four fish may exceed 17 inches maximum total length.*

c. Possession limit:

i. On water - Same as daily take.

ii. Off water - Twice the daily take.

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

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), amended LR 17:278 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR 23: (September 1997).

Daniel J. Babin
Chairman

Mr. Dave Arnoldi addressed the next item, **Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments**. Act 449 of the 1997 Legislature resulted in the next set of proposed rules and regulations, stated Mr. Arnoldi. Then he read from the law which stated in part that the Commission may adopt rules and regulations in accordance with the Administrative Procedure Act. Also, the law allows the Department to set fees for

administration and enforcement, the application has to be submitted 30 days prior to the event, permits are non-transferable, an expiration date must be stated, an observer from the Department may be assigned and large tournaments are defined as greater than 100 boats. Mr. Arnoldi stated the Department's goal was 100 percent live release of fish. The regulations encompassed in the Notice of Intent were then read by Mr. Arnoldi. Commissioner Carver stated a "can of worms" would be opened if this was passed. He felt it was unfair for other fishermen that happen to be on a lake during a tournament and that it could create a lot of problems. Mr. Arnoldi stated the staff's goal in proposing regulations was to insure live release of fish. Chairman Babin felt the Legislature did not have an opinion when they said the Commission may propose regulations instead of shall do it. Then he opened the meeting for public comments on this item.

Mr. Dan Thornton, False River Lake Committee, stated this was presented more for economics than anything. It was intended to be for False River only but the Legislators changed it to include the whole state. Three large tournaments have been lost due to different regulations. A 100 boat tournament brought in a lot of money to New Roads, stated Mr. Thornton. He assured the Commission the tournaments would be catch and release and all boats would be easily identified. Commissioner Gisclair asked if a fisherman could weigh fish under and over the slot limit? Mr. Thornton stated normal tournament regulations is 12 inch minimum, but these regulations would allow for the weighing of slot limit fish. Chairman Babin stated the Commission was in a dilemma because he felt regulations would have to be developed for another organization, perhaps, if requested and this would create another special interest group. He knew the economic benefit was important but the Commission's first responsibility was to that specie. Commissioner Carver stated the Commission and the Department have been unjustly accused of catering to tournament fishing and passing these regulations would prove the resource was being managed for tournament fishermen, which is not true from the Commission's standpoint.

Hearing no further comments, Chairman Babin asked for a motion. Since no motion was made, the Notice of Intent died for this meeting, stated Chairman Babin.

Chairman Babin asked that the next item, **Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex**, be presented at the October Commission Meeting since three members were absent. He then asked the pleasure of the Commission. All agreed to wait until the October Meeting for the presentation.

Resolution & Declaration of Emergency for the Commercial Red Snapper Season was presented by Mr. Harry Blanchet. He began stating a framework of seasons would be set up that would run

concurrently with the federal framework for commercial red snapper. Rules were promulgated by the National Marine Fisheries Service on August 28, 1997 and this was the reason for the Declaration of Emergency. Chairman Babin asked if the Department was being asked to go along with what the federal government has set up and are we just complying? Mr. Blanchet answered yes. He then read the Therefore Be It Resolved portion of the Resolution. Commissioner Cormier made a motion accepting the Resolution. The motion was seconded by Commissioner Gisclair and it passed with no opposition.

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

RESOLUTION

COMMERCIAL RED SNAPPER SEASON

- WHEREAS,** the commercial season for the harvest of red snapper was opened on February 1, 1997 in Federal and State waters and closed in April, 1997 with the harvest of about 3.34 million pounds of red snapper, and
- WHEREAS,** the 1997 commercial quota for red snapper in the Gulf of Mexico is 4.65 million pounds, and
- WHEREAS,** the season had initially been set to re-open on September 15, 1997 in order to harvest the remainder of the 1997 commercial quota, and
- WHEREAS,** the Secretary of the Department of Wildlife and Fisheries used existing protocols and authorities to close the commercial season for the harvest of red snapper in Louisiana state waters, continuing the closure through September 15, at which time the season was proposed to re-open, and
- WHEREAS,** the National Marine Fisheries Service announced on August 28 that the commercial season for red snapper harvest in Federal waters will open at 12:00 noon on September 2, 1997 and close at 12:00 noon on September 15, and
- WHEREAS,** the commercial season for red snapper harvest in Federal waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, and in similar fashion for each month until the remainder of the commercial quota is harvested, and
- WHEREAS,** if the commercial quota is reached, the NMFS will close the commercial red snapper season in Federal waters until the beginning of the 1998 commercial season, which will most likely open on February 1, 1998, and

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

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place in the most expeditious manner, 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 Louisiana Wildlife and Fisheries Commission does hereby establish an open season for the commercial harvest of red snapper in Louisiana state waters effective 12:01 a.m., September 5, 1997 through 12:00 noon, September 15, 1997, and 12:00 noon October 1, 1997 through 12:00 noon, October 15, 1997, and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested, and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to close the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, and

BE IT FURTHER RESOLVED, that such closure order shall close the season until the date set for the opening of the commercial red snapper season in Federal waters, presently February 1, 1998.

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established.

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 fall, 1997 commercial red snapper season in Louisiana

state waters is attached to and made part of this resolution.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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), 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 red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12:01 a.m., September 5, 1997. The commercial fishery for red snapper in Louisiana waters will close at 12:00 noon September 15, 1997. The commercial season for red snapper harvest in Louisiana state waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, 1997 and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested. The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates for the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled or projected to be filled, such closure order shall close the season until the date set for the opening of the 1998 commercial red snapper season in Federal waters. Nothing herein shall preclude the legal harvest of red snapper 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 red snapper. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit. Provided however, that fish 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 provided all records required by law are maintained.

Daniel J. Babin
Chairman

Presentation of the Pilot Charterboat Survey for information only was handled by Mr. Joey Shepard. The Department, in cooperation with National Marine Fisheries Service, is involved in a pilot charterboat survey. Some concern has been raised that charterboat catch estimates are not precise and this has prompted discussions on how to improve these figures. Mr. Shepard explained the survey which is broken down into two portions. The first was an intercept portion which involved sending people to different sites and collecting information which results in an estimate of catch effort. The other source for information was through a random dialing of coastal parishes of those people that may have fished on a charterboat. The best way to improve estimates was to have a group of licensed guides that can be contacted to get the information. Chairman Babin asked if the required information from the guides was given on a trip by trip basis or yearly basis? Mr. Shepard stated there are approximately 200 charterboats licensed and approximately 10 percent are called each week to find out, by trip, how many people they took out, where they fished, and other such information. It is not mandatory the guides give the information for the survey. A bill in this past legislature failed to make it mandatory, stated Mr. Shepard. Chairman Babin asked why did the bill fail? Mr. Shepard stated the Legislature wanted a cooperative effort made first to obtain the information before making it mandatory. Then Chairman Babin asked if someone consistently did not cooperate, could they be identified? Mr. Shepard stated the Department's goal was to obtain the best information possible. If there is no cooperation, the Department would probably sponsor another bill. Commissioner Gisclair felt it was not hard to obtain information from the larger charterboats because it was known where they docked. Chairman Babin stated they did not want to publicly intimidate anyone, but wanted to make sure the Department's presence was felt. He also stated he did not want to hurt the charterboat industry because it was such a valuable industry for the State, but it should be known what was being caught. Mr. Shepard stated it was important to know the total catch from a stock assessment standpoint.

Mr. Raymond Impastato presented the Resolution for **Lifting of Oyster Lease Moratorium**. The resolution was to extend the moratorium on the taking of new oyster lease applications through April 12, 1998. The original date the moratorium was to lift was January 4, 1998 but because of the number of fishermen that come into the office between December and March to pay their annual rent and renew existing leases, the Department felt it could best serve the oyster industry by extending the moratorium until after March. Mr. Impastato stated the Oyster Task Force concurred with the extension. Chairman Babin stated, from what he has been told, the Oyster Task Force did concur with the extension. Mr. Impastato read the Therefore Be It Resolved portion of the Resolution.

Commissioner Cormier made a motion to accept the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION

OYSTER LEASE MORATORIUM

WHEREAS, the Wildlife and Fisheries Commission established a moratorium on the taking of new oyster lease applications for new acreage through January 4, 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section will be collecting the annual rent for oyster leases and taking renewal applications for expired leases between December 1997 and March 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section does not have sufficient staff to concurrently lift the moratorium, collect annual rent for oyster leases and take renewal applications for expired leases,

THEREFORE BE IT RESOLVED, that the moratorium on the taking of new oyster lease applications for new acreage will be extended through April 12, 1998, and

BE IT FURTHER RESOLVED, that beginning on April 13, 1998 the Department will accept applications for oyster leases in accordance with all applicable statutes, rules, regulations and procedures for oyster lease applications, and

BE IT FURTHER RESOLVED, that on or before April 6, 1998 the Department will publicly advertise the time and place where applications are to be taken,

BE IT FURTHER RESOLVED, that on the date for taking of applications only one applicant at a time will be allowed in the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application, and

BE IT FURTHER RESOLVED, that applications will be taken 24 hours a day (on a first come basis) until the Department feels the influx of people can be handled during regular office

hours at the New Orleans Office, at which time anyone will be able to take an application.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

Chairman Babin asked Mrs. Karen Foote to make the presentation for the next item, **Shell Dredging Lease Bid Package, Central Coast - Consideration of Minerals Committee Report and Recommendations.** She began stating a meeting of the Minerals Committee was scheduled for that morning, but was canceled. Wednesday, August 27, 1997 was the bid opening date, but no bids were received. A letter was received from the existing lease holders. Chairman Babin commented the current bid would expire October 31, 1997 and that the Department was exploring other options and the Committee would meet and possibly provide recommendations to the full Commission. Commissioner Gisclair asked the Minerals Committee to look at going down on royalties or taking less money due to the fact there are other aggregates people are using instead of shell. He then asked for a report of the area which is dredged and the types of damage it is causing.

The **Monthly Law Enforcement Report for August** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of August.

Region I - Minden - 58 citations.
Region II - Monroe - 127 citations.
Region III - Alexandria - 124 citations.
Region IV - Ferriday - 68 citations.
Region V - Lake Charles - 80 citations.
Region VI - Opelousas - 148 citations.
Region VII - Baton Rouge - 256 citations.
Region VIII - New Orleans - 291 citations.
Region IX - Thibodaux - 276 citations.
Statewide Strike Force - 150 citations.
SWEP - 61 citations.
Seafood Investigative Unit - 23 citations.

Oyster Strike Force - 64 citations.

The grand total of citations issued statewide for the month of August was 1,725.

The aviation report for August 1997 showed enforcement pilots flew three airplanes a total of 147.8 hours for enforcement and 20.9 hours for other divisions.

Commissioner Carver stated he did not know bowfin had a size limit, then he asked what happened to the cooler of alcoholic beverages. Commissioner Cormier asked if there were two boating fatalities and was alcohol involved?

Chairman Babin then asked for **Division Reports**. Mr. Hugh Bateman stated the **Dove Field Leasing Program** has been extremely popular. There were six fields enrolled this year for a total of 1,698 acres throughout the State. Mr. Bateman stated all the fields had birds on them and it was expected there would be hunter participation. The fee for the hunt would be \$10.

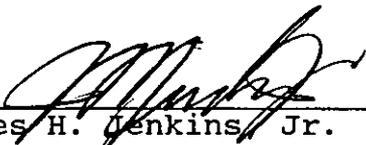
Then Mr. Bateman stated the **Lottery Duck Hunt at Red River WMA** is on again for this year and it was hoped there would be some interest and participation. Hunting success last year was not as good as hoped, but the hunt went off well.

Mrs. Janice Collins stated the **Department's Radio Show First Airing** was scheduled for that night. The topics for the first show, called "Louisiana Wild", would include Mr. Robert Helm talking about teal and Mr. Fred Kimmel talking about dove. Also there would be a fishing report, classes offered by the Department and other such topics. She then announced the topics for the next show would be archery and muzzleloader. The show is on radio station WJBO - 1150 AM beginning after Coach DiNardo's show. Mrs. Collins then pointed out a brochure from the Conservationist Office in the Commissioners packet that could provide them the opportunity of doing their Christmas shopping.

After several minutes of discussion, the Commissioners decided to hold the **January 1998 Meeting** on Thursday, January 8, 1998 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Babin then asked if there were any **Public Comments**. Mr. Brad Tullos, Wish I Could organization, reported the trail ride was held with great success even though they encountered some problems. The men who worked the event were real helpful in solving these problems, stated Mr. Tullos. He then ended expressing his appreciation.

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



James H. Jenkins, Jr.
Secretary

JHJ:sch

LOUISIANA WILDLIFE AND FISHERIES COMMISSION MEETING

September 4, 1997

(Transcript of Agenda Item #3: White-Tailed Deer, Declaration of Emergency)

Chairman Babin: The third item is White-Tailed Deer, Declaration of Emergency. It is listed as Johnnie Tarver, but Hugh Bateman is going to get the ball rolling.

Mr. Hugh Bateman: Thank you Mr. Chairman and Members. I am Hugh Bateman, I am Wildlife Administrator for the Wildlife Division. We have a Declaration of Emergency for the Board's consideration this morning and because of the background details and some of the specific issues we want to talk about, I'm going to ask for some patience and allow me to actually read through the Declaration of Emergency and it is about three or four pages long, but it is important that the background and what the specific issues are be brought to this public forum. Mr. Chairman, if you will allow me to do that, I will proceed?

Chairman Babin: Please do.

Mr. Bateman: In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under authority of LSA Const. Art. IX §7; LSA 56:6(10), (13) and (15) and 20 and 171, the Wildlife and Fisheries Commission hereby adopts this following emergency rule:

The importation of white-tailed deer (Odocoileus virginianus) into the State of Louisiana is prohibited.

The reasons for the promulgation of this Declaration of Emergency are as follows: The Louisiana Constitution vests with the Department of Wildlife and, with the Wildlife and Fisheries Commission the exclusive control and supervision of the wildlife of the state. With the passage of Act 461 during the 1995 Legislative Session, and became effective August 15, 1995, the Louisiana Department of Agriculture and Forestry was given certain authority to regulate farm-raised white-tailed deer. Since that time, the Louisiana Department of Wildlife and Fisheries has attempted to cooperate with the Department of Agriculture in the formulation of its deer farming rules. Mr. Chairman, if I could take a break at this point, I would like to point out that we've been informed that the Ag Department has formulated rules as of yesterday and did not incorporate or choose to ask us to comment on their rules. Apparently their rule package is in place, is that correct?

Mr. Gelpi: Well, it is correct that a temporary set of rules is in place.

Mr. Bateman: Oh, its a temporary set of rules?

Mr. Gelpi: Yes, but, but it is not correct to say that we have not asked the Wildlife and Fisheries comments to it, we have been sharing these rules as they have progressed to this point from day one with representatives of your agency and have met with them face to face on more than one occasion.

Chairman Babin: Okay, I had asked for someone from the Department of Agriculture to be here today, thank ya'll very much for coming. And, I can assure you you are going to have your turn at the microphone, alright, because I do have some questions and I think other Commissioners have some questions plus the Department, and we want to get on the right page here. So, we...

Mr. Bateman: I'll proceed, I just wanted to make sure, I had been told that there had been a rule package formulated and I thought it was important to understand that we are proceeding with this rule package but that Ag has apparently established some rules of their own.

Chairman Babin: Okay.

Mr. Bateman: (he continues reading the Declaration of Emergency) "However, the Department of Agriculture draft rules have consistently failed to address the Department's concerns about impacts on wild deer. On May 5, 1997, the Ag Department emergency rule was promulgated and distributed to Louisiana deer farmers and game breeders, which purported to authorize them to enclose wild deer on the property within the deer-proof fences, thereby converting this publicly owned wildlife resource to private property. The provision of the rule is without statutory authority. At present, the Wildlife Department statutes and rules at LSA R.S. 56:116.1(B)(6) and LAC 76:V.107C expressly prohibit the possession of wild, live, white-tailed deer. The Department does not permit the commingling of wild white-tailed deer and farm-raised white-tailed deer. The Department has concerns that some deer farmers and breeders, possibly acting in reliance on the May 5th Ag emergency rule, are attempting to import deer for release into enclosures which may also contain wild deer. Since the May 5th emergency rule, there have been two other drafts of the Department of Ag rules, all which purport to do the following: #1 allow releasing of pen-reared deer in large enclosures containing wild deer, #2 give some deer farmers property rights over wild deer confined in enclosures, #3 establish special hunting seasons and licenses beyond those established by the Louisiana Wildlife and Fisheries Commission, and #4 they would not allow or deny Department of Wildlife and Fisheries enforcement agents unaccompanied access to deer farmer records. The Department of Wildlife and Fisheries has not concurred with these provisions and has questioned, and continues to question, the legal authority of the Ag Department to establish such rules. The result of this

conflict has been an uncertain and confusing regulatory climate in our State. Some individuals, possibly taking advantage of this uncertain climate, have begun to import white-tailed deer for release into enclosures for hunting, breeding, or other purposes. Indications are that importation of white-tailed deer may be increasing. In one instance, and without consulting our Department, individuals from Louisiana have proposed to capture wild deer from the State of New York, and bring them to Louisiana for release. Unregulated importation of white-tailed deer into Louisiana poses several threats to the wild deer resources, as well as, to human health. Currently, there is no way to independently distinguish wild deer from farm-raised deer in an enclosure or transport vehicle. Therefore, the effective enforcement of laws to protect Louisiana's wild deer is jeopardized. Neither adequate reporting nor record keeping regulations are in place, and the Ag Department has not proposed regulations which require that all deer within an enclosure be implanted with microchips as required by the law previously referred to. There is an increased threat of exposure of wild deer to disease from imported deer. Bovine tuberculosis is found in captive and white-tailed deer in some states. Although there are USDA, that is federal regulations for testing requirements for tuberculosis, the current regulatory situation in our state hampers the effective enforcement of testing regulations and results in a regulatory climate whereby circumvention of the testing requirements can occur. There will be an increased threat to the genetic integrity of the wild deer of our state should large numbers of imported deer be released or escape into the wild. There is currently a great deal of interest among deer breeders in replacing our native white-tailed deer with northern varieties which tend to be larger, but are not as resistant to endemic diseases and are not genetically adapted for other environmental conditions in Louisiana. Under the current regulatory situation there is an increased threat of the covert release of imported deer into the wild for genetic manipulation. Such activities would also increase the potential for disease transmission to wild deer. The uncertain regulatory climate which has resulted in increased and unregulated deer imports, also poses a potential threat to human health. Imported deer may carry diseases such as tuberculosis or carry the vectors of disease, such as Lyme disease infected ticks. The deer that were proposed to be imported from New York, that I mentioned a while ago, were from an area of very high incidence of Lyme disease. In contrast, while Lyme disease occurs in Louisiana, the incidence is currently very low. Lyme disease, as well as, other diseases carried by deer or their parasites, can be contracted by humans and is a threat to public health. In the past, importation of deer into Louisiana was not a significant problem. The public was aware that the Department and Commission regulated this activity, and there was no doubt that the Commission regulations applied to all white-tailed deer activities. Deer that were imported into Louisiana were placed in relatively small deer-proof enclosures and did not come into contact with wild deer. All breeders were licensed by the

Department, and the Department had access to all records and all documents. However, this regulatory climate has gone from one where authority was clearly defined, to one that is now uncertain in the eyes of the public. The nature of private deer breeding activities is now generally small scale operations for exhibitors and hobbyists; however the activity being contemplated by Ag Department includes large scale breeding and hunting operations. It is the Department's belief that, to many in the public, the current status of regulations concerning captive white-tailed deer are confusing and uncertain. Some may take advantage of this situation to engage in activities that endanger the white-tailed deer resources of our State and the public health. Others, without illicit intentions, may act in reliance on the May 5th Ag Department emergency rule or subsequent drafts of that rule and discover that they have violated provisions of Title 56 and may be subject to prosecution. For the above reasons, the Department, the Wildlife and Fisheries Commission and the Department believes that an immediate ban on the importation of white-tailed deer into the State of Louisiana is necessary and that such a ban should remain in effect until such time as the above issues are resolved."

That concludes the text of the emergency declaration and I guess to maybe boil a lot of what I just read down into a little plainer terms, the issue with the Declaration of Emergency is very narrow. It simply and clearly prohibits the importation of white-tailed deer into this state. Now there are other concerns that the Department, the Commission, people we have talked to have with the rules, the big body of rules that is currently under review between Ag Department and the Department of Wildlife and Fisheries. Our Secretary, Mr. Jenkins recently penned a letter on this subject and it boiled our concerns down to primarily four issues that I would like to state for the record. The Department's chief concerns pertaining to deer farming and those things that are involved in that issue are #1 that farm raised white-tailed deer must not come from the state's wild deer herd resources; #2 all farm raised white-tailed deer must have electronic identification devices implanted soon after birth to safeguard the state's wild deer herd; #3 the regulation of hunting activities of any species is the province of the Department and the Louisiana Wildlife and Fisheries Commission--this is hunting and is not farming; and #4 due to the incidental impacts that private hunting preserves will have on law enforcement statewide resource management disease, genetics and other public opinions concerning hunting activities, the Department and Commission must maintain regulatory authority over private preserves. And I guess that sums up, Mr. Chairman, my comment and kind of sets the situation for you gentlemen in terms of the emergency resolution that you have in front of you. We would be glad to answer any specific questions I guess at this point, I'll be surprised if there are not many.

Chairman Babin: Okay, at this point Commissioners if you have any questions of Mr. Bateman while he is up here or anyone on the

staff, let's ask them now before we get the Department of Agriculture....

Mr. Bateman: Mr. Chairman, let me say that we have our biological staff represented here, and specifically Fred Kimmel and the Legal staff has gone over this thing and is available to answer those particular type questions in detail on any issue you might want to raise. And, I personally would like to thank the people involved, our law enforcement guys, legal and Fred Kimmel specifically for putting this package of details together and I think setting us on a course here to try to resolve this issue. It is extremely important that I think everybody understand that there are two absolute bedrock issues that are being, are being attempted to be breached at this point with what we are dealing with. Hunting is an activity in this State that has always been regulated by the Department of Wildlife and Fisheries. If we allow these rules that are being proposed by Ag to go forward that will breach that traditional and constitutional authority that has been issued to this Department for since this State had a constitution. The second issue involved is the privatization of wildlife and that is an extremely important issue not only in this State but nationwide. As far as I know, in every instance that has been held sacred by the State Fish and Game Agencies across this State, across this nation. And, those two issues in themselves are the real bedrock that we need to keep in mind while we go through the details of debating this issue. Thank you.

Chairman Babin: Glynn?

Commissioner Carver: Mr. Bateman, what was the original intent of the legislature when this bill was passed? It can't be what you have just read - at least in my mind.

Mr. Bateman: That, that particular issue has been researched I think very carefully by several of us and I think that the author of that bill, Senator Cain, and both in direct conversation with him and review of the testimony given in the legislature when that bill was passed, he clearly did not intend the two issues that I just mentioned to you, privatization and protection of wild deer resources and the authority for regulating those remain with this Department. I don't think there is any question that he did not intend for that to be breached.

Commissioner Carver: In other words, the Department of Agriculture has taken it on themselves to interpret this bill differently than what he originally intended and has written a bunch of rules and regulations that really are in violation of what Wildlife and Fisheries believe and teach and stand for.

Mr. Bateman: I think that is a fair statement.

Chairman Babin: Don, do you have, you look like you have a comment to that.

Mr. Don Puckett: No...

Chairman Babin: Okay, Perry, did you have any?

Commissioner Gisclair: No, I don't have any questions for Mr. Bateman, I think that he very clearly stated the problems, the points we have problems with and I think we need clarification on those problems if in fact that the Department of Agriculture plans on carrying out these activities that you know we those that we dispute as far as authority and exactly what can be done. And, I myself have made one call to Department of Ag day before yesterday and I am glad they are here today because that's where we're at if in fact they are going forward with these problems are in their plans. That's what I have a problem with if in fact they want to leave this in and not consider and take it out, exactly what kind of authority do they plan on taking over these issues.

Chairman Babin: At this point, I think it might be good for someone from the Department of Agriculture to come up to the microphone and...

Commissioner Cormier: Mr. Chairman?

Chairman Babin: And, wait just hold on just a minute Mr. Cormier, and allow them to address some of the things and to address some of the questions that we have, and again this is no court of law, its information. We are trying to find out where we're going and what's going to happen from here. So, if someone, one of the representatives would come up. Mr. Cormier? Before you get up, no, wait Butch.

Commissioner Cormier: Before you leave Butch, he asked you earlier did the legislation intent, what the intent were, and you said no, it wasn't the intent. But, being specific, did it in fact say any of this? That legislation did not in fact say this, right? And, I don't know, but, you know, clarify me if I'm wrong. It's my understanding that even Senator Cain's interpretation is that no, its no way that that legislation reads this.

Mr. Bateman: That has been our understanding.

Commissioner Cormier: And it's being misinterpreted.

Mr. Bateman: Our understand has been that when he was acquainted or advised of what the approach is now being taken is that he clearly stated that the legislation in 1995 was in no way intended to get into these areas at all and it was strictly a deer farming operation and was not a hunting operation and I think he is on record as saying it.

Commissioner Cormier: All right, that's all I wanted to know.

Chairman Babin: His intent and purpose was to create an industry for deer farming, not private hunting clubs.

Mr. Bateman: Absolutely and we have, our Department has clearly been allowing that to happen in the past and that's where we would like to continue to be. And, what we are faced with now is going way beyond that.

Chairman Babin: Okay, if someone from the Department of Agriculture would come up, or all three.

Mr. Jim Gelpi: Good morning Mr. Chairman and members of the Commission, my name is Jim Gelpi and I am attorney for the Department of Agriculture and Forestry. First of all let me say that we appreciate the opportunity to be before you and have met with some of the members of your staff, although not as often perhaps as might we would've perhaps like. In connection with the comments that have been made this morning, let me advise that I have not seen a copy of the proposal that's before you, so it is going to be hard for me to comment on everything that's in it, so I will need some guidance regarding the matters that you feel are perhaps the most important to you. I did make notes on four items that Mr. Bateman indicated were of principal or primary concern to him. If you would like I can address those because I have written those down?

Chairman Babin: Please.

Mr. Gelpi: All right, the first one that I have that he commented on was removal of the deer from the enclosures which will be used for deer farming. In connection with that, the regulations provide that all of the deer within the enclosure have to be removed before the enclosure can be completed. With regard to accomplishing that task, the regulations require any proposed deer farmer before he can get a license to submit a plan for that removal. And the reason we're requiring a plan is because not every location is going to be the same. And rather than make up a bunch of rules that don't apply to other places, it's going to be subjectively done place by place. With regard to the Wildlife and Fisheries' role in that, we have offered Wildlife and Fisheries to ascertain that the deer removal, or to the extent that they wish to anyway, ascertain that the deer removal has been accomplished before the license is issued. We have not been taken up on that offer.

With regard to implantation, the regulations provide that before anyone can obtain a deer farming license, that they must submit to the Department of Agriculture for its approval, a plan to implant all of the deer on that farm and that there must be, in

addition to that, a systematic plan for capturing deer to accomplish it, and that plan also has to be submitted.

With regard to enforcement of hunting, and I think the next two items really relate to enforcement, and would relate to the activity that would concurrently operate between Wildlife and Fisheries and the Department of Agriculture and Forestry. One I think Mr. Bateman spoke about was enforcement of hunting and the other being regulatory authority. Well nothing that I'm aware of at the moment any way has taken away any regulatory authority that you already have. At least if that is the case, that something we have done has purported to take away regulatory authority from you, that would have to be shown to me and I guess it will be before I leave the podium probably.

But, what we did do with regard to cooperating with the Department of Wildlife and Fisheries in this regard is to offer what we do and I imagine you do as well, and that is to enter into a written cooperative endeavor agreement between our respective departments setting out who will do what and when and, if you're familiar with them, I won't go into any further explanation, they are commonly used between agencies of government when agencies of government have a common interest over the same subject matter. And, that offer was made and still remains open although we haven't been taken up on that either. Now what exactly that cooperative endeavor agreement will say, we won't know until such time as someone says they would like to do one and then we would start setting out, you know, the terms of it.

Chairman Babin: Would you please explain that because I am unfamiliar with it.

Mr. Gelpi: All right, a cooperative endeavor agreement is a term used to describe a contract between agencies of government. Cooperative endeavor agreements are specifically provided for in our Constitution, Louisiana's Constitution and are like just about any other agreement, two parties get together and work out some details of an arrangement where they are going to be doing some things together. It could be building a building or it could be, you know, enforcing some sets of regulations or whatever. We also have informal operating agreements with other law enforcement agencies in various areas of the law as I'm sure you do and those are not written, but you know those of course are done and we really to my knowledge, are not in any difficulty cooperating with any other enforcement agencies where there appears to be some common interest. We have a pretty good history of getting along with folks in that regard. I might say, I think I've addressed before specific issues, if I might just generally say I believe it is the Department of Agriculture's interest to see that private land is put into production related to agriculture and that deer farming is an interest of the Department and is a constitutionally authorized activity of the Commissioner of Agriculture to promote

agriculture, and that if private land owners, you know, want to farm deer that is of interest to us and we feel a legitimate interest to us, not to take away the legitimate interest of others such as yourselves because we recognize that as well.

Chairman Babin: In that regard, Mr. Gelpi, I have a question to ask, two questions, actually. In regards to the enclosures, according to the rules that I have, proposed rules by the Department of Agriculture on page 14 of your rules it says, "Other obligations of farm licensee" and it says "a licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm unless the fencing and enclosure system was completed prior to April 22, 1997."

Mr. Gelpi: The question is?

Chairman Babin: For lack of better term, where does this "grandfather" come in?

Mr. Gelpi: Okay, well that is exactly what it is, it is a "grandfather clause" and it is our intention that where enclosure systems are there, have been in place and have proven adequate, to not require them to come to another fence that may also be adequate but is not yet proven.

Chairman Babin: But what about the wild deer that belong to the public that are still in this particular enclosed area...

Mr. Gelpi: Okay.

Chairman Babin: ...that we need to address.

Mr. Gelpi: All right sir. Well in that regard the plan that I mentioned earlier would apply. That particular applicant would have to provide a plan for removing the deer from that facility and that plan would have to be determined to be adequate. There would have to be verification that the task was accomplished before the license would be granted.

Chairman Babin: Second question and we may get back to that one in just a minute. On page 18 of your proposed regulations it says, "any harvesting permit by the Department shall be valid only for the time period stated on the face of the permit." Not being an attorney, I read into that first of all, let me ask you this question, can white-tailed deer be sold in the State of Louisiana for meat?

Mr. Gelpi: No sir.

Chairman Babin: Okay, so what other reason would you harvest deer unless it was for a hunting purpose?

Mr. Gelpi: For consumption, control population are two things that I think I know and if you get beyond that I have Dr. Maxwell Lea with me who is a State Veterinarian who may address additional points. But those are two I am aware of.

Chairman Babin: But see, here in your rules you are speaking of harvesting permits valid only for the time period set forth by the Department of Agriculture.

Mr. Gelpi: Right.

Chairman Babin: Well let's just suppose that that time limit is different from the hunting seasons set by the Department of Wildlife and Fisheries. Is that not creating a special little sovereign hunting club?

Mr. Gelpi: I think the terminology you know could be that or something else if you would like. But what it really is, is if we are going to farm animals as we do in agriculture, we have to harvest them as well. Otherwise the venture is incomplete.

Chairman Babin: But if we cannot sell white-tailed deer meat for consumption in Louisiana, what are you going to do with that meat when you harvest it? The Department is going to go in and harvest, the farmer is going to go in, or is the farmer going to sell the rights to go in there?

Mr. Gelpi: I would think that the farmer is going to sell the right to go in there.

Chairman Babin: So, we have created....

Mr. Gelpi: But I would be happy to let, excuse me, Mr. Babin, I am going to finish answering your question and if I am incorrect on that and I will check with the policy makers as we speak, if I am incorrect or incomplete I would like an opportunity to finish that up. But, that is essentially correct what I have answered you. I'm sorry, go ahead sir.

Chairman Babin: Because you see that, that is the problem that I have and I think the Department has, it looks to be that the Department of Agriculture is trying to set up their own permitting system which may have dates contrary to Wildlife, that every other deer hunter in the State of Louisiana has to go by and maybe set dates that are different to that to go in and kill deer, harvest deer, the word that you used, ya'll are using in your proposal, for a fee. Again, I'm no attorney, what I read into that is John Q. Public, that's opening up private hunting clubs and I don't think that was the intent of Senator Cain's legislation. That is not a farm, that is a hunting club.

Mr. Gelpi: First of all, this would be open to every hunter, no hunter would be excluded that I'm aware of.

Chairman Babin: Yes, but any time you go purchase something that's open up to every one also if they can afford it.

Commissioner Carver: Are you going to accommodate 65,000 hunters?

Chairman Babin: I just, as I see it, we're trying to create, it looks on the surface that it is creating a private hunting club. And by private, I mean any one who can afford to go in there and kill a deer for a price.

Mr. Gelpi: Well, Mr. Babin, I have to tell you that, that I think you are going to find that its our policy that this, that this is a legitimate use of private land and private property and we are not aware of any prohibitions, and we are aware of some laws and constitutional provisions that would tend to encourage this type of activity as far as agricultural interests are concerned.

Chairman Babin: Contrary to what everyone else has to do in terms of deer hunting to follow regulations, follow seasons.

Mr. Gelpi: Well, I think that is part of the stuff that we're offering to sit down with you on on a cooperative endeavor agreement and I'm not sure if the policy makers will reach a perfect accord, but there is certainly some attempt to do that and has been some attempt to do that.

Chairman Babin: You alluded earlier to the fact that the Department of Wildlife and Fisheries has, I'm looking for the right word not to step on anybody's toes, not being cooperative and has not set down and met with the Department of Agriculture in a timely fashion.

Mr. Gelpi: I didn't mean to say, I hope I didn't say that, if I did I was incorrect. I did say I thought I would've like a little more input or maybe a little more contact than what we had. But no, there are two occasions that we met face to face that I'm personally aware of because I was there. There has been at least one letter that was written by Wildlife and Fisheries to us raising certain problems, most of which I feel like we have addressed, but apparently not adequately as far as Wildlife and Fisheries is concerned. So, there are, and I think there might have been some other incidental contact that I'm, that I'm not aware of.

Chairman Babin: Because I'm going to read something that that was addressed to Secretary Jimmy Jenkins from Commissioner Bob Odom. And it says, Enclosed please find a revised copy of the Department's regulations concerning farm raised deer. Department meaning Department of Agriculture. I have received no comments

from you or your staff concerning the set of regulations delivered to you Monday, August 18. Please submit any comments or concerns you may have as soon as possible. I am anxious to adopt these rules and regulations. Sincerely, Bob Odom. That was saying that we did not respond to something on Monday, August 18?

Mr. Gelpi: Well, when that was written, that was true.

Chairman Babin: Dr. Debbie Cox is a State Veterinarian, right?

Mr. Gelpi: She is a State Veterinarian.

Chairman Babin: Correct. The Department received a phone call from her on August 19 advising that the rules were again under revision and that they would fax the revised copy to the Department of Wildlife and Fisheries on the 20th. We received them on the 28th.

Mr. Gelpi: You received one version on the 28th. They have been through, they have been going through a constant revision and rewriting and that is why we need the input.

Chairman Babin: But we have a letter saying we did not address, but yet we have someone from the Department's saying do not address it because we still in the revision state.

Mr. Gelpi: Well, I don't, I really don't think that the fact that we have a new set, that we didn't want to hear about the old set because these revisions at this point in August are not major revisions. I mean these are just, you know we are fine tuning, and are still looking for input on any version you want would have probably been helpful. But we did furnish up to dated versions, updated versions when we had them and would of course appreciate comments on those as well.

Chairman Babin: No, there is just a number of concerns that I have as a Commissioner on the Department of Wildlife and Fisheries losing authority over wildlife in this State under the guides of farming when it looks to me, and I think it would look to most deer hunters that the creation of something that that is not in fact a farm, but nothing more than a deer hunting farm. And, I'm, you know, I'm not trying to be overly critical here but this is what I see and I think this is what the Department sees and this is the issues that we need to address much further. Glynn, please step in.

Commissioner Carver: You stated it pretty well to me. I mean, if they can't sell the meat, what else are they going to sell? Are they going to sell maybe some breeding stock to a limited degree, they are selling trophy hunts? That is the way I read it, its an opportunity for a farmer to raise trophy deer and sell permits to

harvest these deer, because they can't sell the meat. What else is there?

Mr. Gelpi: Mr. Carver if you are correct and I'm certainly not suggesting that you're not, the only thing that I would add to what you said is we're talking farm raised deer.

Commissioner Carver: Yes. Is it not true you can't sell venison in the State of Louisiana, is this not true? Can you export venison to other states? You can not. What else have they got to sell except trophy hunting? That is the question I ask, it's a big business now, I've seen it.

Mr. Gelpi: Big agribusiness.

Chairman Babin: Go ahead.

Commissioner Gisclair: And one other thing that even makes that argument stronger, and I'm saying trophy hunts is that in, on page 17, except as otherwise provided in Subsection B, no farm raised white-tailed deer shall be harvested or killed during, except during the period October 1st to January 31st of the following year unless or otherwise specifically authorized in writing by the Department. And that being the Department of Agriculture, not Department of Wildlife and Fisheries. It also says in B, the Commissioner may establish by written order other dates and conditions for the harvesting or killing of farm raised alternative livestock as the Commissioner deems necessary. And alternative livestock in your definition is any imported exotic deer and imported exotic antelope, elk, farm raised white-tailed deer. So, that even makes it you know even stronger that we're talking strictly a ranch for trophy hunting. We're not raising deer, we are charging hunters \$1,000, \$1,500 a gun to go in and kill deer at dates other than specified by the enforcement department or the Department of Wildlife and Fisheries.

Mr. Gelpi: I think, I don't know if that is a question or a comment. I just want to point out that there are no wild animals involved in the activities you just mentioned, these are all farm raised animals which I think is significant.

Chairman Babin: Then would the Department of Agriculture be willing to relinquish the fact that they wouldn't set harvesting permits and set seasons if in fact you want to create a farm, then let's create a farm and let's specifically say that we are not going to sell trophy hunts and that we are not going to you know allow people to come in here and pay us \$1,000, \$1,500, \$100 whatever to do it. Why can't we put that into the rules, specify instead of making it vague.

Mr. Gelpi: I think policy matters of the kind that you're discussing are the very things that we would hope to discuss with

interested parties whenever they wish. Let me point out, that this law that we're referring to that was passed and I think Senator Cain had some involvement in it perhaps maybe even leading author.

Chairman Babin: He was the author, correct.

Mr. Gelpi: The Civil Code Article 3415 which has been on the book for about 15 years doesn't deal with farm raised animals, which is what we're dealing with. It deals with wild animals. And it says that wild animals or birds within enclosures and fish or shellfish in an aquarium or other private waters are privately owned. So, I think that is not that the matters that are under discussion are not totally unprecedented or without authority even if this law had not been passed. But in the matters that have been presented to you in the form of regulations, the Department of Agriculture is not relying on this law or any other law to deal with any wild animals. You deal with those. We're dealing with totally imported or farm raised animals and I would think that that is significant, although apparently not significant enough for some.

Chairman Babin: No, because I question the fact of the word totally. If an area had been enclosed before April 22, 1997, you are not sure if all the wild deer were taken off of that enclosure. You say that the farmer has to have a plan, does that mean that then if that plan encompasses the fact that he can go get each one of those deer and bring them where somebody can see if they were implanted with an electronic device? Is that going to be required like cattle that you can go catch every cow that may be in a pasture? And it maybe a 2,000 acre farm?

Mr. Gelpi: Again, these are policy matters that I think should be discussed and we, again offered Wildlife and Fisheries to be a part of the verification that the wild deer are removed. We haven't been taken up on that, but the offer was made and the offer remains.

Chairman Babin: Okay, Mr. Bateman, I would like for you to respond to that if you don't mind, about the offer not taken up.

Mr. Bateman: Mr. Chairman, let me....

Chairman Babin: Excuse me Hugh before you start. Mr. Gelpi please don't go very far, I'm sure we are going to and I don't want this to get to confrontational, please.

Mr. Bateman:let me, let me make sure everybody understands that the Department of Agriculture and the Department of Wildlife and Fisheries have had an extremely long history of very good cooperation. We've done this over the years and to my knowledge, this is the first time that we have arrived at some serious disagreement in terms of whose authority prevails and which

issue they should be in charge of and which issue, which issues involving wildlife we should be involved in. It always happens when you get peoples maybe personal opinion about how things read and how they apply and I think that is part of what you just heard. And, what I know is, I've got a staff member sitting here that has been at a number of meetings with Department of Agriculture where these exact same concerns have been discussed and they have not been resolved. The exact same concerns about hunting, wild deer commingling with imported deer, all the aspects that we've been over have been discussed. And they've been discussed not only once but several times. We have not been able to resolve those questions and let me clearly say this, that the Department of Agriculture will determine when an enclosure is free of wild deer. It says that in the rule, Fred, is that not correct? They will determine whether or not a harvesting period is established or not. They will determine whether or not the rules and regulations governing the hunting of these deer in these pens is correct or not. The Department has repeatedly asked that we be involved or be in charge of those particular aspects in the rule and my understanding from Mr. Kimmel is that, it isn't exactly the way it is worked out. That's part of the reason we are here, that's part of the reason why the confusion continues and part of the reason why we want this prohibition established and further part of my, my -I guess - sense of urgency I'm bringing to this issue that we're beginning to get off of the issue of deer farming into simply allowing another agency to start regulating hunting, and that is a traditional responsibility that has been vested in this Department. I would like, if you would allow me Mr. Chairman, to maybe have Mr. Kimmel make a few comments more specifically on these issues.

Chairman Babin: Please.

Mr. Fred Kimmel: Mr. Chairman, I guess let me first address the issue of wild deer that we are discussing. I haven't seen the latest version of the Department of Agriculture rules, so I'm basing these on the August 28th version, which I think you have. In there there is a statement that says that wild deer have to be removed from the enclosure, however there is an exception and that exception is if the enclosure was completed prior to April 22, 1997. On the face of it, this appears to be some kind of grandfather clause, however, generally and I'm not an attorney, but generally I think of a grandfather clause as coming into play when we restrict an activity that has been legal before and now we're restricting it. This Department when we regulate game breeders have never allowed people to take wild deer and put them into an enclosure and claim that they are tamed deer or farm raised deer or anything of that nature. Therefore, it is our opinion that there is no reason to actually grandfather anybody. This has never been a legal activity. Secondly, there was at least in the August 28th version a statement that basically the Department of Agriculture will be the final arbitrator of whether or not the deer have been removed. And, I guess #1, we would question their expertise to

determine this, #2, I guess we might also question the standards of by which they are going to use. In some of our meetings and discussions, they had talked about the farmer making a reasonable effort which is fine, but I guess we're more interested in the result, the fact that all deer have been removed rather than the effort that's made. We have stated in writing, in comments that we would be, we would accept the responsibility of determining whether or not all deer have been removed. Now that is something the Department of Wildlife and Fisheries is willing to do. We are not willing to remove them and we made that clear. But we will, if asked, give an opinion and be willing to decide if those deer have been removed, completely removed. I guess that is the one issue that has been discussed and I just wanted to clarify those matters and I guess back tracking a little bit on the, your comments about the April (August) 18th draft of the rules, I would just like to say that I was the one that received the call from Dr. Cox. It was a perfectly friendly call and she simply told me that the rules were under revision. Hold up. Another one is coming imminently, like the next day or two. Of course, if I'd expected, if I'd thought we were suppose to continue revising, I wouldn't have gotten a phone call like that telling me that there is another one coming in a day or two. So that, that's what happened, it may have been a communication problem, I don't know. But, I assumed it was. But it was clearly, at least in my mind, conveyed that there was another imminent draft and that there was no need for us to review this one because a later, more final one was coming.

Chairman Babin: To your knowledge, what is the most current revision and I'm sure the Department of Agriculture -- the latest revision we have is August 28, is that in fact the last revision?

Mr. Gelpi: No, there is one since then and it was presented this morning to one of your attorneys and it is final. It is final in the sense that it...there will be no more revisions until the ordinary rules are adopted in the course of the ordinary rulemaking process.

Chairman Babin: Okay, so we as a Wildlife and Fisheries Commission don't even have that yet.

Mr. Gelpi: Well, you do have it.

Chairman Babin: Well, it was presented here this morning, yes.

Mr. Gelpi: It was finalized at 6 o'clock last night and you got it this morning. But I also might add that the changes are going to be very minor.

Chairman Babin: Just fine tuning is basically what you're saying. The main, the intent what we have here is basically intact.

Mr. Gelpi: And has been for some time, but all the changes that we are talking about in August, I think anyway are you know what I would call the normal changes that go through as people continue to read, things are revised, but the basic structure hasn't changed for a while now.

Chairman Babin: Okay, I'm sorry, go ahead.

Mr. Kimmel: No, I was going to interject another thought if that's okay?

Chairman Babin: Sure.

Mr. Kimmel: I think some people may not be aware of the distinction we're making here between deer farming and deer hunting. It's our opinion that deer farming is, is, occurs in a situation in a relatively small enclosure where you have deer that are relatively tame that can be actually, easily captured, can be vaccinated, can be treated medically, can be loaded up and put in trailers, can be marked with ear tags or microchips, the fawns can be picked up when they are dropped, the farmer knows exactly how many deer he's got, how many have died, how many are born, and that's what I think we and probably the Legislature thought of as deer farming. There was actually a farming situation, more of a ranching type situation. And I think this has now developed into a situation where people are fencing in perhaps 500, 1,000 acres of woods and introducing deer. And, when you get into a situation like that you obviously have a case where there are wild deer in there, its not deer farming in the respect that you can't capture the deer, you can't move the deer, you don't know how many deer you've got, its far removed from deer farming. And we have no problem with deer farming per se and in fact we don't have a problem as a Department with people hunting deer in an enclosure as long as they abide by the Wildlife and Fisheries regulations including licenses, seasons, means of take and whatever applicable rules there may be. Our objection is to taking this deer farming law and expanding it to include the introduction of deer into large wooded enclosures and hunting them because that does not fall within what we believe is the definition of deer farming, at least our maybe our common sense definition. In reviewing the Senate testimony, it seemed clear to me anyway that that was the Senate Committee's impression of deer farming was more of a feed lot, a ranching type operation and not a big wooded hunting preserve. That's all I have.

Chairman Babin: Don, do you have any comments to make at this point?

Mr. Puckett: I have a few comments, Mr. Chairman and Members of the Commission partially in response to Mr. Gelpi's comments and partially to echo Mr. Bateman and Mr. Kimmel's comments, not in any particular order of importance. But, essentially the questions and

the issues that the Department has continued to pose in objection or as suggested changes to the rules have remained unchanged. The essence of these rules remains as they were months ago. If anything there are some parts of the rules that have become more objectionable from our standpoint, specifically the harvesting, the harvester's permit which we see as simply a defacto hunting license. We do not believe that you can simply erect an enclosure around a large wooded acreage and thereby deem these deer to be now farm raised rather than wild. We feel like they are wild deer by nature. If they are wild, they are regulated by this Commission and if they are hunted, that hunting is regulated by this Commission and we don't feel like we can compromise on those issues. We don't feel that the law or the regulations can be manipulated to somehow deem these deer which are otherwise wild to be farm raised because of the definition contained in the law or in the regulations. Again, Mr. Kimmel and yourself have already alluded to the pre-April 22nd exemption, that has been an objection since that first appeared. We object to the Department's ... this Department's lack of oversight with regard to the removal of the deer in order to ascertain that in fact there are no wild deer. We believe that there is a certain point at which, at least in size and in the nature of the area that is enclosed - particularly very large wooded acreage - that you simply cannot ascertain with any certainty that the wild deer have been removed, and we think that's simply a fact. There are other provisions - and again I don't think you want to hear a lengthy debate between two lawyers as to the specific provisions of these rules or what the law is - we don't think that the rules that have been proposed by Agriculture comply with the microchipping requirement that was in the law that passed. And, there are other comments, but I think in essence there is a fundamental disagreement between these two departments as to what constitutes wild deer versus farm raised.

Chairman Babin: Okay, any questions of the Commission of Don while he is up? Mr. Gelpi, if you, if you have some further comments sir, we would love to hear them. I'm trying to give as much latitude here as possible, this is a very important issue and its not going to be settled right here, so we want to hear as much information as possible because it is a very important issue. So, please bear with us.

Mr. Gelpi: I guess Mr. Chairman that I will just point out that I, this morning, listened with interest and heard some things that relate to these regulations that we have not heard before and I guess we do have, in addition to a fundamentally different outlook on deer farming versus deer hunting and we also have I think maybe...(unintelligible). For example, I heard just now that some parts of these regulations are now more objectionable than they were before. That has not been pointed to me or to any of the other people who are writing the regulations until a moment ago. The grandfather clause that was referred to a moment ago as permitting wild deer to remain on these enclosures is, is not an

interpretation that we intend or believe to be the case. We do not intend for the grandfather clause to apply to anything other than the fence. There still has to be an adequate enclosure system and there still has to be a removal of all wild deer before the license can be issued. But if they have a fence that has been there since the time we stated and that fence has proven to be successful, then we are not going to make them tear it down and do a new one when they have one that appears to be doing the job as well as the one we are going to ask them to erect. That is the only thing that the grandfather clause has to do with and however, we have not heard the interpretation that we just heard from the microphone before this morning. We're being told that we can not remove all the wild deer, well I mean, I guess you better see what particular place we want to remove the wild deer from, but presently Wildlife and Fisheries is authorizing under its own laws and regulation enclosures of deer. And, so you presently are doing it for, I believe, breeding purposes and we went to your rules and regulations to see if you had any provisions that would give us some guidance regarding removal of these deer and have incorporated to the extent we could whatever you had to do is in effect what we're doing. So, if they cannot all be removed, then I don't know what you all are presently doing because you all are authorizing fencing of enclosures.

Commissioner Gisclair: Could I, I think you just touched on a point that really comes to mind is that I think you are talking about the scale of the operation, the scale of the operations that are in place now can be done, this scale of operation has no limitations as far as acreage. I think that is the difference in the two.

Mr. Gelpi: Well, no doubt that we have to see each individual place to determine whether its doable or not doable. And then I heard that we have a basic, I heard this morning from the microphone that Department of Agriculture and Wildlife and Fisheries has a different opinion of what is a wild deer and what is a farm raised deer. I haven't heard that before, if that's the difference between us, I'm not aware of it.

Commissioner Carver: I'm sorry I didn't get these rules and regulations until this morning right before the Commission Meeting, I've been trying to review them. You speak of a cooperative effort between Wildlife and Fisheries and Department of Agriculture earlier, nowhere in these rules and regulations except one place do I even find Wildlife and Fisheries mentioned and that is if the farmer is going to release wild deer into the outside the enclosure they will notify the Wildlife and Fisheries. Nowhere else can I find the Wildlife and Fisheries even mentioned in these rules and regulations and you tell me that this is a cooperative effort.

Mr. Gelpi: No, sir. I said when there is a cooperative endeavor agreement it, you write it in a separate document called...

Commissioner Carver: Have you written such a, has such a agreement been written?

Mr. Gelpi: I've written many of them.

Commissioner Carver: I mean concerning this issue.

Mr. Gelpi: No sir, we have not been told that that is acceptable as a method of proceeding.

Commissioner Carver: You know, you put deer in an enclosure of say 1,000, 2,000 or 10,000 acres, there is no way you are going to keep a fence around that at all times. And, I think you know that, I think you will agree to that or any of us that has lived on a farm, we spend half of our time fixing fences. Now when a storm comes through and the fence blows down, those deer are going to get outside and I'm almost humorous at the last thing you say about if they escape from the enclosure of the farm if not captured by the licensee within 96 hours of escape, may be captured by authorized representatives of the Department or by any law enforcement agency by whatever means. That's almost hilarious. These deer get out of this pen, I'm sure that they, you just going to go out there and say "Come here, let's get in this cage so I can put you back in the pen." It doesn't work that way and we're going to get an intermixing of the deer in the wild regardless of how careful we monitor the situation. And not only are you going to get deer that are going to get out of the enclosure outside, but you're going to have deer from outside coming in. Say the fence was torn down during the rutting season, I mean these bucks in the wild are going to come into that pen, won't they Mr. Bateman? I mean that is a typical man's reaction during a rut, isn't it? I mean he is going to go where he can find him some ... women? I'm being very careful with this terminology. But what I'm trying to say is that I don't feel that you can, or Department of Agriculture can sit up there and say we are going to put a fence around this and we are going to keep all these deer inside. If any of them get outside and we can't capture them in 96 hours, man they become anybody's meat. Hey, it don't work that way, not with wild deer and I just thought that last statement was almost hilarious because they think that you can saddle up horses and go out there and round up those deer like you do cattle, you've got another thought coming.

Mr. Gelpi: Well in connection with that particular provision, I can only tell you the one conversation I had with a deer expert on that - I imagine there might have been others as well - but according to this one deer expert, deer are creatures of habit I am told, I do not know this, I'm only repeating what I was told. And that on a breaching of fence that we will probably want to make a

provision to build a, I'm going to use the term corral - for sake of a better word - within the breach because that deer is likely to return within a given period of time. I forgot the period of time he told me and that we would need a gate at that point and that deer could likely be recaptured. But I don't offer that on first hand knowledge, but I am told by someone who is reported to be an expert in the field that these deer are all creatures of habit and will return.

Commissioner Carver: You know, we can all quote experts...

Mr. Gelpi: Sure.

Commissioner Carver: You can quote Jacobson or Crowell and they will tell you that a deer will travel as much as 35 miles and we use to think they use to stay within a mile radius. That is an old theory that we've taught for years and years, but we find from summer to winter maybe 30 or 40 miles particularly young bucks can leave and maybe travel 50 miles before they set up another territory. So, I don't think that that has any validity at all, but I just, I just want to see them after those deer get out and 96 hours they can't catch them, and I want to see them out there on a bunch of horses trying to round up some white-tailed. I just don't believe it will work. But its also going to cause an intermingling and this disease problem bothers me as a biologist and there are several diseases. And we've been very fortunate in Louisiana that we don't have an abundance of Lyme disease and I have seen this disease and got a couple of friends of mine that have had it and its very serious. And another thing is, I read all these rules and regulations and it seems that the underlying statement that, is the Department of Agriculture can do anything that it wants to and there is no penalties involved. I mean, you know, if you don't get all the deer out, so what. And this bothers me. And it also bothers me that the Department of Wildlife and Fisheries is, in my ... in this set of rules is not even been considered.

Commissioner Gisclair: And that was one of the things that he touched on it and if it has changed I'm not sure, but on the one that I have on page 14 it says, in the event of such a breach or opening the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if the farm-raised alternative livestock from the wild, or the wild white-tailed deer entered into the area enclosed by the fence. What do you consider reasonable effort?

Mr. Gelpi: I can't answer that other than to tell you that the expert that I spoke with said that there would need to be some type of gated, double gated situation that would need to be put into place and that that deer within so many, such a period of time...

Commissioner Gisclair: Then going on to what...

Mr. Gelpi: ...has a possibility if not likelihood of returning and if you do it right, you can capture it.

Commissioner Gisclair: Mr. Carver said, these deer have electronic tags, suppose to anyway even under ya'll regulations, correct? So you can tell if that deer is not there, there is no penalties if in fact he lost a deer, didn't make an attempt to retrieve the deer. It might be 1, 2, 10, 15, 20 deer that went into the wild stock. I mean that man, if he did not try to retrieve or lost those deer, somewhere he should be penalized.

Mr. Gelpi: Well if that's the feeling of Wildlife and Fisheries, then we should be so informed during the writing process which we have not been. But there is another writing process that's about to occur and that is for the ordinary rule that will follow, so please give us your thoughts on that. We have one letter with several subject matters in it and that's about all we have at this point. And, Mr. Babin, in closing let me say this to you, I am here representing an arm of the government, you are here and your members are here representing an arm of the government, in the course of what each of us do, I hope its cooperative with one another and I certainly on behalf of the Commissioner offer full cooperation. However, in the course of the rule that you are talking about and I guess to some extent in the regulations that we're dealing with, we are regulating the right of citizens of this country and this state to use their private property and I think we should both take a step back and take another look because I heard a lot of talk about what the law says they can do and what the law says they can't do and I think we need to remember that we are talking about private property which can generally be used for whatever the private citizen wants if its not prohibited. I don't need to go get a law passed to permit me to use my private property. Its the mirror image of that that we generally deal with. I can use private property for those things that are not prohibited. I do not need a list of things that I may use my property for. And, I think that is part of the difference that, fundamental difference that may exist between the Departments is that we feel that private property can be used for agriculture, for agribusiness and of course we recognize the need for some regulation which is why we have multiple pages of regulation and have had these communications and meetings with your Department so that hopefully both sides of this coin can be properly serviced without imposing upon private property rights.

Chairman Babin: And I really, as a Commissioner and I don't think the Department has a problem with farming of animals. We have a problem with having complete control over everything that takes place within those fences. You are now going, sorry for repeating myself, but you are going from farming to hunting. And, you're right, we don't have the right to tell somebody what to do on their own private property, but I don't think the Department of Agriculture has the right to say you can go kill deer on this

private property on such and such a date and such and such a month which is completely contrary possibly to what Wildlife and Fisheries is saying. That we have a problem with. It seems and I think, well it seems to me and the people I've spoken to in the Department that we're creating a special interest group situation here for trophy hunting. That is what it looks like to this Department and I think that's probably what it looks like to a lot of people and we want to dispel that first of all if that is not in fact true. But when you use words like harvest, that only tells me one thing because we use the word harvest a good bit in Wildlife and Fisheries and it is to harvest animals because of seasons. I'm in the shrimp business and we have a shrimp harvest going on right now, it is a business, okay. But it seems on the surface that you are creating a little sovereign nation here that you have complete authority over as Department of Agriculture and that scares, to be perfectly honest, a lot of people, me included, that you can just go in and set up and if somebody can't afford it can go in there and have the opportunity to harvest one of these animals. And, if I can't afford it then I don't have that opportunity and it may not be all private deer or farm raised deer some of it may have been public deer. This is our concerns. I as a Commissioner, you know I keep hearing from you the law, the law, unfortunately this is probably going to end up somewhere in a court of the law. I think you see that as well as probably the Department because we are at odds and we sure, we could debate it here forever, but ultimately its probably going to be debated in a court of law who has the legal authority over all of this. I would hope that we could as two departments try to get away from that, solve our problems before we get to that. I think, I don't know if this is the proper time to do it, but if there is no objections to the Commission, I would like to direct the Secretary and the staff to request an oversight review of your rules.

Mr. Gelpi: From the legislative committee?

Chairman Babin: From the legislative committee.

Mr. Gelpi: Natural Resources and Agriculture?

Chairman Babin: Correct.

Mr. Gelpi: We will accept that. You mean an overview of these issues?

Chairman Babin: Correct.

Mr. Gelpi: I think I can, I'm sorry, Mr. Carver, go ahead.

Chairman Babin: Go ahead and address that if, you have no problem with that?

Mr. Gelpi: I would think that we have no problem with that and I think I speak with some authority.

Commissioner Carver: I think that there have been many problems or unsolved opportunities presented here this morning from your side and from our side and we don't want you to feel that we're not cooperative in your effort, we are. But, you got to understand that this Commission body, one of its primary responsibilities is to protect the resource. Now you're talking about the law and being able to farm, we are to protect the resource, that resource, one of them in Louisiana is deer. Now you bring disease ridden deer into the State of Louisiana, they escape and contaminate our herds with tuberculosis or increased incidences of Lyme disease, I'm going to be personally, feel personally responsible in some way if I did not express my opinion concerning that. Because, if you bring these deer into enclosures and you, I assume you're going to feed them, supplemental feeds and minerals and nutrients, you're going to concentrate these deer and any time you concentrate any animal or any plant, disease becomes a much bigger problem. And these people, now like Mr. Bateman can tell you what happened in Tensas Swamp with an over concentration of deer, the disease that went rampant and I would hate to know that this Commission, without expressing its objections at least, that if Agriculture imports these deer and we loose 60 or 70 percent of our natural deer herds as a result of it, that I wanted to go on record that we are objecting to it.

Mr. Gelpi: Mr. Chairman, disease has been mentioned so much I feel compelled to at least respond to that. As early as 1908, Louisiana placed the power in a state agency to look after those matters pertaining to the diseases of animals in the State of Louisiana and they have done an exemplary job. They have eradicated diseases that were in Louisiana over the years that I'm familiar with and that is the State Livestock Sanitary Board which by law has been given plenary power to deal with all contagious and infectious diseases of animals. And that agency is within the Department of Agriculture and Forestry and its Executive Secretary is a State Veterinarian who is here with me today and I think to suggest that that issue hasn't been looked at and dealt with in connection with this and that there is always some reason for concern for disease, but we have some provisions built into the regulation but vigilance will never end on disease and farm raising animals is an activity while Wildlife and Fisheries may not be as familiar with it as Agriculture, we deal with it in large numbers every day and we recognize and appreciate the comments made regarding disease but want to say that especially over the last 15 years and I think before that as well, they have been well dealt with.

Commissioner Carver: I'll agree with everything that you have said but there is one thing, you haven't dealt with: farm raising deer with a wild herd on the outside.

Mr. Gelpi: Thank you, Mr. Chairman and members of the Commission.

Chairman Babin: Thank you very much Mr. Gelpi for all of your comments. Fred you have a...

Mr. Kimmel: I would just like to make a couple brief comments, just as clarification and one I guess I have a question. I would like to clarify that Wildlife and Fisheries has never, to my knowledge, issued permits for pens which contained wild deer. Someone comes to us and wants, has a deer pen, they have a deer pen one of the first thing we are going to do is make sure there are no wild deer in it. If there is any doubt that there is wild deer in it, we will not issue a license. An individual can have a pen with wild deer in it, but he can't, you know, he can't sell them or hunt outside the season or anything else. Okay. Number 2, I was interested in the comments about the April 22 date. Again, I'm working off the August 28th revision of these rules and I guess I understood Mr. Gelpi to say that the grandfather clause applied only to the fence and the people were still required to remove the deer. However, let me just read from this version, it may have changed, if its changed, great, you know. But this version says the licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm unless the fencing and enclosure system is completed prior to April 22, 1997 and that, you know, that is a concern. And the reason we haven't commented on this before is because we just got this on April (August) 28th and we're working on our comments.

Chairman Babin: Okay.

Mr. Kimmel: The other, I guess the other comment we've talked about property rights and certainly that's an important issue and I guess wildlife has always been kind of unique in this country in that for over 200 years wildlife has been considered a public resource. And I think and again, I'm no lawyer, but I think that the constitutional provisions, the statutory provisions and tradition and history have always upheld this concept of wildlife as a public resource. And I guess our concern is that we're changing this long tradition of wildlife as a public resource through administrative rule by the Secretary, the Department of Agriculture, the Commissioner of Agriculture. I guess if we really want to take such a major step to change this history and tradition, it should be done statutorily or possibly the constitutional convention with a full public debate. We do not believe that the time to change this is in an administrative rule. And thirdly, I guess we've been talking mostly about the Department of Agriculture's rules, I would just like to say that we have a Declaration of Emergency and while they are related, they are also somewhat separate in that the Declaration of Emergency is intended only to shut down the importation of deer until we resolve all these issues we've been discussing. It's not meant to, you know,

spite anybody or take a gig at anybody, its simply to shut this down until the Department of Agriculture and the Department of Wildlife and Fisheries and whether the legislature or the courts or whoever is going to be involved in this to settle the issue, we know clearly who is in charge of what and so we can continue to protect the wildlife resources. That's all I have.

Chairman Babin: Thank you and I was not going to forget about enforcement. I would like for you to get up and make some comments and that we have a statement and then we have a Declaration of Emergency on the floor.

Major Brian Spillman: Thank you Mr. Babin, members of the Commission. Just not to reiterate the points that have been made by the agencies so far, there are a couple of things I would like to bring out, one in particular that are of major concern to us as the law enforcement division of the agency. And that is, that these rules as proposed do not explicitly give us powers to regulate this form of hunting or harvesting, or whatever they want to call it in any way whatsoever. Without the ability to identify white-tailed deer as a farm raised white-tailed deer, or a wild native species, we loose virtual all authority to regulate white-tailed deer in that there is no way to distinguish between the two other than electronic implant. Well once this animal is reduced to meat, there is no way to identify that, there is nothing in the rules that say that electronic implant must remain with the meat at all times, there is no transporting or tagging provisions for transporting the meat, and this will create problems for us not only from not having the ability to enter upon these farms and regulate them from that point, but after this meat leaves this farm and goes on to the highways and byways of the State and we come across it, we are not able to identify it as a either wild or domesticated meat. That's one of the points that we would like to bring out. Another is without having the authority to regulate this activity as the proposed rules are written, we loose basic given authorities that we have in entering properties to regulate the wild harvest of animals. That being that you have a 1,000 acre fenced area and this area is fenced for the reasons that they are purporting here as farming or harvesting operation, we're not able to enter that property according to their rules to check on turkeys or squirrels or rabbits or anything else, any other wild animals that we do regulate without having some type of complaint or probable cause. If we're not able to get there, if we're not able to access the property, it prohibits us to do the job that we need to do. And that's one, we're driven by the court decisions, we're driven by the evidence procedures and a lot of different things that we have to have to do our jobs and those things are being side swiped sort of speak and not giving, we're not having, we're not having that ability when they are enclosing these large areas like that. And that's all the comments I have, if you have any questions, I'll be happy to.

Chairman Babin: Any questions? Thank you very much. Mr. Cormier?

Commissioner Cormier: In going along with what this gentleman's just said, I just would like to advise the Commission and also the public and Mr. Jim, I personally on a personal level do not see this, we're having, we're about to meet at an impasse pertaining to these rules and regulations. However, I think it is important and it wasn't mentioned here this morning, but the State of Louisiana spends millions of dollars, we purchase land for deer hunters, we manage these resources for deer hunters and for us as a Commission to not to look at the privatization of it because that in fact is what is getting ready to happen when you get ready to enclose a 1,000 or 2,000 acres of farm land and make it a privatization. You are going to, I think the taxpayers are going to loose and its imperative upon us to be able to question that. And in my efforts and in questioning and voting for this Declaration this morning, it is nothing more than the fact that its, I think its an obligation that we as Commissioners have to the State of Louisiana and to the resources. And I think its important, you spoke about dollars but I think its important that we understand we have spent dollars in managing this resources and these enforcement personnel, that takes taxpayers' dollars to do. And, so I think that was just important to mention. Thank you Mr. Chairman.

Chairman Babin: Thank you Mr. Cormier. At this point I would like to say, I would like thank everyone for their comments, the Department of Agriculture and Wildlife and Fisheries. As a Commissioner, Chairman of this Commission, I don't have the authority to charge you to go in tomorrow morning and meet together and resolve these issues. I think we have some common ground, but there are also a lot of issues in debate here. I'm asking as a citizen of the State of Louisiana and a sportsman for the Department of Wildlife and Fisheries and the Department of Agriculture, let's get this resolved, this is a very important issue. Let's not say, we didn't meet, they didn't meet, let's use the word we, let's sit down, let's work these problems out. I think they're not insurmountable. Both sides need to see where the other one is coming from in this particular issue. The Department of Agriculture is asking Wildlife and Fisheries to give up something they have been having for years, for as long as everybody here can remember. So it is a little bit tough to swallow if that is the intent of the law, then that's what we're going to have to live by. We just don't feel like it is the intent of the law. So, I do appreciate your coming here, I hope you appreciate where we're coming from on it and I would ask that both sides sit down as soon as possible and let's take issue by issue and get this worked out. Now, we have a Declaration of Emergency on the floor. Mr. Bateman?

Mr. Bateman: Mr. Chairman, usually in these type issues you have a resolution that you need to pass that connected to the

Declaration of Emergency and so you will need to act on that at this point. Unless you want to ask for any other public comments from anybody here.

Chairman Babin: I'm at a loss here. (Some discussion) Yes, okay, you just went about it in a different manner. Please read the Therefore Be It Resolved.

Mr. Bateman: Yes, I'm sorry Danny.

Chairman Babin: My mind happened to be on white-tailed deer at the time.

Mr. Bateman: Therefore Be It Resolved, that the Louisiana Wildlife and Fisheries Commission hereby adopts the Declaration of Emergency attached hereto and made a part hereof for the purpose of immediately prohibiting the importation of white-tailed deer into Louisiana, and Be It Further Resolved, that this prohibition will remain in effect until such time as the regulatory issues which threaten Louisiana's wild deer and human health are addressed.

Chairman Babin: Do I hear a motion?

Commissioner Carver: I so move.

Chairman Babin: Moved by Mr. Carver.

Commissioner Gisclair: Second.

Chairman Babin: Second by Mr. Gisclair. All in favor? (Ayes from all) All opposed? (Nothing heard) Thank you. The motion carries. Okay, next on the agenda....

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, September 4, 1997

Chairman Daniel Babin presiding.

Glynn Carver
Perry Gisclair
Joseph Cormier

Deputy Secretary Clyde Kimball was also present.

Commissioners Jerald Hanchey, Norman McCall and Tom Gattle were absent.

Chairman Babin called for a motion for approval of the **August 7, 1997 Commission Minutes**. A motion for approval was made by Commissioner Carver and seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Hugh Bateman began the discussion on the **White-Tailed Deer, Declaration of Emergency**. Mr. Bateman asked if the Declaration of Emergency on white-tailed deer could be read so the background and specific issues could be noted. Chairman Babin allowed the reading of the Declaration of Emergency. During the reading, Mr. Bateman stated the Department of Agriculture had formulated rules as of September 3 and did not incorporate any of the Department's comments. Mr. Jim Gelpi with the Department of Agriculture and Forestry stated it was a temporary set of rules, and that his Department has been sharing the rules with the Department of Wildlife and Fisheries. Chairman Babin thanked the representatives from the Department of Agriculture and Forestry for attending the meeting and assured them they would have a chance to speak. After reading the Declaration of Emergency, Mr. Bateman stated the emergency issue was to prohibit the importation of white-tailed deer into this state. A letter from Secretary Jenkins pointed out four main concerns which the Department has with Department of Agriculture's proposed rules. These included: 1) farm raised white-tailed deer must not come from the state's wild deer herd resources; 2) all farm raised white-tailed deer must have electronic identification devices implanted soon after birth to safeguard the state's wild deer herd; 3) regulation of hunting activities of any species is the province of the Department and Commission; and 4) due to the incidental impacts that private hunting preserves will have on law enforcement, statewide resource management, disease, genetics and other public opinions concerning hunting activities--the Department and Commission must maintain regulatory authority over private preserves. Mr. Bateman thanked Mr. Fred Kimmel, the Enforcement Division and Legal staff for

putting the package together and trying to ^{threatened} ~~threatening~~ resolve some of the issues. Two items that are ^{breached} ~~attempting~~ to be ^{get} ~~breached~~ according to Mr. Bateman were 1) taking away the tradition and constitutional authority of regulating hunting from the Department of Wildlife and Fisheries and 2) privatization of wildlife.

Commissioner Carver asked Mr. Bateman what was the original intent of the bill when it was passed? Mr. Bateman stated this has been researched and from what has been stated by Senator Cain it was not intended for the two issues mentioned before to be breached. Commissioner Carver then commented the Department of Agriculture has taken it upon themselves to interpret the bill differently than what was originally intended. Commissioner Gisclair felt Mr. Bateman pointed out the problems the Department of Wildlife and Fisheries has and what clarification was needed. Chairman Babin asked someone from the Department of Agriculture to come up so they could address some of the issues and answer questions the Commission may have. Commissioner Cormier asked Mr. Bateman if the legislation was specific in establishing the rules the Department of Agriculture has initiated. Also he stated he understood that Senator Cain did not believe the legislation read like that. Mr. Bateman stated when Senator Cain was informed of Department of Agriculture's interpretation of the bill, he did not want it to get into the areas mentioned earlier, it was to be strictly a deer farming operation and not a hunting operation. Chairman Babin asked if Senator Cain's intent of the bill was to create an industry for deer farming and not private hunting clubs? Mr. Bateman answered yes.

Mr. Jim Gelpi, Attorney, began stating he appreciated the opportunity to come before the Commission. He also stated he has met with Department of Wildlife and Fisheries staff members, but not as much as he would have liked. Four items of principal concern to Mr. Bateman were addressed by Mr. Gelpi. The first was on the removal of deer from the enclosures, Mr. Gelpi stated the regulations required all of the deer ~~have to be removed~~ before the enclosure can be completed. A plan must be submitted from the deer farmer before a license would be issued. Department of Agriculture has offered Wildlife and Fisheries the option of ascertaining that the deer has been removed before a license can be issued. The second issue of concern was implantation. The regulations require a plan must be submitted on implanting all of the deer on the farm and a systematic plan for capturing deer, stated Mr. Gelpi. The last two items, which related to enforcement and regulatory authority, Mr. Gelpi stated no regulatory authority has been taken from the Department of Wildlife and Fisheries that it has always had. Then he stated an offer was made to the Department of Wildlife and Fisheries to enter into a cooperative endeavor agreement setting out who would do what and when. Chairman Babin asked Mr. Gelpi to explain what a cooperative endeavor agreement was. Following the explanation, Mr. Gelpi continued stating it was the Department of Agriculture's interest to see private land put

into agricultural production and deer farming was a constitutionally authorized activity of the Commissioner of Agriculture. He then stated deer farming was a legitimate interest to them. Chairman Babin asked Mr. Gelpi about their regulations on fencing and the grandfather clause for fences built before April 22, 1997? Mr. Gelpi stated fences that have proven to be adequate should be allowed to remain. Chairman Babin then asked about the wild deer still within an enclosed area that belongs to the public and why would a farmer harvest deer unless it was for a hunting purpose? Then he asked about a harvesting permit valid only for a specific period of time established by Department of Agriculture and could this not create a special hunting club if the dates were outside the Commission's deer season frameworks? Chairman Babin asked what would a farmer do with deer meat if he could not sell it for consumption. Then he let it be known that he felt the Department of Agriculture was trying to set up their own permitting system, which may have dates contrary to what all hunters have to follow, and allow hunters to harvest deer for a fee. From the surface, Chairman Babin felt Department of Agriculture was creating a private hunting club (which meant anyone could hunt for a price). Mr. Gelpi felt this was a legitimate use of private lands and private property. Chairman Babin asked if the Department of Wildlife and Fisheries was not being cooperative and had not met with the Department of Agriculture in a timely fashion. Mr. Gelpi stated that was not correct, he felt there was a need for more contact or input. Chairman Babin read a letter from Commissioner Odom to Secretary Jenkins asking for comments from draft rules sent on August 18, 1997. Then he stated the Department received a telephone call from Dr. Debbie Cox, a State Veterinarian, telling us not to respond to the August 18 proposed rules and a revised version would be faxed on August 20. Mr. Gelpi stated the revisions were being fine tuned and would have accepted comments on any version the Department of Wildlife and Fisheries may have received. Chairman Babin stated he had a concern with the Department of Wildlife and Fisheries losing their authority over wildlife. Commissioner Carver asked, if the farmer could not sell the meat or export the meat, what then would they be selling? to which he answered, a trophy hunt. Commissioner Gisclair read from the proposed regulations on the hunting seasons and the meaning of alternative livestock and stated how it all relates to their opinion of offering a ranch for trophy hunts at dates other than specified by the Wildlife and Fisheries. Mr. Gelpi reminded Commissioner Gisclair that there are no wild animals involved, they are all farm raised. Chairman Babin asked Mr. Gelpi if the Department of Agriculture would be willing to relinquish setting harvest permits and seasons. Mr. Gelpi stated the Department of Agriculture was dealing totally with imported or farm raised animals. Chairman Babin had a problem with the word "totally" and how it related back to the April 22, 1997 grandfather clause. Mr. Gelpi again stated his Department has offered to sit down with Wildlife and Fisheries to address policy matters such as this and Wildlife and Fisheries has not accepted that offer. Chairman Babin

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asked Mr. Bateman to address the fact the offer was not acted upon. Mr. Bateman stated the Department of Agriculture and Department of Wildlife and Fisheries have had a long history of very good cooperation and that this is the first time serious disagreements have arisen over authority. He then stated one of his staff members has attended several meetings where the same concerns were discussed but have not been resolved. Mr. Bateman advised the Commission, the Department of Agriculture would determine when an enclosure is free of wild deer, whether a harvesting period would be established, and whether or not the rules governing the hunting of the deer in the pens is correct. He then felt the Department of Agriculture was going to be allowed to start regulating hunting which is a traditional responsibility of the Department of Wildlife and Fisheries. Mr. Bateman then asked Chairman Babin to allow Mr. Fred Kimmel to make a few comments.

Mr. Kimmel began first explaining the wild deer removal from enclosures and the exception that included the April 22, 1997 grandfather clause and felt there was no reason to grandfather anyone since it has never been a legal activity. The second point discussed was the Department of Agriculture having the final say on deer removal, to which Mr. Kimmel questioned their expertise in determining it and the standards by which would be used. The Department of Wildlife and Fisheries was more interested in the results and not just the effort made and then accepted the responsibility of determining whether all of the wild deer have been removed. Then Mr. Kimmel stated he was the person that received the call from Dr. Debbie Cox and she told him to wait for another set of rules that would be forthcoming. Chairman Babin asked Mr. Kimmel what, to his knowledge, was the most current revision? Mr. Gelpi interjected there was a revised rule finalized the day before and it was presented to Mr. Don Puckett before the meeting began. He added that the changes were very minor and the basic structure was not changed. Mr. Kimmel explained the difference between deer farming and deer hunting. Deer Farming was to be small enclosures where the population could be controlled, but now it was being expanded to include much larger areas of land that included wild deer. According to Mr. Kimmel, the Department of Wildlife and Fisheries did not have a problem with deer farming or hunting deer in enclosures as long as the regulations are followed. The objection comes when a farmer takes the law and expands it to include the introduction of deer into large wooded enclosures and hunting them.

Mr. Don Puckett stated the questions and issues the Department of Wildlife and Fisheries has continued to oppose remains unchanged, and if anything, some parts are more objectionable. One such issue was the harvesting and harvestor's permit which Wildlife and Fisheries sees as a defacto hunting license. Wild deer and the act of hunting should be regulated by the Commission and no compromise could be made. Then Mr. Puckett stated the Department of Wildlife and Fisheries has been opposed to the April 22

grandfather clause since it appeared, the lack of oversight regarding the removal of deer and the non-compliance with the microchipping requirement. The fundamental disagreement between the two agencies is what constitutes wild deer versus farm raised.

Chairman Babin asked Mr. Gelpi if he had any additional comments. Mr. Gelpi stated he heard some concerns on the proposed rules that he has not heard before. He then commented the grandfather clause did not refer to anything but the fence. On the non-removal of all wild deer, Mr. Gelpi stated the Department of Wildlife and Fisheries has regulations authorizing enclosures of deer and his Department went to those regulations to incorporate similar language. Commissioner Gisclair stated the scale of operation the Department of Agriculture is proposing has no limitations as far as acreage. Another concern from Wildlife and Fisheries that was not presented before, according to Mr. Gelpi, was the difference the two agencies has with farm raised deer and wild deer. Commissioner Carver stated he cannot find but one place where Wildlife and Fisheries is even mentioned and asked Mr. Gelpi about the cooperative endeavor agreement. Then he stated deer in enclosures of 1,000 acres or more could not be contained within a fence at all times. When the farm raised deer escape into the wild, there will be an intermixing of deer regardless of how careful the situation is monitored, stated Commissioner Carver. Mr. Gelpi stated he had a conversation with a deer expert that told him deer were creatures of habit and if a breach occurred in the fence, a corral would be needed to gate them when they return. Commissioner Carver stated deer will travel sometimes between 35 to 40 miles before setting up another territory. The disease possibilities and the underlying statement that Department of Agriculture can do anything with no penalties were concerns for Commissioner Carver. Commissioner Gisclair asked what did the Department of Agriculture consider reasonable effort and why was there no penalty for not recapturing deer? Mr. Gelpi stated the Department of Wildlife and Fisheries should inform Department of Agriculture of their concerns during the writing process. He then stated he was regulating the right of citizens in this State to use their private property as long as the activity is not prohibited. Chairman Babin stated the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission does not have a problem with farming of animals. The problem occurs when there is complete control over everything that takes place within an enclosure. He also stated the Department of Agriculture did not have the right to allow hunters to kill deer on private property at a specific time. It seemed to him as well as others that the regulations were creating special interest groups for trophy hunts. Chairman Babin stated he expected this situation would probably be resolved in a court of law but hoped the two agencies could solve the problems. He then directed the Secretary and staff to request an oversight of Department of Agriculture's rules. Mr. Gelpi felt there would be no problem with that request. Commissioner Carver stated one of

the primary responsibilities of the Commission was to protect the resource. If the deer population was infected with a disease and he did not express his concern on this, Commissioner Carver felt he would be responsible for this occurring. Mr. Gelpi stated Louisiana placed power in the State Livestock Sanitary Board to look after diseases of animals and they have done an exemplary job. Also he stated provisions have been included in the regulations that would address the disease issue. Commissioner Carver agreed with Mr. Gelpi, but he added the Department of Agriculture has not dealt with farm raised deer with wild deer on the outside.

Mr. Fred Kimmel stated Wildlife and Fisheries has never issued a permit for pens that contained wild deer. He then read from the proposed regulations on the enclosure system and noted the Department of Wildlife and Fisheries was working on their comments. Property rights is an important issue, stated Mr. Kimmel. He then felt changing the tradition of wildlife as a public resource should not be changed through Administrative Procedure Act but by statutory or Constitutional Convention with a full public debate. The Department of Wildlife and Fisheries' Declaration of Emergency is related to the Department of Agriculture's proposed rule, but separate also, stated Mr. Kimmel. The Declaration of Emergency is intended to shut down importation of deer into Louisiana until all the issues have been resolved.

Major Brian Spillman with the Enforcement Division stated Department of Agriculture's rules do not give them powers to regulate the harvesting of deer. Also, not being able to tell the difference between a farm raised white-tailed deer and a wild white-tailed deer leaves the Enforcement agents with virtually no authority to regulate the deer, except with an electronic implant. But once the deer was reduced to meat, there was no way to identify it. Another concern is the lose of authority to enter properties to regulate wild harvest of animals such as turkeys, rabbits, squirrels, etc., without having some kind of complaint or probable cause.

Commissioner Cormier reminded everyone the State of Louisiana spends millions of dollars in purchasing land and managing resources for deer hunters. He felt it was an obligation to the taxpayers and the state to vote for the Declaration of Emergency.

Chairman Babin thanked both agencies for their comments. He then asked the two departments to meet as soon as possible and resolve the differences. Mr. Bateman read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to adopt the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

- WHEREAS,** the Louisiana Department of Agriculture and Forestry has been given certain authority to regulate farm-raised deer raised for commercial purposes, and
- WHEREAS,** the Louisiana Department of Wildlife and Fisheries maintains authority to regulate white-tailed deer in exhibits, game parks, zoos, and wild white-tailed deer, and
- WHEREAS,** the Louisiana Department of Agriculture and Forestry has promulgated and circulated an emergency rule and subsequent draft rules purporting to allow wild deer captured in enclosures to become "farm-raised", and
- WHEREAS,** the Louisiana Department of Agriculture and Forestry has proposed to set special "harvesting seasons" apart from those hunting seasons set by the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS,** the Louisiana Wildlife and Fisheries Commission and Louisiana Department of Wildlife and Fisheries has not concurred with these proposed Louisiana Department of Agriculture and Forestry rules and has questioned the legal authority of the Louisiana Department of Agriculture and Forestry to establish such rules, and
- WHEREAS,** there is believed to be increased activity by some deer breeders to import deer into Louisiana for the establishment of hunting preserves and breeding farms in expectation of promulgation of favorable rules by the Louisiana Department of Agriculture and Forestry, and
- WHEREAS,** individuals have, without notifying the Louisiana Department of Wildlife and Fisheries, proposed to capture wild deer from a state with a high incidence of Lyme Disease and transport them to Louisiana without regard to statutes and regulations forbidding the possession of wild deer and without regard to potential human health impacts, and

WHEREAS, the uncertain regulatory situation regarding white-tailed deer has increased opportunity for importation of white-tailed deer into Louisiana under circumstances that pose a danger to Louisiana's wild white-tailed deer in the form of illegal exploitation, disease introduction, and genetic alteration, and

WHEREAS, unregulated and undocumented importation of white-tailed deer also poses a threat to human health, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is charged with the protection and management of Louisiana's wild deer which provides 3.7 million days of recreation and over \$284,000,000 in economic benefits to Louisiana's citizens annually, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby adopts the Declaration of Emergency attached hereto and made a part hereof for the purpose of immediately prohibiting the importation of white-tailed deer (Odocoileus virginianus) into Louisiana, and

BE IT FURTHER RESOLVED, that this prohibition will remain in effect until such time as the regulatory issues which threaten Louisiana's wild deer and human health are addressed.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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 LSA Const. Art. IX §7; LSA 56:6(10), (13) and (15) and 20 and 171 et seq., the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule:

The importation of white-tailed deer (Odocoileus virginianus) into the State of Louisiana is prohibited.

This rule is effective September 4, 1997 and shall remain in effect for 120 days.

The reasons for the promulgation of this Declaration of Emergency are as follows:

The Louisiana Constitution vests the LWFC with the exclusive "control and supervision of the wildlife of the state." With the passage of Act 461 of the 1995 Legislature, effective August 15, 1995, the Louisiana Department of Agriculture and Forestry (LDAF) was given certain authority to regulate farm-raised white-tailed deer (Odocoileus virginianus). Since that time, the Louisiana Department of Wildlife and Fisheries (LDWF) has attempted to cooperate with the LDAF in the formulation of its deer farming rules.

However, the LDAF draft rules have consistently failed to address the LDWF's concerns about impacts on wild deer. On May 5, 1997, a LDAF emergency rule was promulgated and distributed to Louisiana deer farmers and game breeders, which purported to authorize them to enclose wild deer on the property within deer-proof fences, thereby converting this publicly owned wildlife resource to private property. This provision of the rule is without statutory authority. At present, LWFC statutes and rules at LSA R.S. 56:116.1(B)(6) and LAC 76:V.107C expressly prohibit the possession of live, wild, white-tailed deer. The LDWF does not permit the commingling of wild white-tailed deer and farm-raised white-tailed deer. The LDWF has concerns that some deer farmers and breeders, possibly acting in reliance on the May 5th LDAF emergency rule, are attempting to import deer for release into enclosures which may also contain wild deer. Since the May 5th emergency rule, there have been two other drafts of the LDAF rules, all of which purport to: 1) allow releasing of pen-reared deer in large enclosures containing wild deer, 2) give some deer farmers property rights over wild deer confined in enclosures, 3) establish special hunting seasons and licenses beyond those established by the Wildlife and Fisheries Commission, and 4) deny LDWF enforcement agents unaccompanied access to deer farmer records. The LDWF has not concurred with these provisions and has questioned, and continues to question, the legal authority of the LDAF to establish such rules.

The result of this conflict has been an uncertain and confusing regulatory climate. Some individuals, possibly taking advantage of this uncertain climate, have begun to import white-tailed deer for release into enclosures for hunting, breeding, or other purposes. Indications are that importation of white-tailed deer may be increasing. In one instance, and without consulting the LDWF, individuals from Louisiana have proposed to capture wild deer from New York, and bring them to Louisiana for release.

Unregulated importation of white-tailed deer into Louisiana poses several threats to the wild deer resources, as well as, to human health. Currently, there is no way to independently distinguish wild deer from farm-raised deer in an enclosure or transport vehicle. Therefore, the effective enforcement of laws to protect Louisiana's wild deer is jeopardized. Neither adequate reporting nor record keeping regulations are in place, and the LDAF

has not proposed regulations which require that all deer within an enclosure be implanted with microchips as required by law (LSA R.S. 3:3106). There is an increased threat of exposure of wild deer to disease from imported deer. Bovine tuberculosis is found in captive and wild white-tailed deer in some states. Although there are USDA testing requirements for tuberculosis, the current regulatory situation in Louisiana hampers the effective enforcement of testing regulations and results in a regulatory climate whereby circumvention of the testing requirements can occur. There will be an increased threat to the genetic integrity of the wild deer should large numbers of imported deer be released or escape into the wild. There is currently a great deal of interest among deer breeders in replacing our native white-tailed deer with northern varieties which tend to be larger, but are not as resistant to endemic disease and are not genetically adapted for Louisiana. Under the current regulatory situation there is an increased threat of the covert release of imported deer into the wild for genetic manipulation. Such activities would also increase the potential for disease transmission to wild deer. The uncertain regulatory climate which has resulted in increased and unregulated deer imports, also poses a potential threat to human health. Imported deer may carry diseases such as tuberculosis or carry the vectors of disease, such as Lyme disease infected ticks. The deer that were proposed to be imported from New York, were from an area with a very high incidence of Lyme disease. In contrast, while Lyme disease occurs in Louisiana, the incidence is currently very low. Lyme disease, as well as, other diseases carried by deer or their parasites, can be contracted by humans and is a threat to public health.

In the past, importation of deer into Louisiana was not a significant problem. The public was aware that the LDWF and LWFC regulated the activity, and there was no doubt that LWFC regulations applied to all white-tailed deer activities. Deer that were imported into Louisiana were placed in relatively small deer-proof enclosures and did not come into contact with wild deer. All breeders were licensed by the LDWF, and the LDWF had access to all records and documents. However, the regulatory climate has gone from one where regulatory authority was clearly defined, to one that is now uncertain in the eyes of the public. The nature of private deer breeding activities is now generally small scale operations of exhibitors and hobbyists; however the activity being contemplated by LDAF includes large scale breeding and hunting operations.

It is the LDWF's belief that, to many in the public, the current status of regulations concerning captive white-tailed deer are confusing and uncertain. Some may take advantage of this situation to engage in activities that endanger the wild white-tailed deer resources of Louisiana and the public health. Others, without illicit intentions, may act in reliance on the May 5th LDAF emergency rule or subsequent draft rules and discover that they

have violated provisions of Title 56 and are subject to prosecution.

For the above reasons, the Wildlife and Fisheries Commission believes that an immediate ban on the importation of white-tailed deer into the State of Louisiana is necessary and that such a ban should remain in effect until such time as the above issues are resolved.

Daniel J. Babin
Chairman

A Declaration of Emergency for the 1997-98 Waterfowl Season Dates was presented by Mr. Hugh Bateman. At the last Commission Meeting, proposed duck season dates were announced. All requirements from the federal government have been met and it was time to adopt a Declaration of Emergency that would set the season dates. Reconvening from a break, Mr. Bateman read the Therefore Be It Resolved portion of the Resolution. Commissioner Cormier made a motion to adopt 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.)

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 4, 1997.

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.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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 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 1997-98 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone:	(60 days)	Nov. 8 (Sat.)- Nov. 30 (Sun.)	(23 days)
		Dec. 13 (Sat.)- Jan. 18 (Sun.)	(37 days)
East Zone:	(60 days)	Nov. 15 (Sat.)- Dec. 14 (Sun.)	(30 days)
		Dec. 20 (Sat.)- Jan. 18 (Sun.)	(30 days)
Catahoula Lake Zone:			
	(60 days)	Nov. 15 (Sat.)- Dec. 14 (Sun.)	(30 days)
		Dec. 20 (Sat.)- Jan. 18 (Sun.)	(30 days)

Youth Waterfowl Day - January 24 in all zones

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, 3 pintail, 1 canvasback and 2 redhead. 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. 8 (Sat.)-February 22 (Sun.)	(107 days)
Daily bag limit (snow and blue):	10
Possession limit (snow and blue):	30

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 8 (Sat.)- Nov. 30 (Sun.)	(23 days)
Dec. 13 (Sat.)- Jan. 28 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 20-Jan. 28), 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. 20 (Tues)-Jan. 28 (Wed)	(9 days)
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During the Canada Goose Season (Jan. 20-Jan. 28) 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 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 Hwy. 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, 1998 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 Nov. 1, 1997 and extend through sunset on March 10, 1998.

Daniel J. Babin
Chairman

Rule Ratification for the Non-Resident Duck Stamp Fee was also presented by Mr. Hugh Bateman. The rule would raise the non-resident duck stamp fee from \$7.50 to \$13.50. No comments have been received on this proposed rule. The increase in fees would bring Louisiana's fees more in line with other states. ~~Monies~~ *Money* received from this stamp is used for habitat restoration. Mr. Bateman felt this was a good rule. He then read the Therefore Be It Resolved portion of the Resolution. Commissioner Carver made a motion to accept the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

WHEREAS, the Louisiana Duck Stamp Program was established by the legislature in 1988 by Act 632 to raise funds to conserve Louisiana's valuable wetlands, and

WHEREAS, the funds raised from the sale of Louisiana duck stamps are deposited in the Louisiana Duck Stamp Fund to be used specifically for the purpose of wetland conservation, and

WHEREAS, the Department has been actively involved with acquiring, managing and maintaining numerous wetland projects and providing funding assistance for these efforts on both public and private lands, and

WHEREAS, portions of the money utilized for acquisition, management and maintenance of these wetland projects are derived from revenue generated from the sale of Louisiana duck stamps to both resident and non-resident hunters as well as collectors, and

WHEREAS, Louisiana's wetlands provide major wintering grounds for migratory birds and hunting opportunity for thousands of non-residents, and

WHEREAS, other states in the southeast charge from \$3.00 to \$16.00 for non-resident duck stamps, and

WHEREAS, increasing the cost of a non-resident duck stamp by \$6.00 will bring Louisiana's fee more in line with other states and commensurate with hunting opportunity, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has been granted the authority by the Legislature to establish non-resident fees for recreational hunting and fishing licenses and stamps, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission ratifies the attached rule that raises the non-resident duck stamp fee to \$13.50.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

RULE

Wildlife and Fisheries Commission
Department of Wildlife and Fisheries

The Wildlife and Fisheries Commission does hereby promulgate a rule increasing the fee for non-resident waterfowl stamps.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§317. Non-Resident Duck Stamp Fee Increase

Beginning in the 1997-98 license year, the fee for purchasing a Non-Resident Duck Stamp will be increased from \$7.50 to \$13.50. This change will remain in effect until additional changes are warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR : (September 1997).

Daniel J. Babin
Chairman

Mr. Hugh Bateman was requested by Commissioner Gattle to handle the next agenda item, **1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish**. The change for Area A would be to close the turkey season along the Mississippi River east of Highway 65 in Madison Parish down to the Tensas Parish line. Major landowners and hunting clubs in the area did not have any objections to the change. Commissioner Cormier asked if a motion was needed. Chairman Babin answered yes. Then Commissioner Cormier made a motion to accept the change for Area A. Commissioner Carver seconded the motion. Chairman Babin asked if there were any public comments on the change. Hearing no comments, the motion passed.

ARE Mr. Phil Bowman presented the **Declaration of Emergency Setting 1997-98 Trapping Season**. Staff recommendations for the trapping season ~~is~~ to open on November 20, 1997 and extend through March 20, 1998. Mr. Bowman asked the Commission to pass a motion accepting the Declaration of Emergency. There were 486,471 pelts harvested during the 1996-97 season ~~which~~ valued at \$2.87 million. This resulted in a significant economic impact for some of the smaller communities in coastal Louisiana. The dates presented gives trappers the maximum opportunity for the season. Commissioner Gisclair made a motion to adopt the Declaration of Emergency and it was seconded by Commissioner Cormier. The motion passed with no opposition.

Mr. Bowman then stated the staff was in the final stages of issuing alligator tags. A total of 29,500 tags have been issued for the wild harvest which represents an increase of 11.2 percent over last year. The number of alligator hunters has increased also to approximately 1,700. Commissioner Gisclair asked when did the season open? Commissioner Carver asked what was the price for alligator hides? Mr. Bowman stated, from preliminary information, the price was going to be down from last year. Chairman Babin stated he felt there were a lot of alligators in this state and he hoped the Department was going to address this situation soon.

(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 R.S. 49:967(D), the Wildlife and Fisheries Commission is using emergency procedures to set the 1997-98 fur harvest season statewide from November 20, 1997 through March 20, 1998. Authority to extend or shorten the adopted season by the Secretary is hereby authorized by the Wildlife and Fisheries Commission.

Daniel J. Babin
Chairman

Rule Ratification for Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir was handled by Mr. Bennie Fontenot. John K. Kelly-Grand Bayou Reservoir, located near Coushatta, was being added to the list of quality lakes. The Lake Commission has requested the Commission go along with this management scheme. The regulations would include a creel limit of 8 fish with a slot limit of 14 to 17 inches and no more than four fish may be taken over 17 inches. Mr. Fontenot asked the Commission to ratify the rule. Commissioner Gisclair asked if the fish were being measured differently from any other fish? Commissioner Carver made a motion to ratify the rule and it was seconded by Commissioner Cormier. The motion passed with no opposition.

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby amends a rule for black bass in the John K. Kelly-Grand Bayou Reservoir.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

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

* * *

B. In addition, the Commission establishes special size and daily take regulations for black bass on the following water bodies:

* * *

2. Lake Bartholomew (Morehouse and Ouachita parishes), Black Bayou Lake (Bossier Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), John K. Kelly-Grand Bayou Reservoir (Red River Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

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

b. Daily Take: eight fish of which no more than four fish may exceed 17 inches maximum total length.*

c. Possession limit:

i. On water - Same as daily take.

ii. Off water - Twice the daily take.

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

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), amended LR 17:278 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR 23: (September 1997).

Daniel J. Babin
Chairman

Mr. Dave Arnoldi addressed the next item, **Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments**. Act 449 of the 1997 Legislature resulted in the next set of proposed rules and regulations, stated Mr. Arnoldi. Then he read from the law which stated in part that the Commission may adopt rules and regulations in accordance with the Administrative Procedure Act. Also, the law allows the Department to set fees for

administration and enforcement, the application has to be submitted 30 days prior to the event, permits are non-transferable, an expiration date must be stated, an observer from the Department may be assigned and large tournaments are defined as greater than 100 boats. Mr. Arnoldi stated the Department's goal was 100 percent live release of fish. The regulations encompassed in the Notice of Intent were then read by Mr. Arnoldi. Commissioner Carver stated a "can of worms" would be opened if this was passed. He felt it was unfair for other fishermen that happen to be on a lake during a tournament and that it could create a lot of problems. Mr. Arnoldi stated the staff's goal in proposing regulations was to insure live release of fish. Chairman Babin felt the Legislature did not have an opinion when they said the Commission may propose regulations instead of shall do it. Then he opened the meeting for public comments on this item.

Mr. Dan Thornton, False River Lake Committee, stated this was presented more for economics than anything. It was ~~just~~^{intended} to be for False River only but the Legislators changed it to include the whole state. Three large tournaments have been lost due to different regulations. A 100 boat tournament brought in a lot of money to New Roads, stated Mr. Thornton. He assured the Commission the tournaments would be catch and release and all boats would be easily identified. Commissioner Gisclair asked if a fisherman could weigh fish under and over the slot limit? Mr. Thornton stated normal tournament regulations is 12 inch minimum, but these regulations would allow for the weighing of slot limit fish. Chairman Babin stated the Commission was in a dilemma because he felt regulations would have to be developed for another organization, perhaps if requested and this would create ^{another} special interest group. He knew the economic benefit was important but the Commission's first responsibility was to that specie. Commissioner Carver stated the Commission and the Department ~~has~~^{have} been unjustly accused of catering to tournament fishing and passing these regulations would prove the resource was being managed for tournament fishermen, which is not true from the Commission's standpoint.

Hearing no further comments, Chairman Babin asked for a motion. Since no motion was made, the Notice of Intent died for this meeting, stated Chairman Babin.

Chairman Babin asked that the next item, **Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex**, be presented at the October Commission Meeting since three members were absent. He then asked the pleasure of the Commission. All agreed to wait until the October Meeting for the presentation.

Resolution & Declaration of Emergency for the Commercial Red Snapper Season was presented by Mr. Harry Blanchet. He began stating a framework of seasons would be set up that would run

concurrently with the federal framework for commercial red snapper. Rules were promulgated by ^{the} National Marine Fisheries Service on August 28, 1997 and this was the reason for the Declaration of Emergency. Chairman Babin asked if the Department was being asked to go along with what the federal government has set up and are we just complying? Mr. Blanchet answered yes. He then read the Therefore Be It Resolved portion of the Resolution. Commissioner Cormier made a motion accepting the Resolution. The motion was seconded by Commissioner Gisclair and it passed with no opposition.

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

RESOLUTION

COMMERCIAL RED SNAPPER SEASON

- WHEREAS,** the commercial season for the harvest of red snapper was opened on February 1, 1997 in Federal and State waters and closed in April, 1997 with the harvest of about 3.34 million pounds of red snapper, and
- WHEREAS,** the 1997 commercial quota for red snapper in the Gulf of Mexico is 4.65 million pounds, and
- WHEREAS,** the season had initially been set to re-open on September 15, 1997 in order to harvest the remainder of the 1997 commercial quota, and
- WHEREAS,** the Secretary of the Department of Wildlife and Fisheries used existing protocols and authorities to close the commercial season for the harvest of red snapper in Louisiana state waters, continuing the closure through September 15, at which time the season was proposed to re-open, and
- WHEREAS,** the National Marine Fisheries Service announced on August 28 that the commercial season for red snapper harvest in Federal waters will open at 12:00 noon on September 2, 1997 and close at 12:00 noon on September 15, and
- WHEREAS,** the commercial season for red snapper harvest in Federal waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, and in similar fashion for each month until the remainder of the commercial quota is harvested, and
- WHEREAS,** if the commercial quota is reached, the NMFS will close the commercial red snapper season in Federal waters until the beginning of the 1998 commercial season, which will most likely open on February 1, 1998, and

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

WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place in the most expeditious manner, 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 Louisiana Wildlife and Fisheries Commission does hereby establish an open season for the commercial harvest of red snapper in Louisiana state waters effective 12:01 a.m., September 5, 1997 through 12:00 noon, September 15, 1997, and 12:00 noon October 1, 1997 through 12:00 noon, October 15, 1997, and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested, and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to close the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, and

BE IT FURTHER RESOLVED, that such closure order shall close the season until the date set for the opening of the commercial red snapper season in Federal waters, presently February 1, 1998.

BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established.

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 fall, 1997 commercial red snapper season in Louisiana

state waters is attached to and made part of this resolution.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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), 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 red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12:01 a.m., September 5, 1997. The commercial fishery for red snapper in Louisiana waters will close at 12:00 noon September 15, 1997. The commercial season for red snapper harvest in Louisiana state waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, 1997 and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested. The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates for the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled or projected to be filled, such closure order shall close the season until the date set for the opening of the 1998 commercial red snapper season in Federal waters. Nothing herein shall preclude the legal harvest of red snapper 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 red snapper. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit. Provided however, that fish 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 provided all records required by law are maintained.

Daniel J. Babin
Chairman

Collecting **Presentation of the Pilot Charterboat Survey** for information only was handled by Mr. Joey Shepard. The Department, in cooperation with National Marine Fisheries Service, is involved in a pilot charterboat survey. Some concern has been raised that charterboat catch estimates are not precise and this has prompted discussions on how to improve these figures. Mr. Shepard explained the survey which is broken down into two portions. The first was an intercept portion which involved sending people to different sites and collect information which results in an estimate of catch effort. The other source for information was through a random dialing of coastal parishes of those people that may have fished on a charterboat. The best way to improve estimates was to have a group of licensed guides that can be contacted to get the information. Chairman Babin asked if the required information from the guides was given on a trip by trip basis or yearly basis? Mr. Shepard stated there are approximately 200 charterboats licensed and approximately 10 percent are called each week to find out, by trip, how many people they took out, where they fished, and other such information. It is not mandatory the guides give the information for the survey. A bill in this past legislature failed to make it mandatory, stated Mr. Shepard. Chairman Babin asked why did the bill fail? Mr. Shepard stated the Legislature wanted a cooperative effort made first to obtain the information before making it mandatory. Then Chairman Babin asked if someone consistently did not cooperate, could they be identified? Mr. Shepard stated the Department's goal was to obtain the best information possible. If there is no cooperation, the Department would probably sponsor another bill. Commissioner Gisclair felt it was not hard to obtain information from the larger charterboats because it was known where they docked. Chairman Babin stated they did not want to publicly intimidate anyone, but wanted to make sure the Department's presence was felt. He also stated he did not want to hurt the charterboat industry because it was such a valuable industry for the State, but it should be known what was being caught. Mr. Shepard stated it was important to know the total catch from a stock assessment standpoint.

Mr. Raymond Impastato presented the Resolution for **Lifting of Oyster Lease Moratorium**. The resolution was to extend the moratorium on the taking of new oyster lease applications through April 12, 1998. The original date the moratorium was to lift was January 4, 1998 but because of the number of fishermen that come into the office between December and March to pay their annual rent and renew existing leases, the Department felt it could best serve the oyster industry by extending the moratorium until after March. Mr. Impastato stated the Oyster Task Force concurred with the extension. Chairman Babin stated, from what he has been told, the Oyster Task Force did concur with the extension. Mr. Impastato read the Therefore Be It Resolved portion of the Resolution.

Commissioner Cormier made a motion to accept the Resolution and it was seconded by Commissioner Gisclair. The motion passed with no opposition.

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

RESOLUTION

OYSTER LEASE MORATORIUM

WHEREAS, the Wildlife and Fisheries Commission established a moratorium on the taking of new oyster lease applications for new acreage through January 4, 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section will be collecting the annual rent for oyster leases and taking renewal applications for expired leases between December 1997 and March 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section does not have sufficient staff to concurrently lift the moratorium, collect annual rent for oyster leases and take renewal applications for expired leases,

THEREFORE BE IT RESOLVED, that the moratorium on the taking of new oyster lease applications for new acreage will be extended through April 12, 1998, and

BE IT FURTHER RESOLVED, that beginning on April 13, 1998 the Department will accept applications for oyster leases in accordance with all applicable statutes, rules, regulations and procedures for oyster lease applications, and

BE IT FURTHER RESOLVED, that on or before April 6, 1998 the Department will publicly advertise the time and place where applications are to be taken,

BE IT FURTHER RESOLVED, that on the date for taking of applications only one applicant at a time will be allowed in the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application, and

BE IT FURTHER RESOLVED, that applications will be taken 24 hours a day (on a first come basis) until the Department feels the influx of people can be handled during regular office

hours at the New Orleans Office, at which time anyone will be able to take an application.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy Secretary
La. Department of Wildlife &
Fisheries

Chairman Babin asked Mrs. Karen Foote to make the presentation for the next item, **Shell Dredging Lease Bid Package, Central Coast - Consideration of Minerals Committee Report and Recommendations.** She began stating a meeting of the Minerals Committee was scheduled for that morning, but was canceled. Wednesday, August 27, 1997 was the bid opening date, but no bids were received. A letter was received from the existing lease holders. Chairman Babin commented the current bid would expire October 31, 1997 and that the Department was exploring other options and the Committee would meet and possibly provide recommendations to the full Commission. Commissioner Gisclair asked the Minerals Committee to look at going down on royalties or taking less money due to the fact there are other aggregates people are using instead of shell. He then asked for a report of the area which is dredged and the types of damage it is causing.

The **Monthly Law Enforcement Report for August** was given by Col. Winton Vidrine. The following numbers of citations were issued during the month of August.

Region I - Minden - 58 citations.
Region II - Monroe - 127 citations.
Region III - Alexandria - 124 citations.
Region IV - Ferriday - 68 citations.
Region V - Lake Charles - 80 citations.
Region VI - Opelousas - 148 citations.
Region VII - Baton Rouge - 256 citations.
Region VIII - New Orleans - 291 citations.
Region IX - Thibodaux - 276 citations.
Statewide Strike Force - 150 citations.
SWEP - 61 citations.
Seafood Investigative Unit - 23 citations.

Oyster Strike Force - 64 citations.

The grand total of citations issued statewide for the month of August was 1,725.

The aviation report for August 1997 showed enforcement pilots flew three airplanes a total of 147.8 hours for enforcement and 20.9 hours for other divisions.

Commissioner Carver stated he did not know bowfin had a size limit, then he asked what happened to the cooler of alcoholic beverages. Commissioner Cormier asked if there were two boating fatalities and was alcohol involved?

Chairman Babin then asked for **Division Reports**. Mr. Hugh Bateman stated the **Dove Field Leasing Program** has been extremely popular. There were six fields enrolled this year for a total of 1,698 acres throughout the State. Mr. Bateman stated all the fields had birds on them and it was expected there would be hunter participation. The fee for the hunt would be \$10.

Then Mr. Bateman stated the **Lottery Duck Hunt at Red River WMA** is on again for this year and it was hoped there would be some interest and participation. Hunting success last year was not as good as hoped, but the hunt went off well.

Mrs. Janice Collins stated the **Department's Radio Show First Airing** was scheduled for that night. The topics for the first show, called "Louisiana Wild", would include Mr. Robert Helm talking about teal and Mr. Fred Kimmel talking about dove. Also there would be a fishing report, classes offered by the Department and other such topics. She then announced the topics for the next show would be archery and muzzleloader. The show is on radio station WJBO - 1150 AM beginning after Coach DiNardo's show. Mrs. Collins then pointed out a brochure from the Conservationist Office in the Commissioners packet that could provide them the opportunity of doing their Christmas shopping.

After several minutes of discussion, the Commissioners decided to hold the **January 1998 Meeting** on Thursday, January 8, 1998 beginning at 10:00 a.m. at the Baton Rouge Headquarters.

Chairman Babin then asked if there were any **Public Comments**. Mr. Brad Tullos, Wish I Could organization, reported the trail ride was held with great success even though they encountered some problems. The men who worked the event were real helpful in solving these problems, stated Mr. Tullos. He then ended expressing his appreciation.

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

BRIEFS/OUTDOORS

LWFC approves ban on importing deer into La.

By **JOE MACALUSO**
Advocate outdoors writer

Heeding warnings about the introduction of disease spread by non-native deer, seizure of native wild deer by private landowners and losing overall regulatory powers over the wild animals of the state, the Louisiana Wildlife and Fisheries Commission approved an immediate ban on the importation of whitetail deer into the state at its regular monthly meeting Thursday.

Department of Wildlife and Fisheries biologists told the commission the ban was needed to protect the state from a series of rules and regulations currently being written by the Louisiana Department of Agriculture and Forestry (LDAF) for whitetail deer farming operations. The LDAF is acting on Act 461 of the 1995 State Legislature which established deer farms as a viable agricultural practice.

State Wildlife Division administrator Hugh Bateman told the commission the LDAF rules would allow not only importation of deer, but would also establish high-fence hunting areas in the state under the auspices of the Department of Agriculture and to the exclusion of the Wildlife and Fisheries Commission-approved hunting seasons and bag limits.

"It's our understanding that the 1995 Legislature intended for this to be a deer-farming operation, not private hunting clubs," Bateman said. "The intention was to raise deer to export to Texas."

With three members, Tom Gattle, Jerald Hanchey and Norman McCall absent, the LWFC voted 4-0 on the emergency decree.

Other action taken by the commission included:

- Ratifying the 1997-98 duck and goose seasons. The West Zone duck season will run from Nov. 8-Nov. 30 and Dec. 13-Jan. 18 and the East and Catahoula Lake zones will run from Nov. 15-Dec. 14 and from Dec. 20-Jan. 18. A special Youth Waterfowl Hunting Day was set for Jan. 24, 1998. The statewide snow and blue goose season will run from Nov. 8-Feb. 22 and the specklebellied goose season was set for Nov. 8-Nov. 30 and from Dec. 13-Jan. 28. There will also be a special Jan. 20-28 Canada goose season in a designated area in the southwest Louisiana;
- Approving an increase in the non-resident Louisiana Waterfowl Stamp fee from \$7.50 to \$13.50;
- Approving a change in the proposed 1998 turkey hunting rules to ban hunting in parts of Madison, Franklin, Catahoula, Concordia and Tensas parishes. Bateman said hunters in the area wanted the closure to allow turkey populations to recover from several years of spring floods that cut into turkey populations along the Mississippi River in those parishes;
- Approving the state fur-harvest (trapping) season to

- run from Nov. 20 to March 20;
- Ratifying rules bringing the John K. Kelly-Grand Bayou Reservoir near Coushatta into the state's Quality Lakes Program, which mandates a 14-17 inch slot limit and a eight-fish daily creel limit on black bass;
- Refusing to approve rules that would allow an exemption from slot limits on all lakes in the state's Trophy and Quality Lakes program for bass tournaments which have 100 or more boats.

Act 449 of the 1997 State Legislature allowed for the exemption. The Notice of Intent was not considered because it failed for lack of a motion from any of the four commission members;

- Approving state rules to concur with National Marine Fisheries Service regulations which open commercial seasons for red snapper through Sept. 15, and for the first 15 days of October, November and December, or until the NMFS determines that that commercial quota of 4.65 million pounds is reached;

- Approving a delay from Jan. 4, 1998, until April 12, 1998, for the lifting of the moratorium on the taking of new oyster lease applications;

- And, delayed a discussion of black bass regulations in the Atchafalaya Spillway and Lake Verret-Belle River area until its Oct. 2 meeting.

The issue of whitetail deer farming dominated the meeting.

Bateman further explained Department of Agriculture regulations purported to authorize them (landowners) to enclose wild deer on the property within deer-proof fences, thereby converting this publicly owned wildlife resource to private property."

He cited the incidence of bovine tuberculosis in captive and wild whitetail deer in some states, and that the deer "proposed to be imported from New York were from an area with a very high incidence of Lyme disease."

He said while Lyme disease, which is transferred to humans by a variety of ticks, is found in Louisiana, it is very low. He said he considered both problems to be a threat to public health.

Agriculture Department attorney Jim Gelpi defended the plan by insisting the program fell into the realm of agriculture and agri-business.

He also said the LDAF offered Wildlife and Fisheries several opportunities to clear up the disagreements between the two agencies.

"They have not taken us up on the offer," Gelpi said.

Bateman and wildlife biologist Fred Kimmel disagreed with Gelpi and said they had objected to several paragraphs in the deer-farming program, but that the LDAF had refused to add or delete the objectionable wording.

Additional hunt field secured for doves

Advocate news services

State biologists have secured a sixth public-hunt field for Saturday's opening of the mourning dove season. The field is located in Avoyelles Parish near Marksville. It can be reached from La. 1 in Marksville on Slim Lemoine Road (it's next to the Grand Casino) and travel 1.1 miles east from La. 1. From there bear left onto a gravel road. The field is three-tenths of a mile down the gravel road.

The additional field brings to 1,698 acres leased for the one-day hunt. Other fields, which were listed in Thursday's Advocate Outdoors, are in West Baton Rouge, Tangipahoa, Washington and Ouachita parishes.

players doubtful

GAS — First, UNLV lost Lamar Odom over a test controversy. Now, the Runnin' the prospect of playing season without their star another prized recruit.

which had been anticipated m's best season since the team reached the Final Four facing a season of unfer after the loss of the three s.

Florida paid for by a rego-ports' agent prompted the spend center. Keon Clark es and ban recruit Kevin or 14 games.

ed an appeal Thursday on pension, hoping to get the luced. The school did not he penalty to Simmons.

LA initially was consid-ermentantly barring both ter they accepted extra om a friend of Simmons gistered sports agent.

enefits from the agent ne UNLV would not re- led airfare to Florida dur- break in March as well as s and meals.

ensions come in the wake decision to give up his p at UNLV rather than in a probe of his ACT

draft pick

LAKE CITY — The Utah signed Nate Erdmann, d-round draft pick from filling out the team's 12- with the notable absence son's starting shooting Hornacek.

naček doesn't have to it job security. Erdmann ke-good contract, mean- the NBA rookie mini- 10,000, he has to play his e team.

has assured he will re- and is expected to be in mp Oct. 3. That means y for Erdmann to make ould be for the Jazz to r place one of their play- ured list.

made \$2.4 million last veraged 14.5 points and

picked Erdmann, a 6- ing guard, with the 57th draft. In his senior sea- lahoma, Erdmann av- oints, 3.1 assists and 4.8 r game.

COMMISSION MEETING
ROLL CALL

Thursday, September 4, 1997
Baton Rouge, LA
Wildlife & Fisheries Building

	Attended	Absent
Daniel Babin (Chairman)	<u>✓</u>	—
Perry Gisclair	<u>✓</u>	—
Tom Gattle	—	<u>✓</u>
Glynn Carver	<u>✓</u>	—
Joseph Cormier	<u>✓</u>	—
Jerald Hanchey	—	<u>✓</u>
Norman McCall	—	<u>✓</u>

Mr. Chairman:

There are 4 Commissioners in attendance and we have a quorum.

Secretary ~~Jenkins~~ ^{Kimball} is also present.

Deputy

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
September 4, 1997
10:00 AM

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. White-Tailed Deer, Declaration of Emergency - Johnnie Tarver
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates - Robert Helm
5. Rule Ratification - Non-Resident Duck Stamp Fee - Hugh Bateman
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish - Tom Gattle
7. Declaration of Emergency - Setting 1997-98 Trapping Season - Phil Bowman
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir - Bennie Fontenot
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments - Dave Arnoldi
10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex - Bennie Fontenot
11. Resolution & Declaration of Emergency - Commercial Red Snapper Season - Harry Blanchet
12. Presentation of the Pilot Charterboat Survey (Information Only) - Joey Shepard
13. Lifting of Oyster Lease Moratorium - Raymond Impastato
14. Shell Dredging Lease Bid Package, Central Coast - Consideration of Minerals Committee Report and Recommendations - Minerals Committee
15. Enforcement & Aviation Reports/August - Winton Vidrine
16. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
17. Set January 1998 Meeting Date
18. Public Comments
19. Adjourn

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BATON ROUGE, LA

September 4, 1997

10:00 AM

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of August 7, 1997
- ✓ 3. White-Tailed Deer, Declaration of Emergency - ~~Johnnie Tarver~~ *Butch*
- ✓ 4. Declaration of Emergency - 1997-98 Waterfowl Season Dates - ~~Robert Helm~~ *Butch*
- ✓ 5. Rule Ratification - Non-Resident Duck Stamp Fee - Hugh Bateman
- ✓ 6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish - ~~Tom Gattie~~ *Butch*
- ✓ 7. Declaration of Emergency - Setting 1997-98 Trapping Season - Phil Bowman
- ✓ 8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir - Bennie Fontenot
- ✓ 9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments - Dave Arnoldi
- Deferred* 10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex - Bennie Fontenot
- ✓ 11. Resolution & Declaration of Emergency - Commercial Red Snapper Season - Harry Blanchet
- ✓ 12. Presentation of the Pilot Charterboat Survey (Information Only) - Joey Shepard
- ✓ 13. Lifting of Oyster Lease Moratorium - Raymond Impastato
- ✓ 14. Shell Dredging Lease Bid Package, Central Coast - Consideration of Minerals Committee Report and Recommendations - Minerals Committee
- ✓ 15. Enforcement & Aviation Reports/August - Winton Vidrine
16. Division Reports
 - ✓ a. Dove Field Leasing Program
 - ✓ b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
17. Set January 1998 Meeting Date
18. Public Comments
19. Adjourn

RESOLUTION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

WHEREAS, the Louisiana Department of Agriculture and Forestry has been given certain authority to regulate farm-raised deer raised for commercial purposes, and

WHEREAS, the Louisiana Department of Wildlife and Fisheries maintains authority to regulate white-tailed deer in exhibits, game parks, zoos, and wild white-tailed deer, and

WHEREAS, the Louisiana Department of Agriculture and Forestry has promulgated and circulated an emergency rule and subsequent draft rules purporting to allow wild deer captured in enclosures to become "farm-raised", and

WHEREAS, the Louisiana Department of Agriculture and Forestry has proposed to set special "harvesting seasons" apart from those hunting seasons set by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission and Louisiana Department of Wildlife and Fisheries has not concurred with these proposed Louisiana Department of Agriculture and Forestry rules and has questioned the legal authority of the Louisiana Department of Agriculture and Forestry to establish such rules, and

WHEREAS, there is believed to be increased activity by some deer breeders to import deer into Louisiana for the establishment of hunting preserves and breeding farms in expectation of promulgation of favorable rules by the Louisiana Department of Agriculture and Forestry, and

WHEREAS, individuals have, without notifying the Louisiana Department of Wildlife and Fisheries, proposed to capture wild deer from a state with a high incidence of Lyme Disease and transport them to Louisiana without regard to statutes and regulations forbidding the possession of wild deer and without regard to potential human health impacts, and

WHEREAS, the uncertain regulatory situation regarding white-tailed deer has increased opportunity for importation of white-tailed deer into Louisiana under circumstances that pose

a danger to Louisiana's wild white-tailed deer in the form of illegal exploitation, disease introduction, and genetic alteration, and

WHEREAS, unregulated and undocumented importation of white-tailed deer also poses a threat to human health, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is charged with the protection and management of Louisiana's wild deer which provides 3.7 million days of recreation and over \$284,000,000 in economic benefits to Louisiana's citizens annually, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby adopts the Declaration of Emergency attached hereto and made a part hereof for the purpose of immediately prohibiting the importation of white-tailed deer (Odocoileus virginianus) into Louisiana, and

BE IT FURTHER RESOLVED, that this prohibition will remain in effect until such time as the regulatory issues which threaten Louisiana's wild deer and human health are addressed.



Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission



Clyde Kimball, Deputy 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 LSA Const. Art. IX S 7; LSA 56:6(10),(13) and (15) and 20 and 171 et seq, the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule:

The importation of white-tailed deer (*Odocoileus virginianus*) into the State of Louisiana is prohibited.

The reasons for the promulgation of this Declaration of Emergency are as follows:

The Louisiana Constitution vests the LWFC with the exclusive “control and supervision of the wildlife of the state.” With the passage of Act 461 of the 1995 Legislature, effective August 15, 1995, the Louisiana Department of Agriculture and Forestry (LDAF) was given certain authority to regulate farm-raised white-tailed deer (*Odocoileus virginianus*). Since that time, the Louisiana Department of Wildlife and Fisheries (LDWF) has attempted to cooperate with the LDAF in the formulation of its deer farming rules.

However, the LDAF draft rules have consistently failed to address the LDWF’s concerns about impacts on wild deer. On May 5, 1997, a LDAF emergency rule was promulgated and distributed to Louisiana deer farmers and game breeders, which purported to authorize them to enclose wild deer on the property within deer-proof fences, thereby converting this publicly owned wildlife resource to private property. This provision of the rule is without statutory authority. At present, LWFC statutes and rules at LSA R.S. 56:116.1(B)(6) and LAC 76:V:107C expressly prohibit the possession of live, wild, white-tailed deer. The LDWF does not permit the

commingling of wild white-tailed deer and farm-raised white-tailed deer. The LDWF has concerns that some deer farmers and breeders, possibly acting in reliance on the May 5th LDAF emergency rule, are attempting to import deer for release into enclosures which may also contain wild deer. Since the May 5th emergency rule, there have been two (2) other drafts of the LDAF rules, all of which purport to: 1) allow releasing of pen-reared deer in large enclosures containing wild deer, 2) give some deer farmers property rights over wild deer confined in enclosures, 3) establish special hunting seasons and licenses beyond those established by the Louisiana Wildlife and Fisheries Commission, and 4) deny LDWF enforcement agents unaccompanied access to deer farmer records. The LDWF has not concurred with these provisions and has questioned, and continues to question, the legal authority of the LDAF to establish such rules.

The result of this conflict has been an uncertain and confusing regulatory climate. Some individuals, possibly taking advantage of this uncertain climate, have begun to import white-tailed deer for release into enclosures for hunting, breeding, or other purposes. Indications are that importation of white-tailed deer may be increasing. In one instance, and without consulting the LDWF, individuals from Louisiana have proposed to capture wild deer from New York, and bring them to Louisiana for release.

Unregulated importation of white-tailed deer into Louisiana poses several threats to the wild deer resources, as well as, to human health. Currently, there is no way to independently distinguish wild deer from farm-raised deer in an enclosure or transport vehicle. Therefore, the effective enforcement of laws to protect Louisiana's wild deer is jeopardized. . Neither adequate reporting nor record keeping regulations are in place, and the LDAF has not proposed regulations which require that all deer within an enclosure be implanted with microchips as required by law (LSA R.S. 3:3106). There is an increased threat of exposure of wild deer to disease from

imported deer. Bovine tuberculosis is found in captive and wild white-tailed deer in some states. Although there are USDA testing requirements for tuberculosis, the current regulatory situation in Louisiana hampers the effective enforcement of testing regulations and results in a regulatory climate whereby circumvention of the testing requirements can occur. There will be an increased threat to the genetic integrity of the wild deer should large numbers of imported deer be released or escape into the wild. There is currently a great deal of interest among deer breeders in replacing our native white-tailed deer with northern varieties which tend to be larger, but are not as resistant to endemic disease and are not genetically adapted for Louisiana. Under the current regulatory situation there is an increased threat of the covert release of imported deer into the wild for genetic manipulation. Such activities would also increase the potential for disease transmission to wild deer. The uncertain regulatory climate which has resulted in increased and unregulated deer imports, also poses a potential threat to human health. Imported deer may carry diseases such as tuberculosis or carry the vectors of disease, such as Lyme disease infected ticks. The deer that were proposed to be imported from New York, were from an area with a very high incidence of Lyme disease. In contrast, while Lyme disease occurs in Louisiana, the incidence is currently very low. Lyme disease, as well as, other diseases carried by deer or their parasites, can be contracted by humans and is a threat to public health.

In the past, importation of deer into Louisiana was not a significant problem. The public was aware that the LDWF and LWFC regulated the activity, and there was no doubt that LWFC regulations applied to all white-tailed deer activities. Deer that were imported into Louisiana were placed in relatively small deer-proof enclosures and did not come into contact with wild deer. All breeders were licensed by the LDWF, and the LDWF had access to all records and documents. However, the regulatory climate has gone from one where regulatory authority was

clearly defined, to one that is now uncertain in the eyes of the public. The nature of private deer breeding activities is now generally small scale operations of exhibitors and hobbyists; however the activity being contemplated by LDAF includes large scale breeding and hunting operations.

It is the LDWF's belief that, to many in the public, the current status of regulations concerning captive white-tailed deer are confusing and uncertain. Some may take advantage of this situation to engage in activities that endanger the wild white-tailed deer resources of Louisiana and the public health. Others, without illicit intentions, may act in reliance on the May 5th LDAF emergency rule or subsequent draft rules and discover that they have violated provisions of Title 56 and are subject to prosecution.

For the above reasons, the Louisiana Wildlife and Fisheries Commission believes that an immediate ban on the importation of white-tailed deer into the State of Louisiana is necessary and that such a ban should remain in effect until such time as the above issues are resolved.

RESOLUTION

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

- WHEREAS, the Louisiana Department of Agriculture and Forestry has been given certain authority to regulate farm-raised deer raised for commercial purposes, and
- WHEREAS, the Louisiana Department of Wildlife and Fisheries maintains authority to regulate white-tailed deer in exhibits, game parks, zoos, and wild white-tailed deer, and
- WHEREAS, the Louisiana Department of Agriculture and Forestry has promulgated and circulated an emergency rule and subsequent draft rules purporting to allow wild deer captured in enclosures to become "farm-raised", and
- WHEREAS, the Louisiana Department of Agriculture and Forestry has proposed to set special "harvesting seasons" apart from those hunting seasons set by the Louisiana Wildlife and Fisheries Commission, and
- WHEREAS, the Louisiana Wildlife and Fisheries Commission and Louisiana Department of Wildlife and Fisheries has not concurred with these proposed Louisiana Department of Agriculture and Forestry rules and has questioned the legal authority of the Louisiana Department of Agriculture and Forestry to establish such rules, and
- WHEREAS, there is believed to be increased activity by some deer breeders to import deer into Louisiana for the establishment of hunting preserves and breeding farms in expectation of promulgation of favorable rules by the Louisiana Department of Agriculture and Forestry, and
- WHEREAS, individuals have, without notifying the Louisiana Department of Wildlife and Fisheries, proposed to capture wild deer from a state with a high incidence of Lyme Disease and transport them to Louisiana without regard to statutes and regulations forbidding the possession of wild deer and without regard to potential human health impacts, and
- WHEREAS, the uncertain regulatory situation regarding white-tailed deer has increased opportunity for importation of white-tailed deer into Louisiana under circumstances that pose

a danger to Louisiana's wild white-tailed deer in the form of illegal exploitation, disease introduction, and genetic alteration, and

WHEREAS, unregulated and undocumented importation of white-tailed deer also poses a threat to human health, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission is charged with the protection and management of Louisiana's wild deer which provides 3.7 million days of recreation and over \$284,000,000 in economic benefits to Louisiana's citizens annually, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission hereby adopts the Declaration of Emergency attached hereto and made a part hereof for the purpose of immediately prohibiting the importation of white-tailed deer (Odocoileus virginianus) into Louisiana, and

BE IT FURTHER RESOLVED, that this prohibition will remain in effect until such time as the regulatory issues which threaten Louisiana's wild deer and human health are addressed.

Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

Clyde Kimball, Deputy 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 LSA Const. Art. IX ~~§~~[§] 7; LSA 56:6(10),(13) and (15) and 20 and 171 et seq, the Wildlife and Fisheries Commission (LWFC) hereby adopts the following emergency rule:

The importation of white-tailed deer (Odocoileus virginianus) into the State of Louisiana is prohibited.

This rule is effective Sept. 4, 1997 and 1 remain in effect for 120 days.

The reasons for the promulgation of this Declaration of Emergency are as follows:

The Louisiana Constitution vests the LWFC with the exclusive "control and supervision of the wildlife of the state." With the passage of Act 461 of the 1995 Legislature, effective August 15, 1995, the Louisiana Department of Agriculture and Forestry (LDAF) was given certain authority to regulate farm-raised white-tailed deer (Odocoileus virginianus). Since that time, the Louisiana Department of Wildlife and Fisheries (LDWF) has attempted to cooperate with the LDAF in the formulation of its deer farming rules. *As Dept 9 2 of rules 9 of yesterday - Dept. did not 9 for*

However, the LDAF draft rules have consistently failed to address the LDWF's concerns about impacts on wild deer. On May 5, 1997, a LDAF emergency rule was promulgated and distributed to Louisiana deer farmers and game breeders, which purported to authorize them to enclose wild deer on the property within deer-proof fences, thereby converting this publicly owned wildlife resource to private property. This provision of the rule is without statutory authority. At present, LWFC statutes and rules at LSA R.S. 56:116.1(B)(6) and LAC 76:V:107C expressly prohibit the possession of live, wild, white-tailed deer. The LDWF does not permit the

commingling of wild white-tailed deer and farm-raised white-tailed deer. The LDWF has concerns that some deer farmers and breeders, possibly acting in reliance on the May 5th LDAF emergency rule, are attempting to import deer for release into enclosures which may also contain wild deer. Since the May 5th emergency rule, there have been two (2) other drafts of the LDAF rules, all of which purport to: 1) allow releasing of pen-reared deer in large enclosures containing wild deer, 2) give some deer farmers property rights over wild deer confined in enclosures, 3) establish special hunting seasons and licenses beyond those established by the Louisiana Wildlife and Fisheries Commission, and 4) deny LDWF enforcement agents unaccompanied access to deer farmer records. The LDWF has not concurred with these provisions and has questioned, and continues to question, the legal authority of the LDAF to establish such rules.

The result of this conflict has been an uncertain and confusing regulatory climate. Some individuals, possibly taking advantage of this uncertain climate, have begun to import white-tailed deer for release into enclosures for hunting, breeding, or other purposes. Indications are that importation of white-tailed deer may be increasing. In one instance, and without consulting the LDWF, individuals from Louisiana have proposed to capture wild deer from New York, and bring them to Louisiana for release.

Unregulated importation of white-tailed deer into Louisiana poses several threats to the wild deer resources, as well as, to human health. Currently, there is no way to independently distinguish wild deer from farm-raised deer in an enclosure or transport vehicle. Therefore, the effective enforcement of laws to protect Louisiana's wild deer is jeopardized. Neither adequate reporting nor record keeping regulations are in place, and the LDAF has not proposed regulations which require that all deer within an enclosure be implanted with microchips as required by law (LSA R.S. 3:3106). There is an increased threat of exposure of wild deer to disease from

imported deer. Bovine tuberculosis is found in captive and wild white-tailed deer in some states. Although there are USDA testing requirements for tuberculosis, the current regulatory situation in Louisiana hampers the effective enforcement of testing regulations and results in a regulatory climate whereby circumvention of the testing requirements can occur. There will be an increased threat to the genetic integrity of the wild deer should large numbers of imported deer be released or escape into the wild. There is currently a great deal of interest among deer breeders in replacing our native white-tailed deer with northern varieties which tend to be larger, but are not as resistant to endemic disease and are not genetically adapted for Louisiana. Under the current regulatory situation there is an increased threat of the covert release of imported deer into the wild for genetic manipulation. Such activities would also increase the potential for disease transmission to wild deer. The uncertain regulatory climate which has resulted in increased and unregulated deer imports, also poses a potential threat to human health. Imported deer may carry diseases such as tuberculosis or carry the vectors of disease, such as Lyme disease infected ticks. The deer that were proposed to be imported from New York, were from an area with a very high incidence of Lyme disease. In contrast, while Lyme disease occurs in Louisiana, the incidence is currently very low. Lyme disease, as well as, other diseases carried by deer or their parasites, can be contracted by humans and is a threat to public health.

In the past, importation of deer into Louisiana was not a significant problem. The public was aware that the LDWF and LWFC regulated the activity, and there was no doubt that LWFC regulations applied to all white-tailed deer activities. Deer that were imported into Louisiana were placed in relatively small deer-proof enclosures and did not come into contact with wild deer. All breeders were licensed by the LDWF, and the LDWF had access to all records and documents. However, the regulatory climate has gone from one where regulatory authority was

clearly defined, to one that is now uncertain in the eyes of the public. The nature of private deer breeding activities is now generally small scale operations of exhibitors and hobbyists; however the activity being contemplated by LDAF includes large scale breeding and hunting operations.

It is the LDWF's belief that, to many in the public, the current status of regulations concerning captive white-tailed deer are confusing and uncertain. Some may take advantage of this situation to engage in activities that endanger the wild white-tailed deer resources of Louisiana and the public health. Others, without illicit intentions, may act in reliance on the May 5th LDAF emergency rule or subsequent draft rules and discover that they have violated provisions of Title 56 and are subject to prosecution.

For the above reasons, the Louisiana Wildlife and Fisheries Commission believes that an immediate ban on the importation of white-tailed deer into the State of Louisiana is necessary and that such a ban should remain in effect until such time as the above issues are resolved.

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 29, 1997

MEMORANDUM

TO: Wildlife & Fisheries Commission Members

FROM: James H. Jenkins, Jr., Secretary 

SUBJECT: Deer Farming and Hunting of Farm Raised White-Tailed Deer and Other Exotic Species

Contrary to the Department's requests, the Louisiana Department of Agriculture and Forestry (LDAF) has recently proposed some regulations pertaining to deer farming and the hunting of farm raised white-tailed deer and exotic species of deer and antelope. The Department is opposing certain provisions of these regulations, as they go far beyond LDAF's statutory authority (attached) to regulate deer farming. As this issue has the potential to receive considerable public attention in the coming months, please familiarize yourself with the following information setting forth the Department's official position.

LDWF's chief concerns pertaining to "deer farming" and the hunting of farm raised deer are as follows:

(1) Farm raised white-tailed deer must not come from the state's wild herd. At this time, LDAF proposes to authorize the privatization of the state's wild deer herd by allowing persons to fence off their land with deer-proof fences and claim the deer inside as privately owned. This is contrary to current law and the Department's philosophy that all wild resources are owned by the public until legally taken by hunting or other means as permitted by this Department.

(2) All farm raised white-tailed deer must have electronic identification devices implanted soon after birth to safeguard the state's wild herd. The state law that authorizes deer farming mandates that after August 15, 1995, all farm raised white-tailed deer must be identified by means of an electronic

implant. There are no exceptions to this requirement. LDAF has proposed to get around this requirement by requiring farm raised white-tailed deer to be identified with a microchip only when captured alive, creating a heightened possibility of illegal trade in wild deer.

(3) The regulation of hunting activities of any species is the province of the Department and the Louisiana Wildlife and Fisheries Commission, as "hunting" is not "farming". LDAF has interpreted its deer farming authority to allow it to set "harvesting seasons" on farm raised white-tailed deer and exotic species, thereby attempting to create a private hunting preserve system overnight without any oversight by this Department. The Department is not opposed to the concept of private hunting preserves or hunting deer in enclosures per se, but hunting of any animal should be done according to regulations passed by the Department and the Wildlife and Fisheries Commission, and should at a minimum be done in an ethical manner that promotes the concept of "fair chase".

(4) Due to the incidental impacts that private hunting preserves will have on law enforcement, statewide resource management, disease, genetics and public opinion concerning hunting activities, LDWF must maintain regulatory authority over private preserves. LDAF has dismissed all of the Department's major concerns to date and has demonstrated a complete disregard for the obvious implications of its actions. LDWF does not wish to stand in the way of legitimate deer "farming" operations which raise trophies for sale at auctions or in the case of exotic species for the sale of venison to restaurants; however, LDAF has absolutely no legal authority to regulate the hunting of any species of animal in this state and to the extent that it seeks to do so by regulation, it is acting unlawfully.

It is important that the Department provide consistent information statewide. Therefore, if questions arise that are not easily answered by reference to this memo, please refer such questions to Fred Kimmel in Baton Rouge at 765-2350.

JHJ:sch

Attachments

Draft
8/28/97

Title 7

AGRICULTURE AND ANIMALS

PART XXI. DISEASES OF ANIMALS

Chapter 15 - ALTERNATIVE LIVESTOCK - IMPORTED EXOTIC DEER AND IMPORTED EXOTIC ANTELOPE, ELK AND FARM-RAISED WHITE-TAIL DEER

§ 1501 STATEMENT OF AUTHORITY AND PURPOSE

A. The Commissioner of Agriculture and Forestry heads and directs the Department of Agriculture and Forestry and exercises all functions of the state relating to the promotion, protection and advancement of agriculture and forestry. The Commissioner is authorized by law and does hereby adopt these rules and regulations for the purposes of promoting, protecting and advancing agriculture and to implement the laws adopted by the legislature, including those in Part I. Chapter 19-A of Title 3 of the Revised Statutes, giving the Commissioner the specific power to regulate farm-raised exotic animals, including imported exotic deer and imported exotic antelope, elk and farm-raised white tail deer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:_____ (September, 1997).

§1503. DEFINITIONS

For purposes of these rules and regulations the following words and phrases shall have the meaning given herein.

Alternative Livestock - Any imported exotic deer and imported exotic antelope,

elk and farm-raised white tail deer.

Commercial purpose - The keeping, breeding, raising, containing, harvesting, killing, slaughtering, buying, selling, trading, or transferring ownership of alternative livestock, any alternative livestock carcass or part thereof, with the intent to receive money, goods, services, livestock or any other type of compensation in connection therewith.

Commissioner - The Commissioner of Agriculture and Forestry

Department - The Louisiana Department of Agriculture and Forestry

Elk - Any animal of the species^s and genus *Cervus canadensis*.

Farm - Any area of land or water, regardless of size, used to breed, raise or keep farm-raised alternative livestock for a commercial purpose, including but not limited to breeding farms or propagating preserves. This definition does not include areas of land or water which are part of a zoo, game park or wildlife exhibit where the primary purpose is the exhibition of alternative livestock or other animals.

Farm-raised - Any alternative livestock born, raised, or kept within a closed circumscribed fenced area for a commercial purpose. This definition does not include alternative livestock which are part of a zoo, game park or wildlife exhibit where the primary purpose is the exhibition of the alternative livestock or other animals.

Farm-raised white tail deer - Any animal of species and genus *odocoileus virginianus* which is bred, born, raised and/or kept within a closed circumscribed fenced area for the purpose of buying, selling, or trading in commerce. Farm raised white-tail deer does not include any white tail deer which is part of any zoo, game park, or wildlife exhibit where the

primary purpose of the same is the exhibition of white tail deer and/or other animals.

Imported exotic antelope - Any animal of the family *Bovidae*, except animals of the tribes Bovine (cattle) and Caprine (sheep and goats), which is not indigenous to North America.

Imported exotic deer - Any animal of the family *Cervidae* which are not indigenous to North America, including but not limited to Red Deer, Seika Deer and Fallow Deer.

Person - Any individual, corporation, partnership or other legal entity.

Quarantine - The requirement, resulting from an order, of the Department or the State Veterinarian, to secure and physically isolate an animal or animals in a specified confined area to prevent the spread of contagious disease.

White-tail deer - Any animal of the species and genus *Odocoileus virginianus*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1505 ISSUANCE OF FARM-RAISING LICENSE; RENEWALS;

A. Any person who keeps, breeds, raises, contains, harvests, kills, slaughters, buys, sells, trades, or transfers ownership of any type of farm-raised alternative livestock for commercial purposes shall obtain a farm-raising license, from the Department prior to engaging in such activity.

B. The Department shall not issue any farm-raising license until the application for the farm-raising license and the information requested, including the required plan for the operation of the farm, is approved by the Department and the proposed farm passes the Department's inspection.

C. Any changes in any information submitted in the original

application, occurring during or after the application process, shall be submitted in writing to the Department. The Department must approve, in writing, any change or modification, which shall be in writing, in the written farm operation plan, submitted with the original application before such change or modification, may go into effect.

D. A farm-raising license shall be valid for the period beginning with the date of issuance and ending the following June 30th or from July 1 of the year of renewal through the following June 30th.

E. A farm-raising license may be renewed each year by the Department. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification, which shall be in writing, of the written farm operation plan previously submitted to and approved by the Department and any proof requested by the Department of compliance by the licensee with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine. If either the written request for renewal or the renewal fee is received by the Department after July 31st, the farm-raising license shall be deemed expired, *ipso facto*, retroactive to June 30th.

F. In the event that the Department determines that a farm does not meet the requirements of or was not complying with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine the farm-raising license may not be renewed by the Department.

G. The licensee may contest the Department's decision not to renew a farm-raising license by filing a written request for an adjudicatory hearing

with the Department within fifteen (15) days from receipt of the notice of non-renewal. Such a hearing is to be held in accordance with the provisions of the Administrative Procedure Act. Any such hearing shall be held within thirty (30) days of the request, unless continued for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:_____ (September, 1997).

§ 1507. FEES

A. FARM-RAISING LICENSE FEES

1. The fee for a new farm-raising license shall be fifty and No/100 (\$50.00) Dollars.
2. The fee for each farm-raising license renewal shall be fifty and No/100 (\$50.00) Dollars.
3. The Department shall waive the farm-raising license fee for any person who:
 - a. applies for and obtains a farm-raising license from this Department, and
 - b. who holds a valid game breeders license issued by the Louisiana Department of Wildlife and Fisheries for the possession of any alternative livestock at the time these rules and regulations become effective, and
 - c. who submits a written application within the same calender year that these rules and regulations become effective.
4. The waiver granted in Subsection 3 applies only to a new farm-raising license and shall not apply to any renewal of a farm-raising

license issued by the Department under these rules and regulations.

B. HARVESTING PERMIT FEE

1. Each individual intending to harvest or kill any farm-raised alternative livestock at any farm licensed by the Department shall obtain a harvesting permit, from the Department, before harvesting or killing any farm-raised alternative livestock, except as provided by Subsection 3 of this Provision.

2. The fee for each harvesting permit shall be \$50.00.

3. No licensee, including those persons employed by or assisting such licensee, harvesting farm-raised alternative livestock to be taken directly to a state or federally approved slaughter facility or capturing farm-raised alternative livestock to be sold or traded for breeding or stocking purposes shall be required to obtain a harvesting permit or pay a fee.

C. FARM-RAISED ALTERNATIVE LIVESTOCK TAG FEE

1. Each farm-raised alternative livestock harvested or killed must have a farm-raised tag issued by the Department attached to the carcass, before it leaves the farm, except as provided in subsection 3.

2. The fee for each farm-raised alternative livestock tag fee shall be \$25.00.

3. No farm-raised tag shall be required for farm-raised alternative livestock which are to be taken directly to a state or federally approved slaughter facility or which are sold or traded alive for breeding or stocking purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101
HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry,

§ 1509. FARM-RAISING LICENSING REQUIREMENTS

A. WRITTEN APPLICATION

Each applicant for a farm-raising license shall submit a completed written application on a form supplied by the Department. In addition to any other information that may be requested by the Department the applicant shall provide the following information.

1. Name, physical address, mailing address and telephone number of the applicant and whether the applicant will own or lease the land. If the land is leased then a copy of the lease shall be provided to the Department.

2. The name under which the business will operate, the physical address, mailing address and telephone number of the business, if different than the information provided in subsection 1 of this provision.

3. The business structure, whether a sole proprietorship, partnership, corporation, limited liability company, joint venture, or otherwise.

4. The name of the person or persons in charge, position, (e.g., owner, manager, ect.), residence address and phone number.

5. The physical location and size of the farm.

6. A topographical map of the farm if fifty (50) acres or more.

7. The species of alternative livestock to be farm-raised.

8. The approximate number of animals to be farm-raised.

9. The plan for the operation of the farm including but not limited to the following:

a. an enclosure system, including fencing the farm,

indicating the location, size, nature and extent of the fencing material and of any right of way related to the farm property;

b. systematic inspection of the enclosure system, including the fence, maintenance, repair and replacement of the fence, keeping the fence and any clearance along either side of the fence clear and verification to the Department of compliance with this provision;

c. the capture of any farm-raised alternative livestock that may escape from or wild white-tail deer that may enter the farm through a breach or opening in the enclosure system or fence;

d. removal of white-tail deer from the farm prior to completion of the enclosure of the farm;

e. controlling the population of alternative livestock;

f. identification by means of an electronic implant of all white-tail deer born, bought, sold, traded or which otherwise become farm-raised white tail deer, which shall include the systematic capture of farm-raised alternative livestock for implantation purposes;

g. the removal and disposal of all alternative livestock in the event that the farm ceases operation for any reason or upon revocation or non-renewal of the farm-raising license, including a provision for written notification to the Department prior to cessation of any farming operation.

h. the type of records that will be kept regarding the farming operation;

10. A statement that the applicant shall abide by the requirements of Part I of Chapter 19-A of Title 3 of the Louisiana Revised

Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

11. A certified statement that all representations contained in the application, the required farm operation plan and attachments are true and correct.

B. FARM INSPECTION

An applicant shall have the proposed farm physically inspected and approved by the Department before a farm-raising license may be issued by the Department. To obtain Department approval a proposed farm shall:

1. Be located in a rural area of the state.
2. Be securely enclosed by an enclosure system, including

fencing, that meets the following specifications:

- a. A minimum height, above the relevant ground, of eight (8) feet;
- b. A minimum gauge wire of 12 ½;
- c. Fencing material of chain link, woven wire, solid panel or welded panel or, if made with any other material, approved in writing by the Department. Welded wire fences shall not be used unless it was approved by the Department of Wildlife and Fisheries and installed prior to April 22, 1997. Such welded wire fences, when replaced or partially replaced, shall be replaced by fencing required by these rules and regulations.

3. Have drainage sufficient to leave a majority of the farm free from extended periods of standing water.

4. Have adequate space and if the total enclosed area of the farm is less than fifty (50) acres allow at least 5000 square feet for the

first elk or white-tail deer placed on the farm and at least 2500 square feet for each subsequent elk or white-tail deer.

5. Not have any other condition which may cause non-compliance with or substantial difficulty in complying with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

C. Any person who has completely finished fencing the proposed farm prior to April 22, 1997 shall be exempt only from the requirement to submit a plan for the removal of white-tail deer from the farm due to and in accordance with the provisions of Article 3415 of the Louisiana Civil Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101
HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1511. GROUNDS FOR REFUSAL TO ISSUE OR RENEW A FARM-RAISING LICENSE

The Commissioner may refuse to issue or renew a farm-raising license for any of the following circumstances.

A. The applicant cannot demonstrate to the satisfaction of the Commissioner a competency to operate an alternative livestock farm.

B. The applicant has failed to provide all of the information required in or with the farm-raising license or renewal application, or has provided false information to the Department.

C. The applicant has previously refused to permit the Department to inspect the farm or to inspect farm records or to otherwise comply with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and

regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

D. The applicant's farm operation plan is approved by the Department.

E. The proposed farm does not pass the Department's inspection.

F. The Applicant has previously been found in violation of Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101
HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1513. OBLIGATIONS OF THE FARM-RAISING LICENSEE

A. IDENTIFICATION BY MEANS OF AN ELECTRONIC IMPLANT

1. All farm-raised alternative livestock shall be identified by means of an electronic implant implanted as provided in these rules and regulations.

2. The electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder.

3. All farm-raised alternative livestock being brought into Louisiana shall have the electronic implant implanted prior to entering the state.

4. Farm-raised alternative livestock born in this state shall have an electronic implant implanted the first time the alternative livestock is captured alive. The implanting shall be done before the farm-raised alternative livestock leaves the farm.

5. Any alternative livestock not already identified by means of an electronic implant shall be so identified before introducing same to any farm.

6. Each electronic implant code shall be listed on the farm-raised alternative livestock's Health Certificate and on the bill of sale or certificate of transfer.

7. Farm-raised alternative livestock that will be transported directly to a state or federally approved slaughter facility are exempt from this electronic implant implanting requirement.

B. RECORD KEEPING

1. Each licensee shall maintain records of all sales, deaths, kills, trades, purchases, or transfers of any type of any farm-raised alternative livestock for not less than 36 months.

2 The records shall include the:

a. total number of farm-raised alternative livestock, alternative livestock carcasses, or parts thereof, killed, sold, traded, purchased or transported;

b. name and address of the person to whom each farm-raised alternative livestock, or any alternative livestock carcass, or parts thereof, was sold, traded, delivered, presented or transported to;

c. the electronic implant code of the farm-raised alternative livestock;

d. copies of any health certificates issued;

e. The licensee shall maintain accurate records showing all

inspections, maintenance, repairs and replacement to the enclosure system, including the fence and such records shall include the dates and times of each, names of the persons performing services, the location of any breaches of the enclosure system, including the fence and nature and location of any repairs or replacements made to the fence.

g. Records customarily kept in the normal course of conducting business and those records required by these rules and regulations.

3. Sellers, traders or transferors of farm-raised alternative livestock, any alternative livestock carcass, or any part thereof, shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of the farm raised status.

4. The furnishing of any false information shall be a violation of these rules and regulations.

C. ENCLOSURE SYSTEM AND FENCE INSPECTION AND MAINTENANCE

1. Any licensee shall conduct or shall have conducted a visual ground inspection of the enclosure system, including the fence, along the entire perimeter of the fenced area of the farm not less than weekly. An inspection shall be conducted immediately after any major storm or the occurrence of any other force of nature that would cause a reasonable person to be concerned about the integrity of the enclosure system, including the fence.

2. Any licensee shall maintain the enclosure system, including the fence in good repair at all times. Good repair means that farm-raised alternative livestock are not able to leave and wild white-tail deer are not able to enter through the enclosure system, including the fence, or otherwise.

3. Any licensee who discovers a breach or opening in the enclosure system or fence that would allow farm-raised alternative livestock to leave from or wild white-tail deer to enter into the area enclosed by the fence shall immediately notify, orally and in writing, the Department of the breach or opening.

4. In the event of such a breach or opening the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised alternative livestock left from or wild white-tail deer entered into the area enclosed by the fence.

D. OTHER OBLIGATIONS OF THE FARM LICENSEE

1. A licensee shall remove white-tail deer from the farm prior to completion of the fencing and enclosure system of the farm unless the fencing and enclosure system was completed prior to April 22, 1997. Removal of the white-tail deer shall be accomplished to the satisfaction of the Department. The Department's judgment as to whether the removal of the white-tail deer has been satisfactorily accomplished shall be the exclusive determinative factor and shall be final.

2. A licensee shall control the population of farm-raised alternative livestock on the farm.

3. A licensee shall make all efforts that a reasonable licensee would make to capture any alternative livestock that escapes from the fenced area of the farm.

4. A licensee shall make all efforts that a reasonable licensee would make to remove wild white-tail deer that enters into the fenced area of the farm.

5. A licensee shall notify the Department, in writing, at least ten (10) days prior to placing any alternative livestock on the farm if such alternative livestock was not listed on the original application or on any modification previously approved, in writing, by the Department.

6. A licensee shall remove and dispose of all farm-raised alternative livestock on the farm upon cessation of operations, or upon revocation or non renewal of the farm-raising license in accordance with that part of the farm operation plan submitted to and approved by the Department for removal and disposal of farm-raised alternative livestock on the farm or in accordance with specific written instructions issued by the Department in the event that circumstances warrant removal and disposal of the farm-raised alternative livestock to be made in a manner different from the manner set out in the farm operation plan.

7. A licensee shall be responsible for ensuring that any individual who harvests or kills any farm-raised alternative livestock on the licensee's farm does so in accordance with these rules and regulations.

8. A licensee shall harvest or kill farm-raised alternative livestock in accordance with these rules and regulations.

9. A licensee shall provide that all farm-raised alternative livestock have the necessary health certificates and that the farm-raised alternative livestock meet all applicable health requirements.

10. A licensee shall allow, upon request, the Department or its representatives to inspect the farm at any time and, all books and records at any reasonable time.

11. A licensee shall comply with all provisions of Part I of

Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1515. HEALTH CERTIFICATES AND HEALTH REQUIREMENTS

A. All alternative livestock prior to entering Louisiana, except those being transported directly to a state or federally approved slaughter facility, shall:

1. Meet the general health requirements promulgated at LAC 7:XXI.11705.

2. Have an entry permit number issued by the State Veterinarian's office no more than 15 days before entry into Louisiana which entry number shall be included on the Certificate of Veterinary Inspection.

3. Have written proof of a negative test for brucellosis in accordance with the Brucellosis Eradication in Cervidae Uniform Methods and Rules as and when published by the United States Department of Agriculture, Animal and Plant Health Inspection Service. Until such time as the Brucellosis Eradication in Cervidae Uniform Methods and Rules are published, all alternative livestock six (6) months of age and older entering Louisiana, except those being transported directly to a state or federally approved slaughter facility, shall be tested negative for brucellosis within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the alternative livestock originate from a herd which has been

officially declared as a certified brucellosis free herd by the state of origin.

4. Have written proof of a negative test for Tuberculosis in accordance with the Tuberculosis Eradication in Cervidae Uniform Methods and Rules as published by the United States Department of Agriculture, Animal and Plant Health Inspection Service.

B. Any alternative livestock which has been exposed to brucellosis or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within sixty days of the date of the quarantine. The quarantine shall remain in effect until removed, in writing, by the State Veterinary Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1517. HARVESTING OR KILLING OF FARM-RAISED ALTERNATIVE LIVESTOCK

A. Except as otherwise provided in Subsection B no farm-raised white-tail deer shall be harvested or killed except during the period of October 1 through January 31 of the following year, unless otherwise specifically authorized in writing by the Department.

B. The Commissioner may establish, by written order, other dates and conditions for the harvesting or killing of farm-raised alternative livestock as the Commissioner deems necessary to carry out the purposes of Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes. Such orders shall be issued by the Commissioner in January of each year or as soon thereafter as is practical and published in the January issue of the *Louisiana Register* or

in the first available issue after any such order is issued.

C. The harvesting or killing of any farm-raised alternative livestock, other than white-tail deer, may be conducted at any time if the farm-raised alternative livestock are to be directly delivered to or processed at a state or federally approved slaughter facility.

D. In the event that any farm-raised alternative livestock is accidentally killed or killed for humane purposes at any time of the year other than the time period allowed by these rules and regulations then, and in that event any such death shall be recorded by the licensee and shall be reported in writing to the Department within 72 hours from the death or discovery of same.

E. Prior to harvesting or killing any farm-raised alternative livestock, any person, except as provided by Subsections B and C, shall first apply for and obtain a harvesting permit to do so from the Department.

1. Any harvesting permit issued by the Department shall be valid only for the time periods stated on the face of the permit.

2. The Department may issue a harvesting permit upon written application by any individual or by any farm licensee making application on behalf of the individual and upon receipt of payment of the harvesting permit fee.

3. The application shall be on a form supplied by the Department, shall be complete and shall be reviewed and approved by the Department.

4. The applicant shall state that the harvesting permit holder shall abide by these rules and regulations, and all conditions and restrictions imposed by the Department for harvesting or killing farm-raised

alternative livestock.

5. The applicant shall provide a certified statement that all representations contained in the application are true and correct.

F. Any farm-raised alternative livestock harvested or killed, shall have a farm-raised tag attached to each carcass.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1519 PROHIBITIONS

A. No farm-raised alternative livestock shall be released into the wild without express written permission from both the Department and the Louisiana Department of Wildlife and Fisheries.

B. Farm-raised white-tailed deer meat shall not be bought, sold, traded, or moved in commerce in any way.

C. All alternative livestock, except from farm-raised white-tailed deer, the sale of which is prohibited, sold in commerce for slaughter, shall be subject to and handled in accordance with State and Federal meat inspection laws and regulations.

D. It is a violation of these regulations to sell, purchase, trade, transport, or otherwise transfer any farm-raised alternative livestock for any purpose other than immediate slaughter at a state or federally approved slaughter facility if such farm-raised alternative livestock originates from a herd which is under quarantine for brucellosis or tuberculosis.

E. Failure to comply with any provision of Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine is prohibited and each act or omission on each day of a

continuing violation shall constitute a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1521 ENFORCEMENT

A. Authorized representatives of the Louisiana Department of Agriculture and Forestry may enter and inspect, at any time, all farms on which any farm-raised alternative livestock are located for the purposes of issuing, renewing or reviewing farm-raising licenses and to insure compliance with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

B. Authorized representatives of the Louisiana Department of Agriculture and Forestry may inspect any records regarding or relating to any farm-raised alternative livestock. These records may be inspected during any reasonable hours.

C. Any farm-raised alternative livestock which escapes from the enclosure system of the farm, if not captured by a licensee within 96 hours of the escape, may be captured by authorized representatives of the Department or by any law enforcement agency by whatever means deemed necessary by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

§ 1523 PENALTIES

A. The Commissioner may suspend or revoke the farm-raising license of

any licensee violating Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine.

B. The Commissioner may, in addition to suspending or revoking any farm-raised license, impose upon any person charged with violating any provisions of Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department and any quarantine, a fine for up to \$100 per violation for each violation such person is found guilty of.

C. Each day on which a violation occurs or continues shall be a separate violation.

D. These civil penalties may be assessed only by a ruling of the Commissioner based on an adjudicatory hearing held in accordance with the Louisiana Administrative Procedure Act.

E. The Commissioner may seek a restraining order, injunctive relief or other relief in a proper court of law to restrain violations of or to compel compliance with Part I of Chapter 19-A of Title 3 of the Louisiana Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the Department or and any quarantine or to enforce any order or ruling made by him in an adjudicatory proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture & Forestry, Office of the Commissioner, L.R. 23:____ (September, 1997).

OUTDOORS

Public hunting threatened

Deer-fencing legislation quickly turns into a nightmare

It was just a change in the law to help a few people. No big deal, and no big discussion. Just a committee meeting at the state Legislature two years ago.

So today Louisiana is standing on the edge of a decision that could hand over public wildlife to private ownership and change forever the face of wildlife management and public hunting.

All that from an issue that sounds innocuous: Deer-fencing, and deer farming.

Two years ago the Department of Agriculture convinced the Legislature to pass a law allowing property owners to fence off their land and raise wild whitetail deer for resale. There is a growing market for these deer for "canned hunts"—hunting operations on private and often fenced lands.

That law didn't raise a whimper until this spring, when Agriculture said landowners could interpret the law to mean "once the fence is up, all the deer inside the fence are farm-raised deer." The farmers would make every attempt to chase wild deer off the property. They would even offer to compensate the Department of Wildlife and Fisheries for the estimated number of wild deer left

Bob Marshall



inside. But once the fence was up, anything inside was the landowner's.

That raised bureaucratic hackles at the DWF, for obvious reasons: Property owners would be claiming title to public property (the native whitetails), and only the DWF has authority to manage and own the state's wildlife.

The interpretation, undoubtedly is headed for a court decision, but DWF Secretary Jimmy Jenkins Jr. understates that there is much more in the balance here than a clarification of bureaucratic jurisdiction. "I think we all know where this is heading," he said. "It's obviously the intent of some of these operations to have 'canned hunts.' Or, resell these deer to

other such operations in this and other states.

"I think this thing (deer farming) started with honest intentions, but it's been expanded and diverted, and there are a lot of issues no one really thought about."

For example:

► How can it be in the state's best interest to allow privatization of a wild resource? It has spent tens of millions of dollars managing through the years?

► What will be the genetic impact on the state's truly wild deer after amateur geneticists finish with their experiments?

► What will be the long-term impact on the state deer herd if fences stop the natural movement of wild deer?

► What will be the long-term impact on public hunting? If the sport retreats behind fences and gates and a majority of hunters withdraw from the debate on natural resource management?

Fencing in wildlife isn't new. It has been a hot topic in several other states for years. The trend is indicative of where hunting especially big game hunting, has been heading for the last 20

years, particularly in the eastern half of the country.

Basically, the sport has moved from public to private lands owned or leased by individuals or clubs. Management for the wildlife on those lands still comes from public funds, but the actual consumption of the resource takes place largely on private lands.

That wave long has concerned the sports' deeper thinkers. They have warned about the danger of drifting into a "European model" in which hunting becomes the sport of a relatively few, well-heeled folk. Their concerns: With the public largely shut out, the number of hunters will continue to dwindle, funding for habitat preservation will shrink, and hunting will lose its ability to influence management of public lands.

The growing interest in deer fences proves their foresight. Many hunters pushing for the new fencing regulations see it as an exercise of their "property rights." It's a natural progression. After investing heavily to manage their private property for deer, it seems only logical that they want to take one more step toward efficiency.

And where does that lead?

To a place we probably don't want to go. Even the DWF's Jenkins — a wealthy businessman who can afford to hunt anywhere — warns this is a road that can lead only to trouble for hunting.

"I think all hunters have to be concerned about the impact of these 'canned hunts,'" Jenkins said. "It's something that puts all hunting in a bad light, and something the non-hunting public just doesn't understand. I think these operations pose a lot of questions and problems."

But so far, we haven't had that discussion. While the DWF should pursue its legal argument for jurisdiction, it should also take a long, apprehensive look at the future.

This is too important a decision to be left to a handful of politicians in a committee room. Lawyers in a courtroom, because it portends a dramatic shift, in the whole philosophy of public wildlife management in this state.

Jenkins should develop plans to hold public hearings in every corner of the state. The public should have a voice, before it loses its property.

OUTDOORS

BATON ROUGE, LA.

JULY 27, 1997

Locking antlers



Departments clash over deer farm plans

By JOE MACALUSO
Outdoors writer

State wildlife officials are concerned that a whitetail deer-farming program by the Louisiana Department of Agriculture and Forestry could have a severe impact on the state's wild whitetail population.

"We believe the Department of Agriculture is going too far in its interpretation of Act 461 (of the 1995 Legislature) to establish deer farms in the state," Department of Wildlife and Fisheries secretary Jimmy Jenkins Jr. said. "If Agriculture's plans go forward, there is the possibility that wild deer living on thousands of acres of Louisiana will be fenced in and allowed to be hunted."

Jenkins said those plans are inconsistent with the responsibilities the LDWF has under the state constitution.

"The act allows landowners to fence off their land and raise whitetail deer for resale. The act, authored by state Sen. James David Cain (D, Dry Creek), provides that all deer in this program have an identifying microchip inserted under the skin to prove the deer in these fenced-in areas are in the farming program."

"The act is relatively straight-forward in its language about what will be allowed," Jenkins said. "It appears the Department of Agriculture wants to take it a step further."

Agriculture commissioner Bob Odom said last week that he and his staff believe the act allows landowners to fence their land and claim all the wild deer trapped inside the fences.

"We believe the law says once the fence is up that all the deer inside the fence are farm-raised," Odom said Thursday. "We are trying to do the right thing, and get as many wild deer as possible off the land, but once the fence is up, all the deer are farm-raised deer. The law is clear on that point."

Jenkins and his staff objected to a Department of Agriculture solution that the landowner be allowed to pay the LDWF for any wild deer trapped by the fencing.

"We're not in the business of selling deer, but in the business of protecting the state's wild animals," Jenkins said.

Jenkins, LDWF biologists and Enforcement Division chief Col. Winton Vidrine said Wildlife and Fisheries is the only state department allowed to regulate wild animals.

Early last week Cain said he did not introduce the bill to put wild whitetail deer in that predicament and that the Department of Agriculture's interpretation is not in the letter or the spirit of this state statute.

"We went back and listened to the transcripts of testimony before the Senate Agriculture Committee in 1995," Jenkins

said. "All the testimony was prefaced with words about protecting the state's wild deer herds by making it more difficult to capture and keep wild deer. That's why the provision about the identifying microchip was added to the legislation."

Jenkins said recent meetings with the Department of Agriculture staff indicated that "interested whitetail deer farmers want to fence in large tracts of land, up to 1,000 acres, with deer-proof fences," and said large acreage, depending on the vegetation present, could make it impossible to ensure that all wild deer were removed from the area.

State wildlife biologist Fred Kimmel said whitetail-deer farming is of interest because areas of Louisiana can produce trophy white-tails for resale to other states, Texas in particular.

"From that farming plan, apparently the intent now is to allow landowners, who have these fenced-in areas, to charge fees for hunting," Jenkins said.

LDWF attorney John Chase said his research of the act and subsequent meetings with the Department of Agriculture revealed the paid-hunts plan.

Moreover, Jenkins said, the Department of Agriculture's plan is to allow landowners with licensed, fenced areas to use guns during all Wildlife and Fisheries Commission-approved deer seasons, even archery seasons.

"We really have to draw the line somewhere," Chase said. "The Department of Wildlife and Fisheries is charged with regulating hunting in this state. No other department is allowed to do that."

In a July 22 memo to Gov. Mike Foster, Jenkins outlined LDWF's objections, which included:

■ Farm-raised whitetail deer must not come from the state's wild herd.

■ All farm-raised whitetail deer must have microchips for identification inserted soon after birth.

■ Depending on topography, deer farms should be small enough to ensure compliance with the microchipping requirement.

■ "Hunting" is not "farming" and, as such, hunting of all whitetail deer should be done according to the Louisiana Wildlife and Fisheries Commission's rules and regulations.

■ LDWF must maintain the authority to inspect farms and records to ensure that only farm-raised deer are traded in commerce.

"We really don't want to stand in the way of a viable commercial industry in the state, but we are charged with protecting wildlife, and we don't believe this program will do that," Jenkins said.



We are trying to do the right thing, and get as many wild deer as possible off the land, but once the fence is up, all the deer are farm-raised deer.

Agriculture
commissioner
Bob Odom



We really don't want to stand in the way of a viable commercial industry in the state, but we are charged with protecting wildlife, and we don't believe this program will do that.

Department of Wildlife
and Fisheries secretary
Jimmy Jenkins Jr.

THE WILD SIDE



JOE MACALUSO
OUTDOORS WRITER

La. wildlife not for sale to anyone

Don't be surprised if this latest blow-up over whitetail deer farming in our state winds up in court.

There's something about the way Bob Odom, the commissioner at the Department of Agriculture and Forestry, is interpreting an act passed two years to "help" a small number of landowners who apparently want to use the state's resources for personal gain.

Boy, that's never happened in this state. Yeah, right! Only an elected official in Louisiana (in this case, Mr. Odom), could take a program designated as farming and turn it into whitetail deer hunting.

That's what has happened: The act was passed to create a market for those who want to raise and sell trophy deer to other states. The law insists that the landowner has to properly fence in his acres (with 10-foot-high fences) to raise whitetail deer. In this case, the deer area is supposed to be in the hands of deer ranchers, or the stock for such an enterprise would come from existing deer already being raised in livestock-like operations. The statute allowed only properly licensed deer farmers to treat whitetails like cattle or other livestock. It made deer a marketable commodity like hogs and cows.

What's more, the framers of the law were clear in their intent: None of the deer were to come from the state's wild whitetail deer herd.

Instead, Mr. Odom has taken it upon himself — and was very adamant about this point last week — that a landowner can erect the fence, and, after making "an effort to clear the wild deer" from the tract (whatever that means), could keep the deer.

Mr. Odom believes the landowner should compensate the Department of Wildlife and Fisheries for the wild deer remaining inside the fence.

Now for the kicker: Instead of raising whitetails for sale, Mr. Odom said he believes the act allows these trapped wild deer to be hunted inside that fence, that the landowner could sell trophy hunts, and allow the hunters to use guns anytime there is any kind of deer season in progress. If Mr. Odom continues in his obstinate stance, a court case can't be far away. The state constitution does not allow the Department of Agriculture the authority to promulgate state hunting laws.

Mr. Odom, and don't mistake these words, the game and gamefish in Louisiana are not for sale. Except for our continuous problem with poachers and other outlaws, we got away from market hunting a long, long time ago. For three or four months of the year, Louisiana has the largest number of migrating ducks and geese in the United States, but we banned hunting ducks and geese to sell to the public more than 70 years ago.

Deer don't migrate, but they do move, and there doesn't seem to be much difference between fencing in the state's wild deer herd and hunting them than it is to hunt ducks and geese for market. The only, and very subtle, difference is that these deer hunts would be for trophy bucks. Still, in this operation, money would change hands, and the receiving hand for a trophy-hunted trapped wild deer is no different than the money a market duck hunter made for his kill. Money is changing hands for wildlife.

Usually when something goes awry in state government, we wind up saying something like "only in Louisiana" only to find out that these same nonsensical things happen in other states.

In this case of taking wild deer and making them huntable livestock, "only in Louisiana" is true. Find another state among the other 49 that allows such nonsense.

But you can't find one.

OUTDOORS

Alexandria Daily Town Talk

Deer fencing's other side

By Bob Marshall
Associated Press

It was just a change in the law to help a few people. No big deal, and no big discussion. Just a committee meeting at the state legislature two years ago.

So now Louisiana is standing on the edge of a decision that could hand over public wildlife to private ownership and change forever the face of wildlife management and public hunting.

All that from an issue that sounds innocuous enough: Deer fencing, and deer farming.

Two years ago the Department of Agriculture convinced the Legislature to pass a law allowing property owners to fence off their land and raise wild white-tail deer for resale. There is a growing market for these deer for "canned hunts" — pay-hunting operations on private and often fenced lands.

That law didn't raise a whimper until this spring, when the department said landowners could interpret the law to mean

"once the fence is up, all the deer inside the fence are farm-raised deer." The farmers would make every attempt to chase wild deer off the property. They would even offer to compensate the Department of Wildlife and Fisheries for the estimated number of wild deer left inside. But once the fence was up, anything inside was the landowner's.

That raised bureaucratic hackles at the DWF, for obvious reasons: Property owners would be claiming title to public property (the native white-tails), and only the DWF has authority to manage and own the state's wildlife.

The interpretation undoubtedly is headed for a court decision, but DWF Secretary Jimmy Jenkins Jr. understands that there is much more in the balance here than a clarification of bureaucratic jurisdiction.

"I think we all know where this is heading," he said. "It's obviously the intent of some of these operations to have 'canned' hunts. Or resell these deer to other such operations in this and

other states.

"I think this thing (deer farming) started with honest intentions, but it's been expanded and diverted, and there are a lot of issues no one really thought about."

For example:

■ How can it be in the state's best interest to allow privatization of a wild resource it has spent tens of millions of dollars managing through the years?

■ What will be the genetic impact on the state's truly wild deer after amateur geneticists finish with their experiments?

■ What will be the long-term impact on the state deer herd if fences stop the natural movement of wild deer?

■ What will be the long-term impact on public hunting if the sport retreats behind fences and gates and a majority of hunters withdraw from the debate on natural resource management?

Fencing in wildlife isn't new. It has been a hot topic in several

other states for years. The trend is indicative of where hunting, especially big-game hunting, has been heading for the last 20 years, particularly in the eastern half of the country.

Basically, the sport has moved from public to private lands owned or leased by individuals or clubs. Management for the wildlife on those lands still comes from public funds, but the actual consumption of the resource takes place largely on private lands.

That wave long has concerned the sport's deeper thinkers. They have warned about the danger of drifting into a "European model" in which hunting becomes the sport of a relatively few, well-heeled folk.

Their concerns: With the public largely shut out, the number of hunters will continue to dwindle, funding for habitat preservation will shrink, and hunting will lose its ability to influence management of public lands.



Army Logan — Staff photographer

Blam! Another scattered skeet

Rick Haley shoots a skeet during competition at Boyou Bouel Skeet Range in LeCompte, Saturday sponsored by the Rapides Chapter of Ducks Unlimited and the Boyou Bouel Skeet Club. Haley and approximately 40 other adult shooters participated in the tournament held to benefit Ducks Unlimited.

The Red-bellied Woodpecker

Height: 10 inches



Summer traveling

Great outdoor fun is within a days drive

What happened to the summer, not that we'll really miss it? Children are already back in school and in another week it will be Labor Day. I just received my first invitation for a Ducks Unlimited dinner. Dove season



hunting and muskie fishing. But this is an effort to explain that none of you are more than a day from visiting places that you've only dreamed about. Are you driving? It's an easy drive to the Ozark mountains in

Advertisement. Some items may be available in...

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting in Baton Rouge, Louisiana, September 4, 1997.

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.



Daniel J. Babin, 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 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 1997-98 hunting season shall be as follows:

DUCKS AND COOTS:

West Zone: (60 days) Nov. 8 (Sat.)- Nov. 30 (Sun.) (23 days)

Dec. 13 (Sat.)- Jan. 18 (Sun.) (37 days)

East Zone: (60 days) Nov. 15 (Sat.)- Dec. 14 (Sun.) (30 days)

Dec. 20 (Sat.)- Jan. 18 (Sun.) (30 days)

Catahoula Lake Zone:

(60 days) Nov. 15 (Sat.)- Dec. 14 (Sun.) (30 days)

Dec. 20 (Sat.)- Jan. 18 (Sun.) (30 days)

Youth Waterfowl Day- January 24 in all zones

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, 3 pintail, 1 canvasback and 2 redhead. 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. 8 (Sat.)-February 22 (Sun.)	(107 days)
Daily bag limit (snow and blue):	10
Possession limit (snow and blue):	30

WHITE-FRONTED (SPECKLE BELLIES):

Nov. 8 (Sat.)- Nov. 30 (Sun.)	(23 days)
Dec. 13 (Sat.)- Jan. 28 (Sun.)	(47 days)
Daily Bag limit (speckle bellies)	2
Possession limit (speckle bellies)	4

During the Canada Goose Season (Jan. 20-Jan. 28), 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. 20 (Tues)-Jan. 28 (Wed)	(9 days)
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During the Canada Goose Season (Jan. 20-Jan. 28) 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 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 Hwy. 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, 1998 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 Nov. 1, 1997 and extend through sunset on March 10, 1998.

Daniel J. Babin

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

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

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Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

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

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Department of Wildlife and Fisheries Wildlife and Fisheries Commission

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The aforementioned season dates, bag limits and shooting hours will become effective Nov. 1, 1997 and extend through sunset on March 10, 1998.

Daniel J. Babin

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting held in Baton Rouge, LA, September 4, 1997.

WHEREAS, the Louisiana Duck Stamp Program was established by the legislature in 1988 by Act 632 to raise funds to conserve Louisiana's valuable wetlands, and

WHEREAS, the funds raised from the sale of Louisiana duck stamps are deposited in the Louisiana Duck Stamp Fund to be used specifically for the purpose of wetland conservation, and

WHEREAS, the Department has been actively involved with acquiring, managing and maintaining numerous wetland projects and providing funding assistance for these efforts on both public and private lands, and

WHEREAS, portions of the money utilized for acquisition, management and maintenance of these wetland projects are derived from revenue generated from the sale of Louisiana duck stamps to both resident and non-resident hunters as well as collectors, and

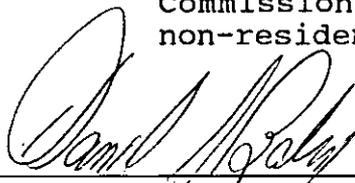
WHEREAS, Louisiana's wetlands provide major wintering grounds for migratory birds and hunting opportunity for thousands of non-residents, and

WHEREAS, other states in the southeast charge from \$3.00 to \$16.00 for non-resident duck stamps, and

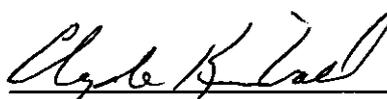
WHEREAS, increasing the cost of a non-resident duck stamp by \$6.00 will bring Louisiana's fee more in line with other states and commensurate with hunting opportunity, and

WHEREAS, the Louisiana Wildlife and Fisheries Commission has been granted the authority by the Legislature to establish non-resident fees for recreational hunting and fishing licenses and stamps, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission ratifies the attached rule that raises the non-resident duck stamp fee to \$13.50.



Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission



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

RULE

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

The Wildlife and Fisheries Commission does hereby promulgate a rule increasing the fee for non-resident waterfowl stamps.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§317. Non-Resident Duck Stamp Fee Increase

Beginning in the 1997-98 license year, the fee for purchasing a Non-Resident Duck Stamp will be increased from \$7.50 to \$13.50. This change will remain in effect until additional changes are warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(28).

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

Daniel J. Babin

Chairman

RESOLUTION
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
September 4, 1997

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Daniel J. Babin, Chairman
La. Wildlife and Fisheries
Commission

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

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

Daniel J. Babin

Chairman

Turkey Season Changes
Area A Boundary Changes
1998

The following description will redescribe a portion of Area A. This description only impacts a portion of Madison parish by closing the turkey season west of Highway 65. The remainder of new description describe the same area as last year simply reworded. Rewording was necessary because all of these parishes were tied to a single description in previous hunting regulations pamphlets.

Area A Description for Madison, Franklin, Catahoula, Concordia and Tensas

- Madison: That portion lying east of U. S. Hwy 65 and South of U. S. Hwy 80.
- Franklin: That portion lying east of Hwy. 17 and east of Hwy 15 from its juncture with Hwy 17 at Winsboro.
- Catahoula: That portion lying east and North of Hwy. 15.
- Concordia: That portion east of Hwy 15 and north and west of Hwy. 65 from its juncture with Hwy. 15 at Clayton.
- Tensas: That portion west of Hwy. 65 from the Tensas parish line to it juncture with Hwy. 128, north of La. 128 to St. Joseph; west and north of La. 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands in Tensas parishes lying east of the main channel of the Mississippi River.

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

1997-98 Fur Harvest Dates

In accordance with the emergency provisions of R. S. 49:953(b) of the Administrative Procedure Act, and R. S. 49:967(d), the Wildlife and Fisheries Commission is using emergency procedures to set the 1997-98 fur harvest season statewide from November 20, 1997 through March 20, 1998. Authority to extend or shorten the adopted season by the Secretary is hereby authorized by the Wildlife and Fisheries Commission.

Danny Babin
Chairman

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission hereby amends a rule for black bass in the John K. Kelly-Grand Bayou Reservoir.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

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

* * *

B. In addition, the Commission establishes special size and daily take regulations for black bass on the following water bodies:

* * *

2. Lake Bartholomew (Morehouse and Ouachita parishes), Black Bayou Lake (Bossier Parish), Chicot Lake (Evangeline Parish), Cross Lake (Caddo Parish), John K. Kelly-Grand Bayou Reservoir (Red River Parish), Lake Rodemacher (Rapides Parish) and Vernon Lake (Vernon Parish):

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

b. Daily Take: eight fish of which no more than four fish may exceed 17 inches maximum total length.*

c. Possession limit:

- i. On water - Same as daily take.
- ii. Off water - Twice the daily take.

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

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:364 (June 1988), amended LR 17:278 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR .

Daniel J. Babin

Chairman

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

The Wildlife and Fisheries Commission does hereby give notice of the intent to establish black bass size exemptions for large tournaments.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§187. Black Bass Regulations - Large Tournaments

The permitting of black bass tournaments of greater than 100 boats to possess black bass, Micropterus spp., or its hybrids, that would otherwise fall outside of legal limits, is subject to the following limitations:

1. Permits for size exemptions will be issued only to tournaments of over one hundred boats.

2. Exemptions to size limits shall apply only to Louisiana waterbodies with protective slot limits (Caddo Lake excluded).

3. No permits will be issued for tournaments to be held between May 1st and September 30th.

4. Black bass may be retained on the water and through the weigh in, after which these fish are to be immediately released live back into the waterbody from which they

were caught.

5. Applications will be available from the Inland Fisheries Division, Baton Rouge office, and from District offices.

6. Each tournament that requests an exemption permit will be charged a \$200.00 non-refundable fee. Applications and the appropriate fee will be sent to the Department of Wildlife and Fisheries, Inland Fisheries Division, P.O. Box 98000, Baton Rouge, LA 70898, and must be received at least 30 days before the tournament is scheduled to begin. After approval, the application and fee will be forwarded to the License Section for processing.

7. Tournament rosters must be submitted to the Department at least one week prior to the tournament. Entrants entering the tournament after that time must be annotated under a separate roster. Duplicate rosters of all entrants must be available to Department personnel during the tournament.

8. Tournament permits become immediately invalid if, within one week prior to the tournament, one hundred or fewer boats are registered in the tournament.

9. Misrepresentation or falsification of numbers and/or names of applicants will result in the immediate cancellation of the permit and denial of future permits.

10. Tournament creel limits shall be no more than five fish per fisher, including possession on the water.

11. Weigh-ins are required to be held as near the water as possible, not to exceed one-quarter mile.

12. The permit is valid only for the dates and waterbody on which the tournament is held.

13. Permits are non-transferable.

14. The Department reserves the right to decline permit applications if previously-permitted tournaments had documented excessive black bass mortalities, violations of boating safety and fishing regulations, or interference with other fishermen.

15. The Department may assign personnel to observe and monitor tournament activities.

16. The tournament director will possess the original signed permit and a copy of the roster of all eligible participants on each day of the tournament. In case of absence, the tournament director will provide the Department the name of his/her replacement.

17. The tournament director will be responsible for the accounting of all fish, live and dead, caught and recorded during the tournament. A tournament report will be due within fifteen days of the completion of the tournament. Failure to return reports or comply with other permit obligations may result in the rejection of future permit requests.

18. The tournament director will ensure that:

a. All tournament boats have functional live wells.

b. All entrants have a special streamer or tag that identifies them from at least one hundred yards.

c. All bass shall be transported from boats to the weigh-in site in heavy-duty (minimum 10 mil thickness),

water-filled plastic bags.

d. If lines to the weigh-in site are anticipated, the tournament director should provide additional large holding tanks filled with aerated water of good quality between the boat live well and the weigh-in site.

e. To minimize the amount of time that bass spend outside of the live well, a minimum number of bags for holding bass should be issued to competitors at one time. Waiting lines per scale shall not exceed ten (10) individuals or boats. Bass are not to be held in a water-filled plastic bag for more than five minutes.

f. Weak or injured fish should not be released.

g. All dead, weak or injured fish should be donated to a charitable organization. The charitable organization should receipt this transaction.

19. The Department reserves the right to specify additional requirements to ensure the live release of black bass within the protective slot length.

AUTHORITY NOTE: Promulgated in accordance with R.S.56: 318.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, LR ____ (____ 1997).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including, but not limited to, the filing of the

Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed rule to Bennie Fontenot, Jr., Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 PM, _____

_____ 1997.

Daniel J. Babin

Chairman

ACT No. 449

HOUSE BILL NO. 2409
BY REPRESENTATIVE MARIONNEAUX
AND SENATOR GREENE
AN ACT

To enact R.S. 56:318.1, relative to fishing; to provide relative to fishing tournaments; to provide definitions; terms, conditions, requirements, and procedures; to provide for special permits for the possession of certain fish; to provide for applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:318.1 is hereby enacted to read as follows:

§318.1. Fishing tournaments; special permits

A. Notwithstanding any other provision of law to the contrary, the commission may adopt rules in accordance with the Administrative Procedure Act to establish special permits authorizing large tournament participants to possess live black bass, *Micropterus* spp., or its hybrids, that would otherwise fall outside of legal limits.

B. The application for the permit may be accompanied by a fee in an amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing and enforcing the permit. The permit application shall be made on a standard form provided by the department and shall include the name, address, and phone number of the sponsoring organization or individual; the location and date of the tournament; total value of the prizes; and expected number of participants. The permit application shall be submitted to the department at least thirty days prior to the proposed event.

C. Permits are not transferable and shall clearly demonstrate the expiration date.

D. An employee of the department may be assigned as an observer and be present at any tournament.

E. As used herein, "large tournament" shall mean any tournament in which the number of qualified entries exceeds one hundred boats.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to

become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 22, 1997.

A true copy:

W. Fox McKeithen
Secretary of State

**APPLICATION FOR TOURNAMENT EXEMPTION OF
BLACK BASS LENGTH REGULATIONS**

NAME OF SPONSORING ORGANIZATION _____

NAME OF TOURNAMENT DIRECTOR _____

SOCIAL SECURITY NO. _____ DRIVERS LICENSE NO. AND STATE OF ISSUE _____

ADDRESS _____

TELEPHONE () _____ FAX () _____

WATERBODY _____ LAUNCH SITE _____

ESTIMATED NO. OF BOATS _____ ESTIMATED TOTAL PRIZE VALUE _____

DATE(S) _____ STARTING TIMES _____ WEIGH-IN TIMES _____ LOCATION OF WEIGH-INS _____

PLANNED WEIGH-IN AND LIVE RELEASE PROCEDURES:

***Note: Please read and become familiar with enclosed guidelines for handling tournament caught largemouth bass. While weigh-in procedures will vary with existing conditions, bass are to be handled and contained as briefly as possible and under optimum water quality conditions. Under no circumstances are bass to be enclosed in weigh-in bags for more than 5 minutes.*

DETAIL EFFORTS TO INSURE OPTIMUM TOURNAMENT SURVIVAL:

INCLUDE DESCRIPTION OF TRANSPORT TO WEIGH-IN, HANDLING, AND RELEASE

(Please complete comments on back of page)

DATE OF APPLICATION

SIGNATURE OF TOURNAMENT DIRECTOR

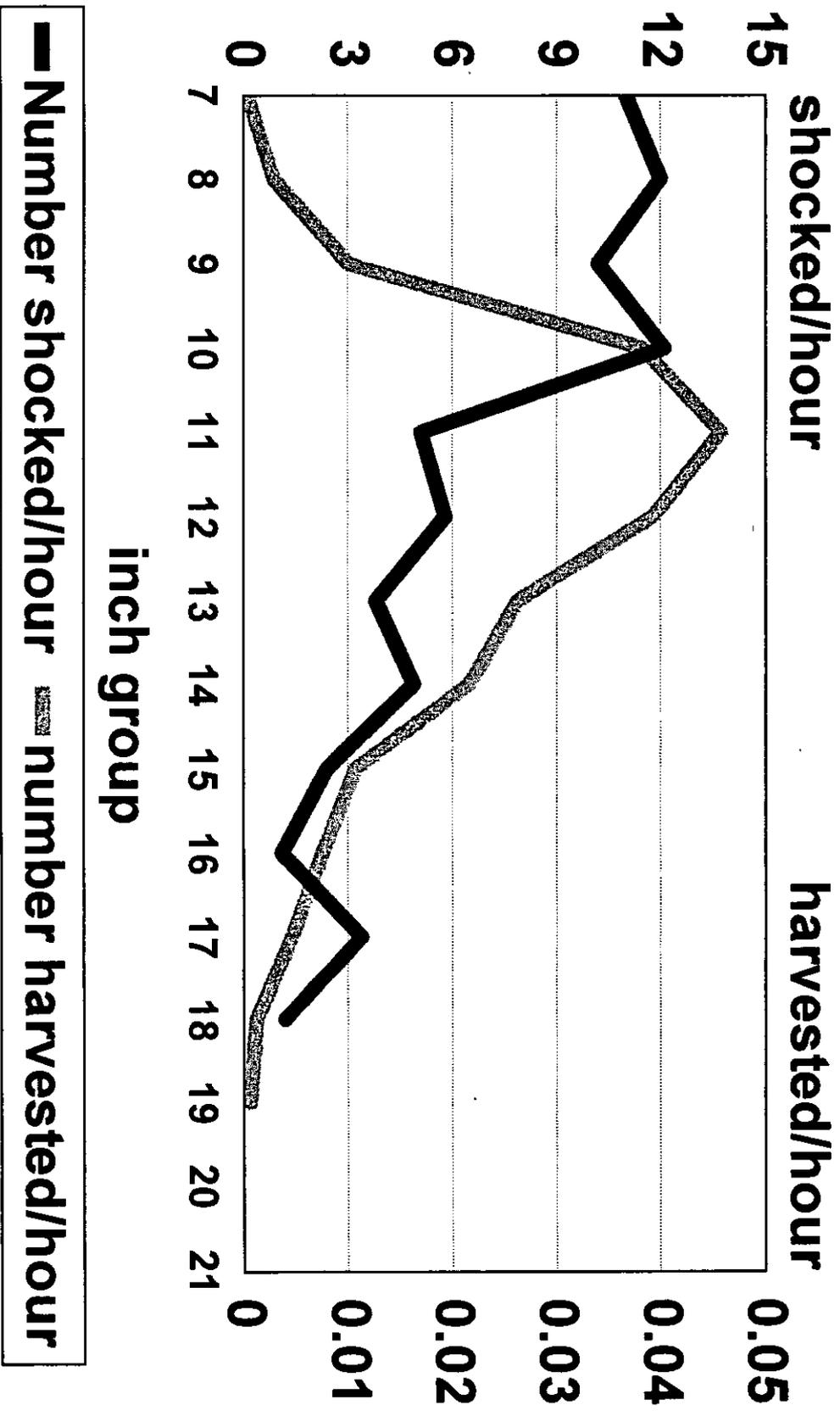
MINIMUM LENGTH LIMITS

General Use

- ▶ Protect the reproductive potential of fish populations (14" fish have spawned at least once, possibly twice before becoming available for harvest)
- ▶ Prevent over exploitation
- ▶ Increase angler catch rates (though not necessarily harvest rates)
- ▶ Promote the harvest of 'larger' fish

ATCHAFALAYA BASIN - LARGEMOUTH BASS

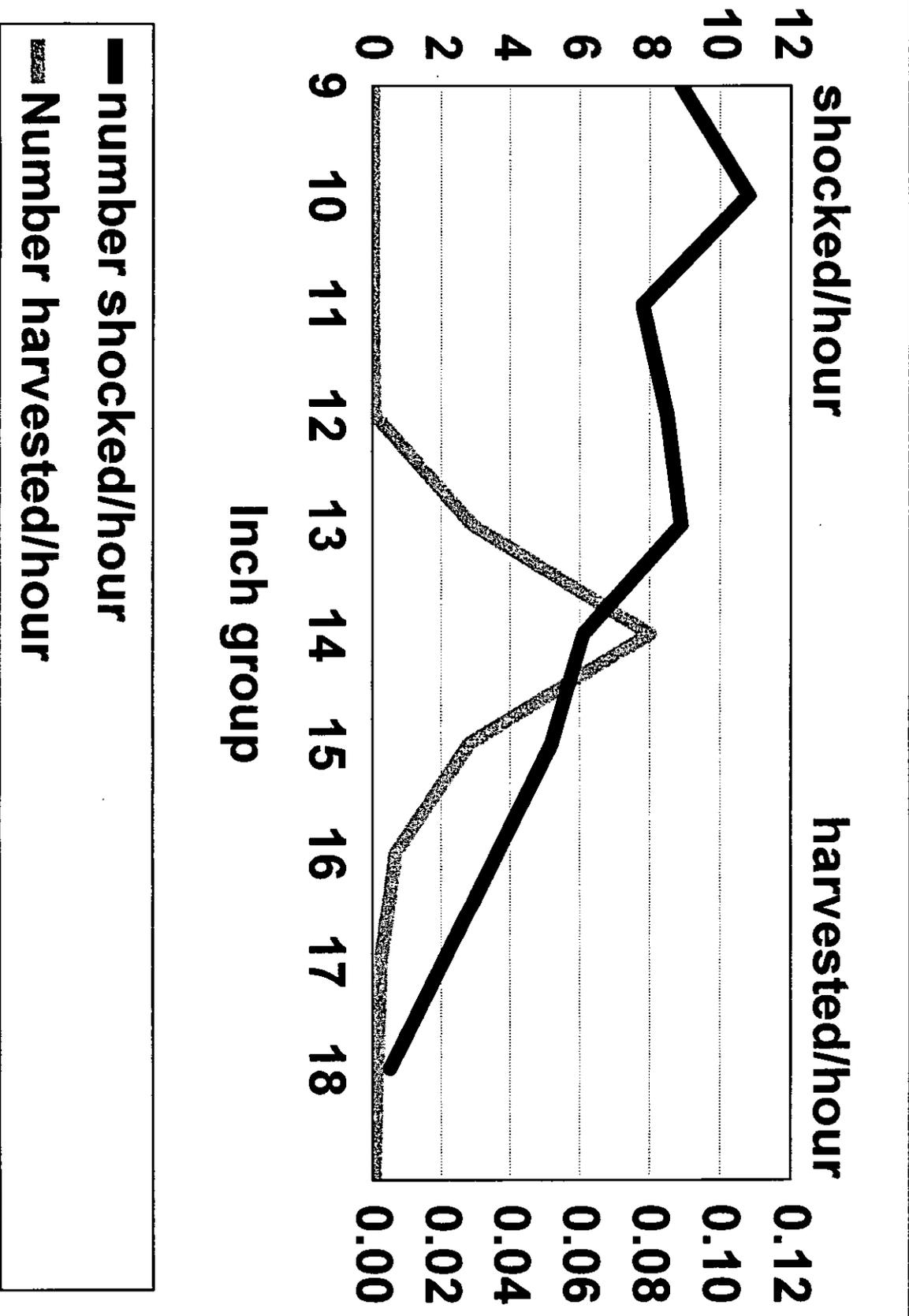
Pre-length Regulation Data



creel data=1989-91 average; electrofishing data=1990 & 91

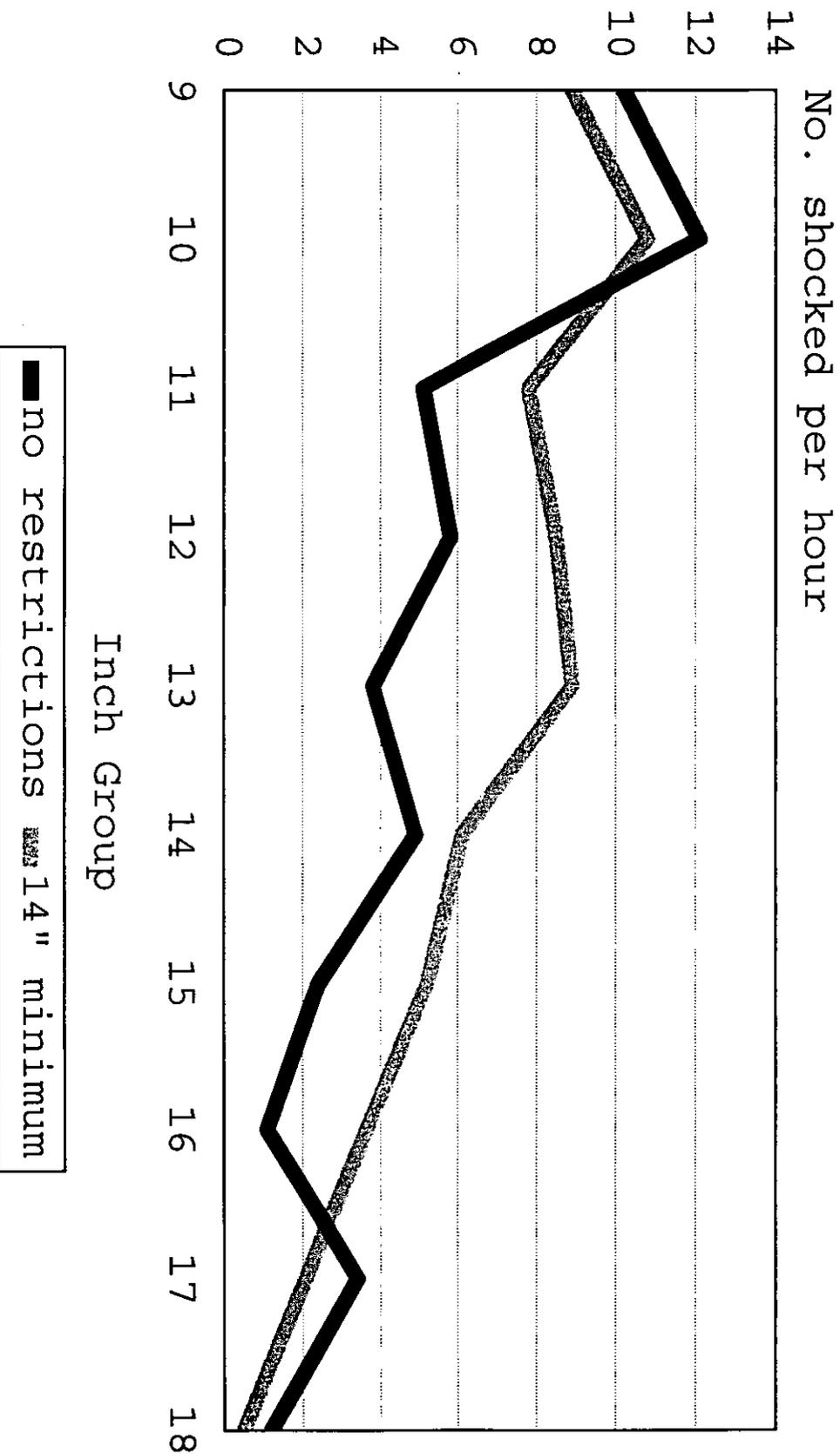
ATCHAFALAYA BASIN - LARGEMOUTH BASS

1996 Data - 14" Minimum



ATCHAFALAYA BASIN ELECTROFISHING

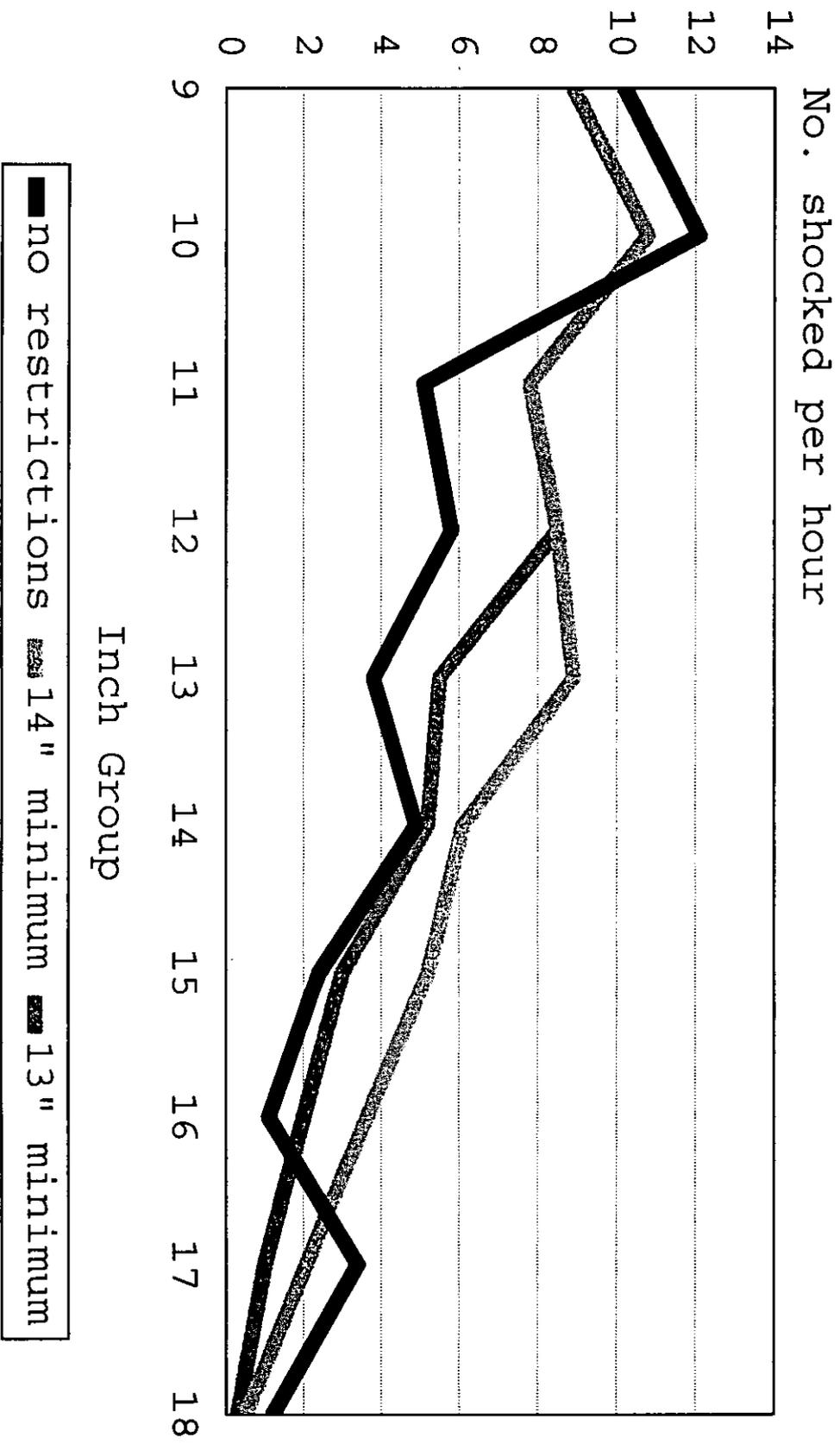
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

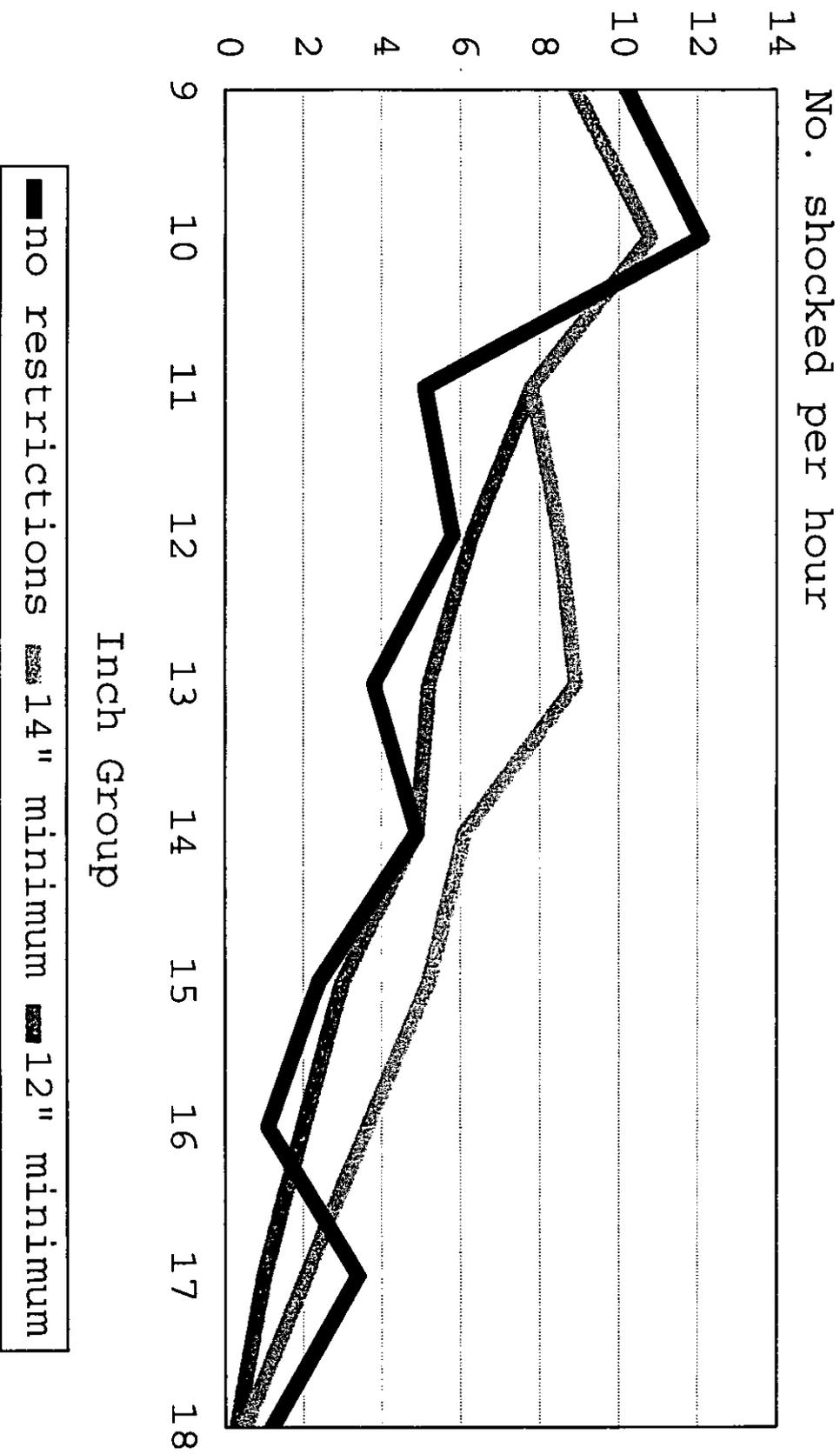
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

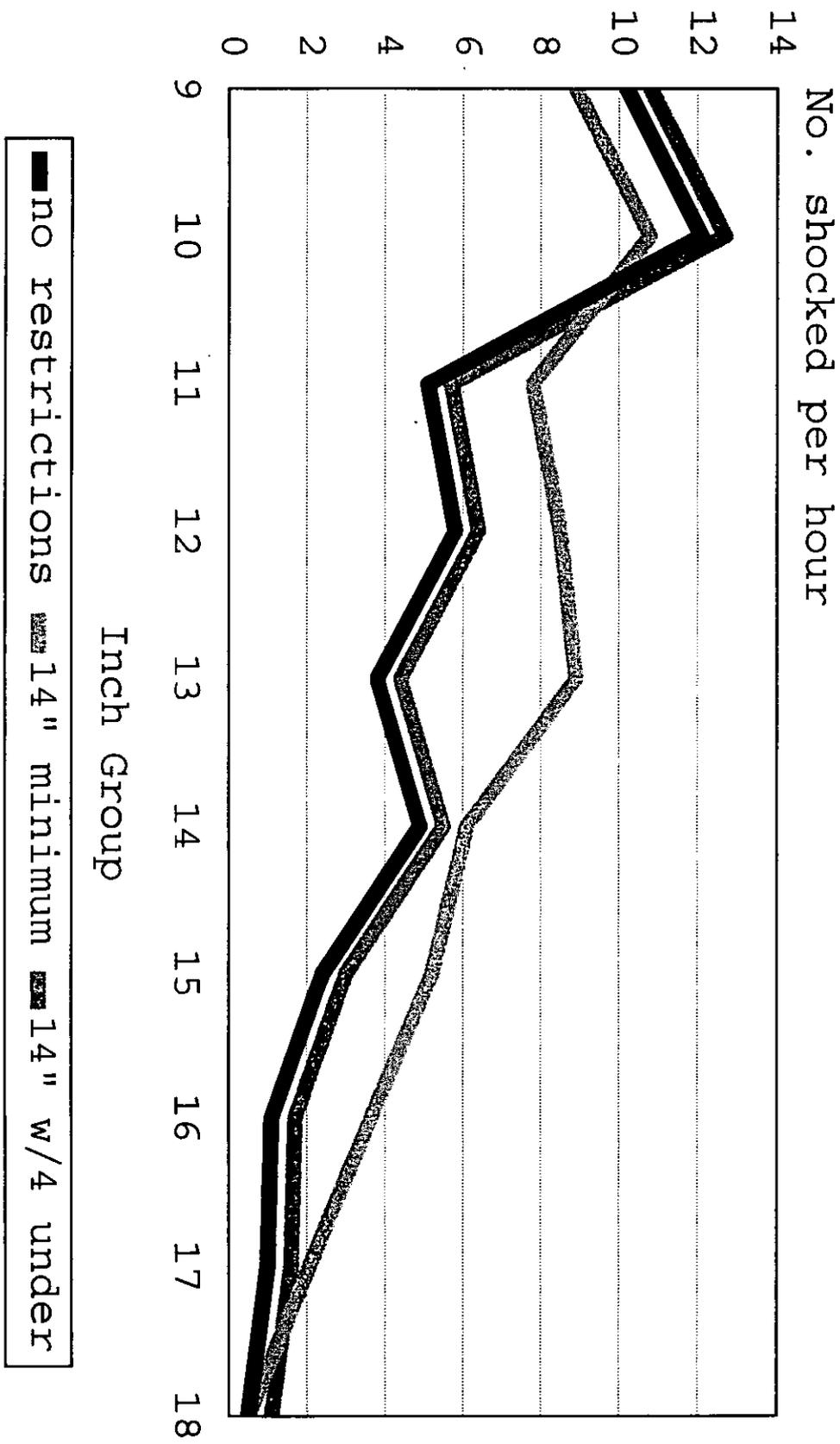
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN ELECTROFISHING

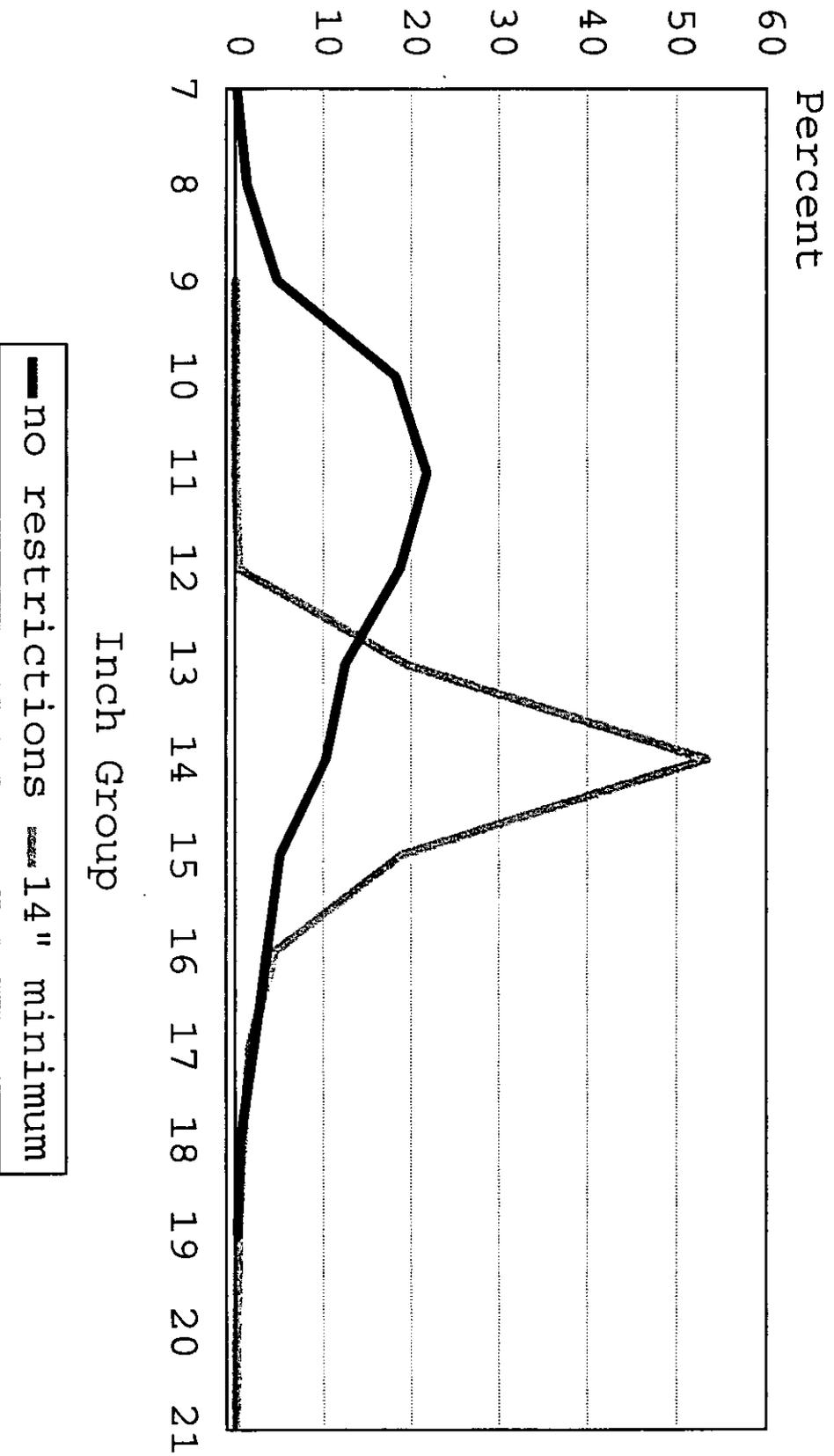
Pre and Post 14" minimum



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALEYA BASIN

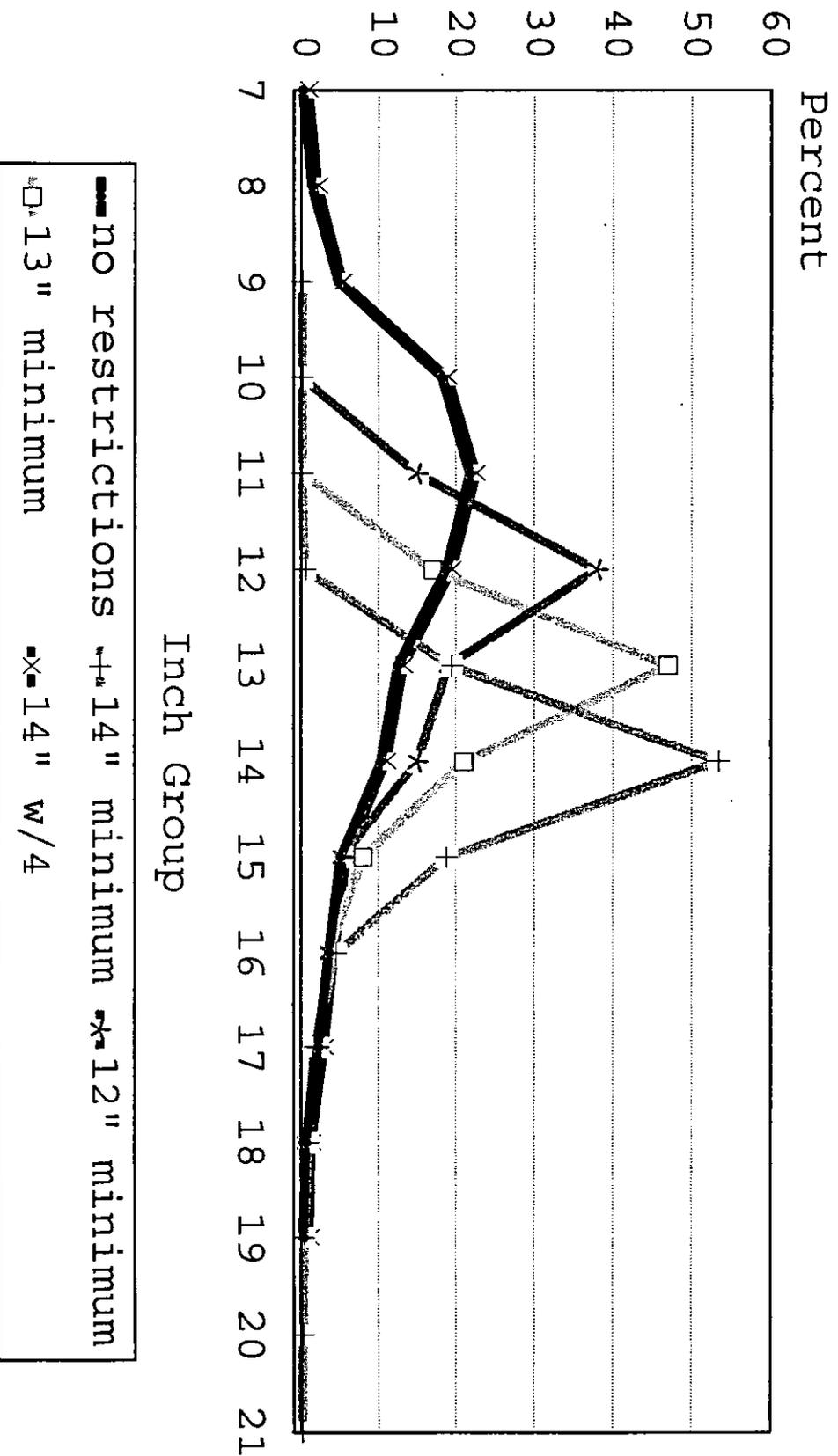
Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

ATCHAFALAYA BASIN

Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

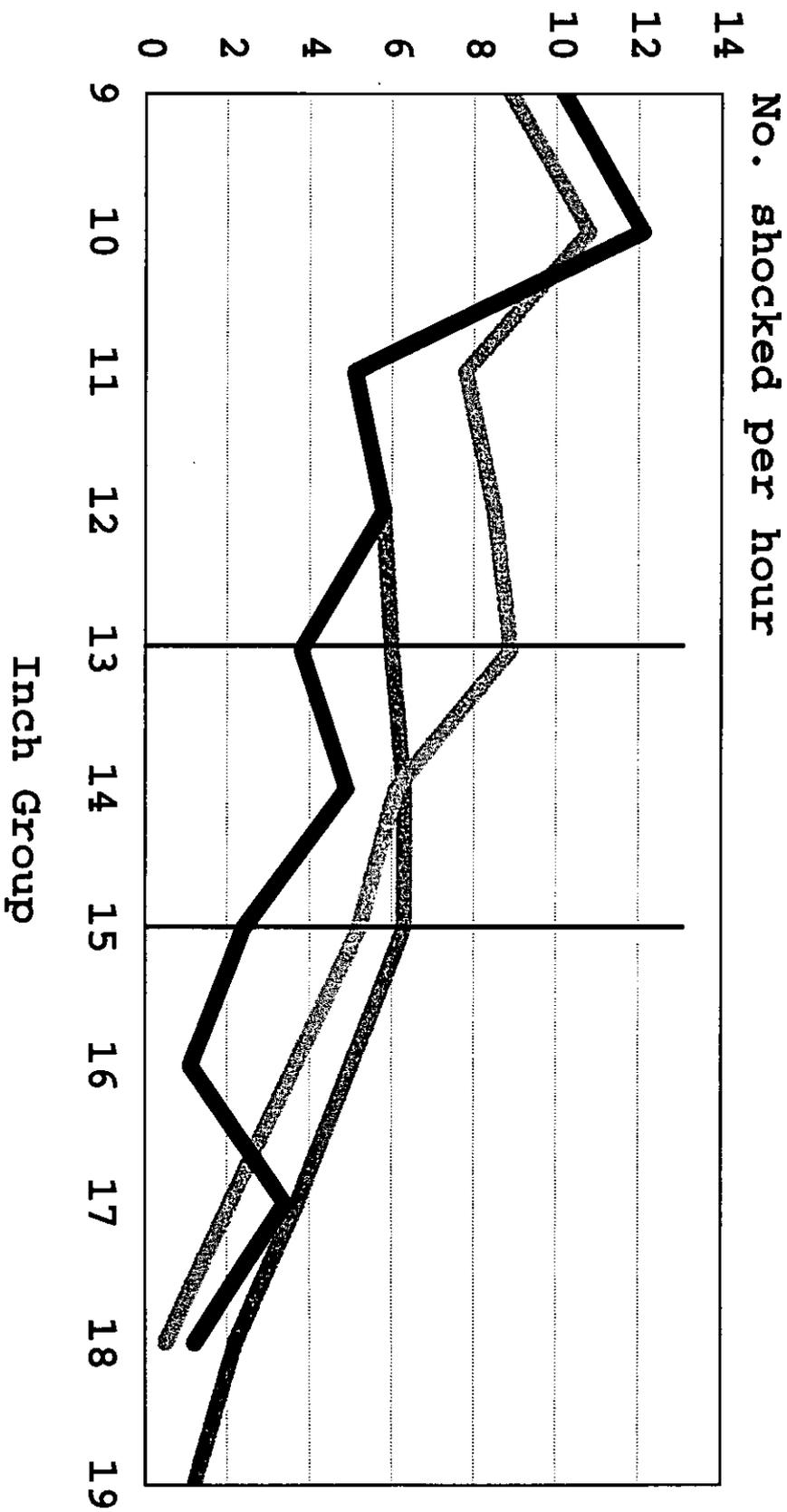
SLOT LIMITS

GENERAL USE

- ▶ High recruitment
- ▶ Low growth rates
- ▶ Increased numbers of protected size fish
- ▶ Promote growth of smaller fish
- ▶ Increase production of fish over the slot
- ▶ Allow harvest of fish below slot

ATCHAFALAYA BASIN

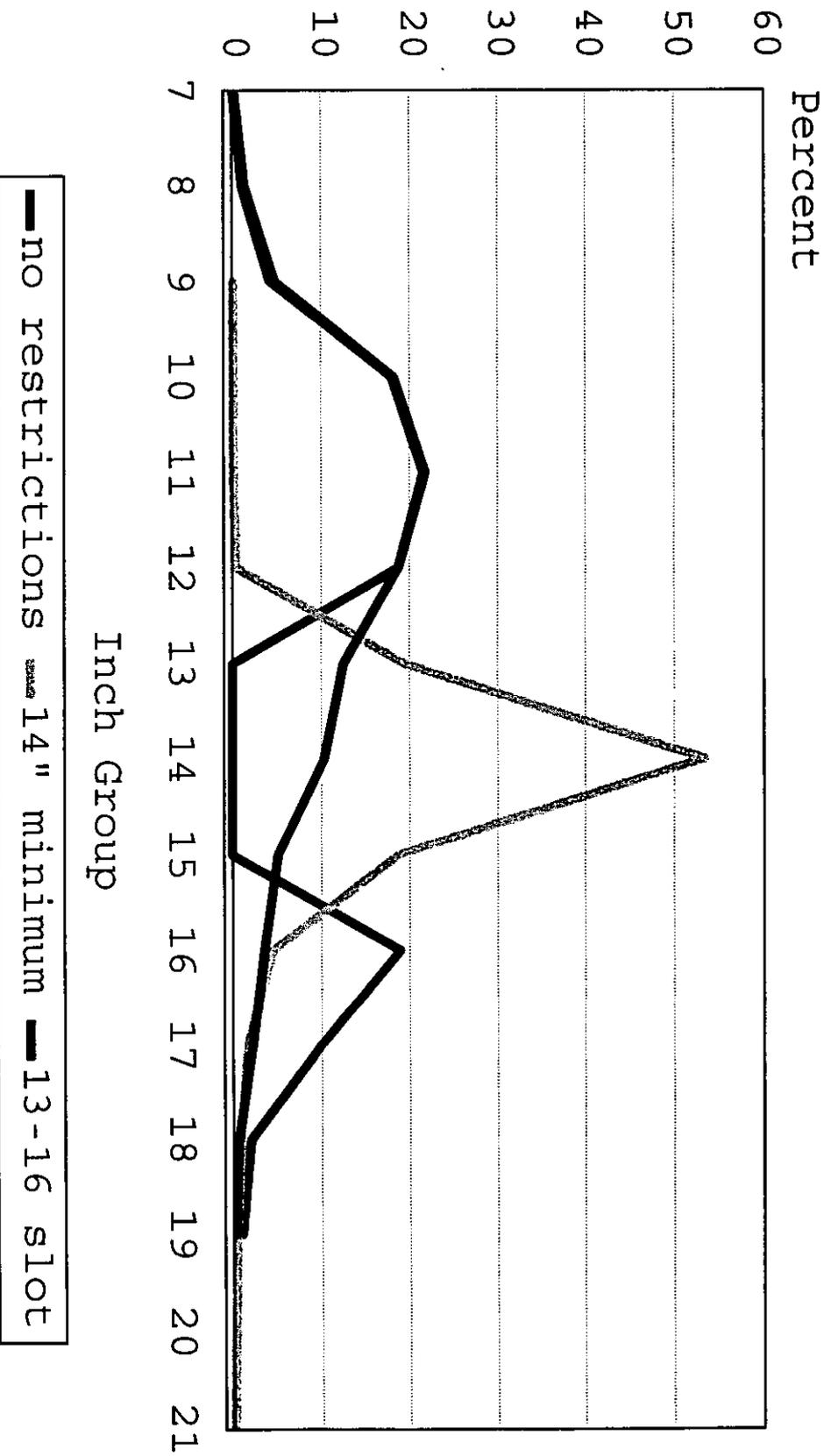
Slot Limit Discussion



pre = 1990 and 1991 average, post = 1996 data

ATCHAFALAYA BASIN

Largemouth Bass Harvested by Bass Anglers



no restrictions = 89-91 data; 14" = 96 data

ATCHAFALAYA BASIN CATCH STATISTICS

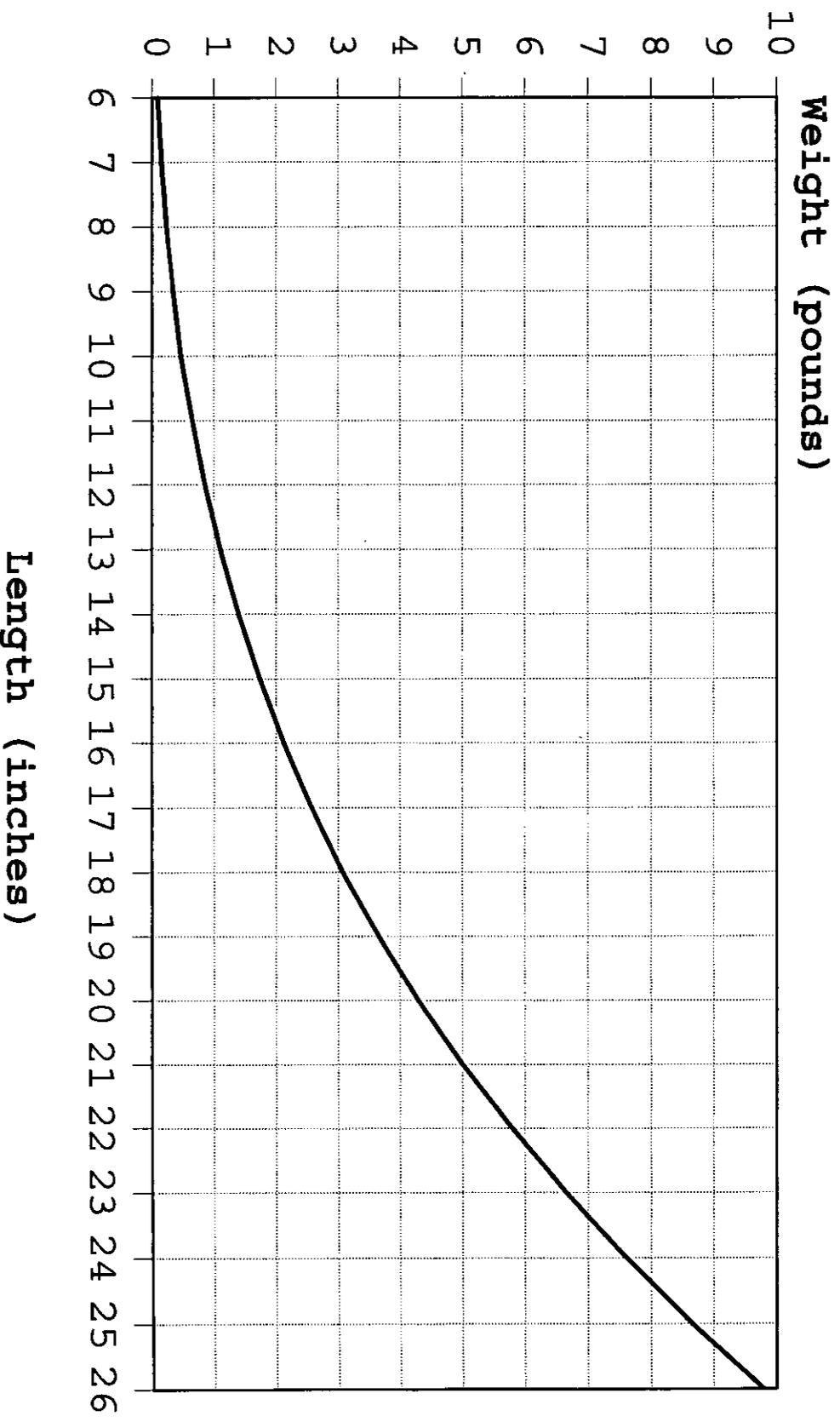
Largemouth Bass Caught by Bass Anglers

	No. caught /hour	No. harvested /hour	Pounds harvested /hour	Ave. weight (pounds)	% Bass anglers favoring
no restrictions	0.69	0.21	0.27	1.33	3
12" min.					10
13" min.					3
14" w/4 under					<1
14" min.	0.96	0.15	0.30	1.96	71
13" - 16" slot					10 (all slots)

no restrictions = average of 89-91 data; 14" = 96 data

LARGEMOUTH BASS

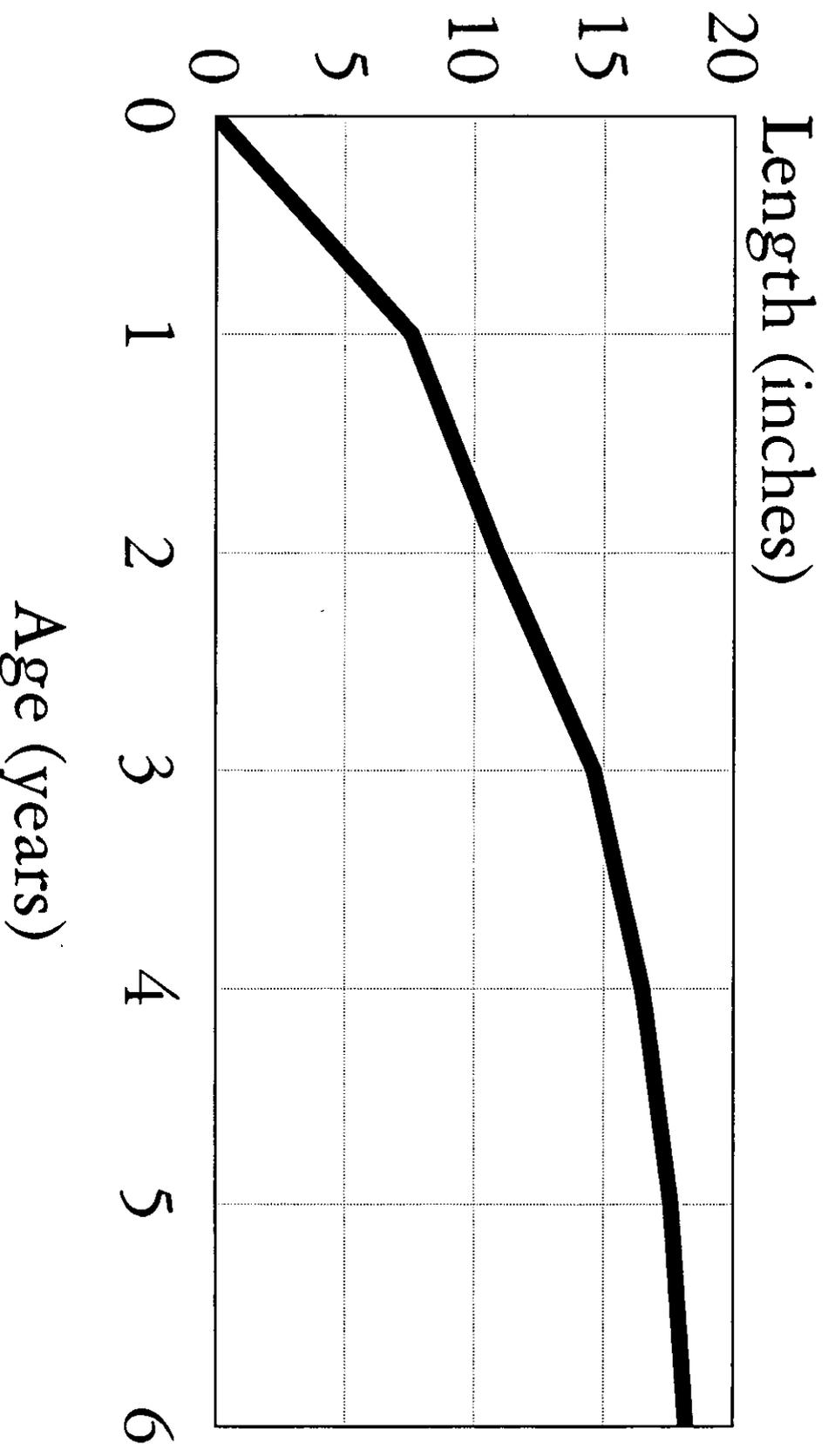
LENGTH-WEIGHT RELATIONSHIPS



data from 1995 & 1996 statewide database

ATCHAFALAYA BASIN

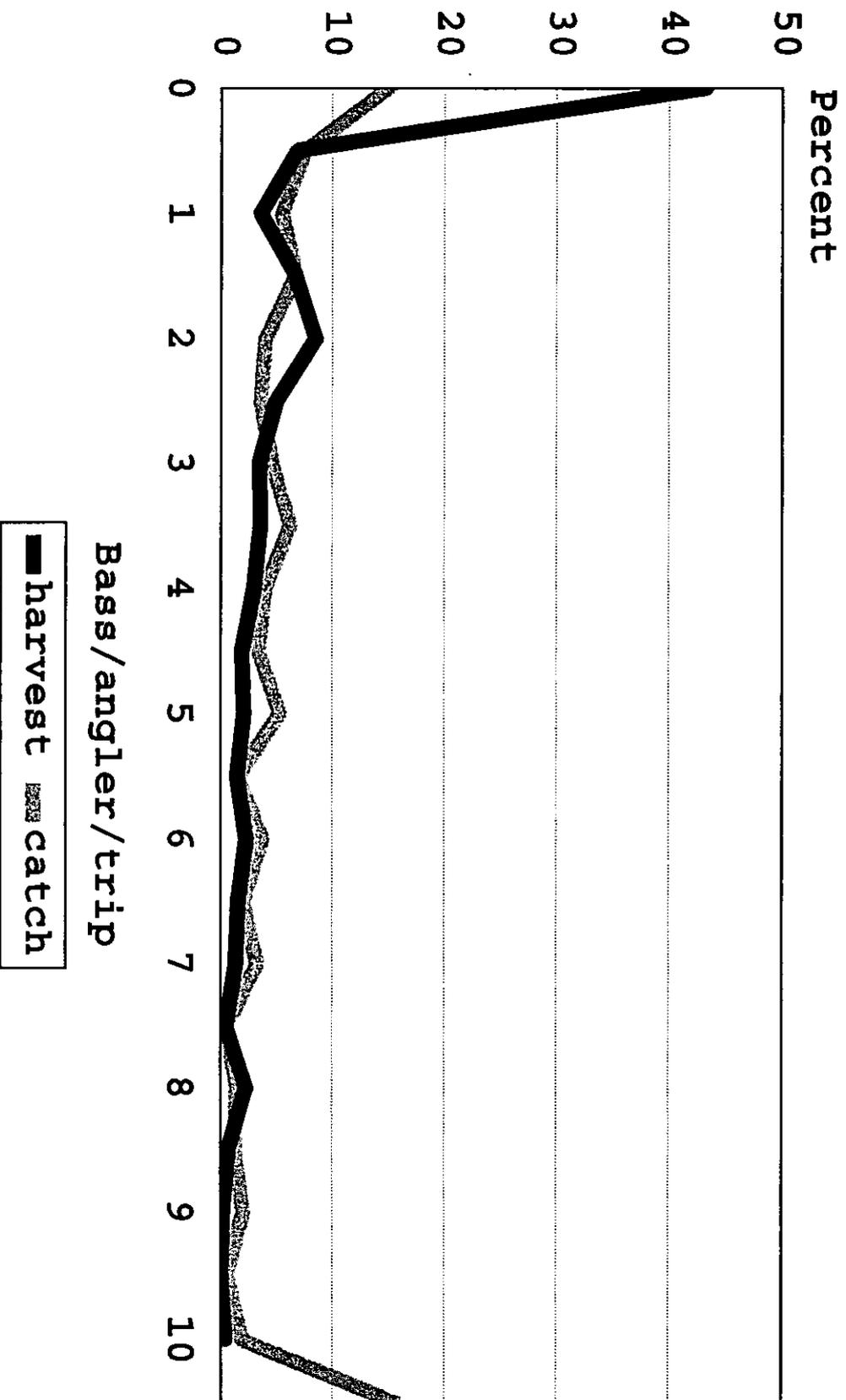
Largemouth Bass - Length at Age



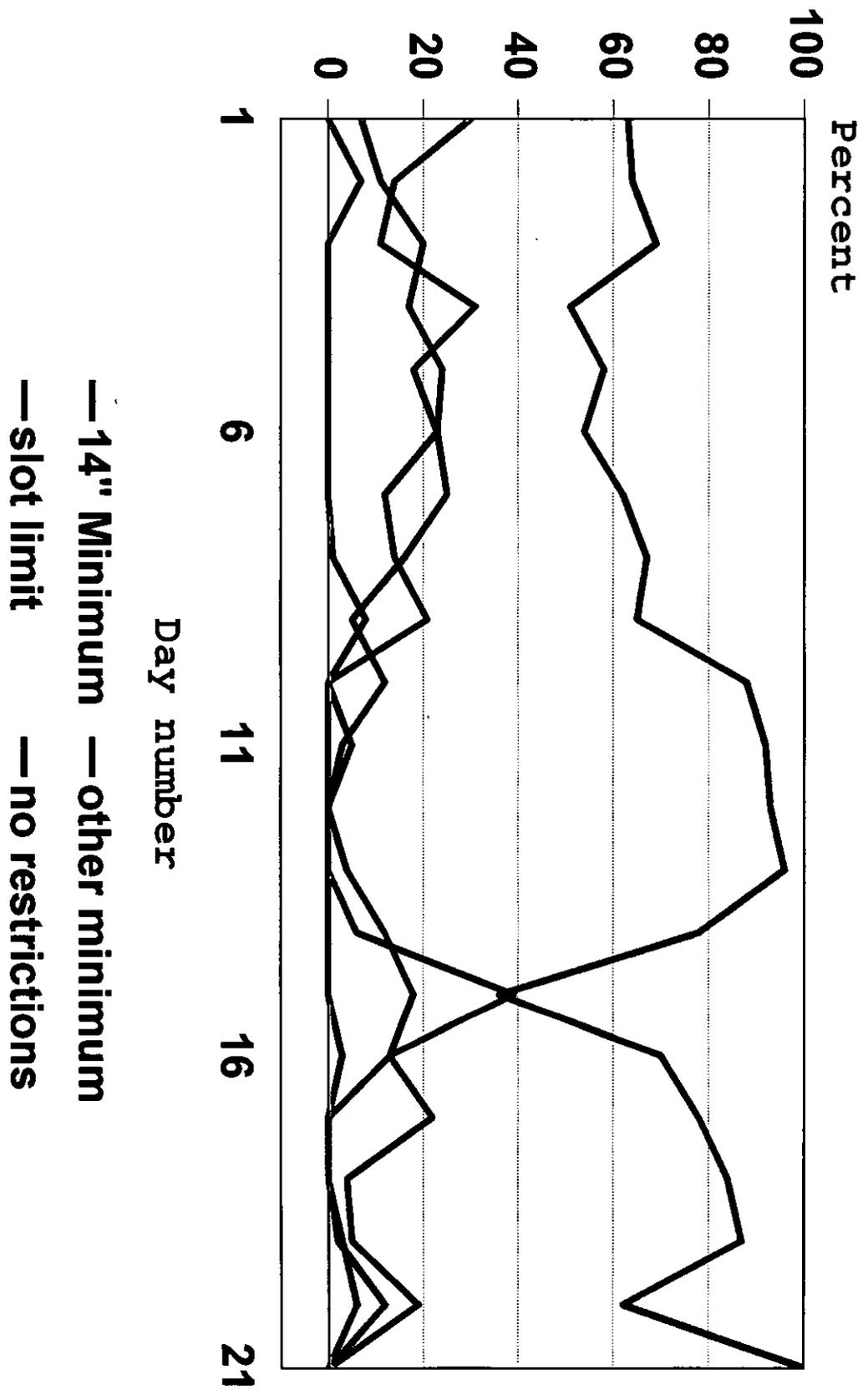
1996, entire basin

ATCHAFALAYA BASIN - CREEEL DATA

Pre-length regulation - Bass Fishermen



DAILY ANGLER OPINION LENGTH RESTRICTIONS IN BASIN



RESOLUTION

COMMERCIAL RED SNAPPER SEASON

- WHEREAS, the commercial season for the harvest of red snapper was opened on February 1, 1997 in Federal and State waters and closed in April, 1997 with the harvest of about 3.34 million pounds of red snapper, and
- WHEREAS, the 1997 commercial quota for red snapper in the Gulf of Mexico is 4.65 million pounds, and
- WHEREAS, the season had initially been set to re-open on September 15, 1997 in order to harvest the remainder of the 1997 commercial quota, and
- WHEREAS, the Secretary of the Department of Wildlife and Fisheries used existing protocols and authorities to close the commercial season for the harvest of red snapper in Louisiana state waters, continuing the closure through September 15, at which time the season was proposed to re-open, and
- WHEREAS, the National Marine Fisheries Service announced on August 28 that the commercial season for red snapper harvest in Federal waters will open at 12:00 noon on September 2, 1997 and close at 12:00 noon on September 15, and
- WHEREAS, the commercial season for red snapper harvest in Federal waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, and in similar fashion for each month until the remainder of the commercial quota is harvested, and
- WHEREAS, if the commercial quota is reached, the NMFS will close the commercial red snapper season in Federal waters until the beginning of the 1998 commercial season, which will most likely open on February 1, 1998, and
- WHEREAS, consistent regulations within both Federal and State jurisdictions are preferable as they assist in enforcement of fishery rules, and
- WHEREAS, emergency procedures must be utilized in order to have the necessary rules in place in the most expeditious manner, 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 Louisiana Wildlife and Fisheries Commission does hereby establish an open season for the commercial harvest of red snapper in Louisiana state waters effective 12:01 a.m., September 5, 1997 through 12:00 noon, September 15, 1997, and 12:00 noon October 1, 1997 through 12:00 noon, October 15, 1997, and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested, and

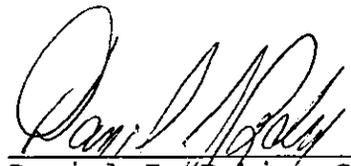
BE IT FURTHER RESOLVED, that the Commission hereby authorizes the Secretary of the Department of Wildlife and Fisheries to close the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, and

BE IT FURTHER RESOLVED, that such closure order shall close the season until the date set for the opening of the commercial red snapper season in Federal waters, presently February 1, 1998.

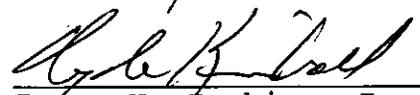
BE IT FURTHER RESOLVED, that all applicable rules regarding red snapper harvest including trip limits, permit requirements, and size limits, established by the Commission shall be in effect during the open seasons hereby established.

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 fall, 1997 commercial red snapper season in Louisiana state waters is attached to and made part of this resolution.



Daniel J. Babin, 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), 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 red snapper in Louisiana state waters:

The season for the commercial fishery for red snapper in Louisiana state waters will open at 12:01 a.m., September 5, 1997. The commercial fishery for red snapper in Louisiana waters will close at 12:00 noon September 15, 1997. The commercial season for red snapper harvest in Louisiana state waters will also reopen at 12:00 noon on October 1, 1997 and close at 12:00 noon on October 15, 1997 and thereafter open at 12:00 noon on the first of each month and close at 12:00 noon on the fifteenth of each month for each month of 1997, until the remainder of the 1997 commercial quota is harvested. The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates for the commercial red snapper season in Louisiana state waters when he is informed that the commercial red snapper quota for the Gulf of Mexico has been filled or projected to be filled, such closure order shall close the season until the date set for the opening of the 1998 commercial red snapper season in Federal waters. Nothing herein shall preclude the legal harvest of red snapper 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 red snapper. Effective with the closure, no person shall possess red snapper in excess of a daily bag limit. Provided however, that fish 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 provided all records required by law are maintained.

Daniel J. Babin
Chairman

RESOLUTION

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James H. Jenkins, Jr.
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Daniel J. Babin
Chairman

RESOLUTION

OYSTER LEASE MORATORIUM

WHEREAS, the Wildlife and Fisheries Commission established a moratorium on the taking of new oyster lease applications for new acreage through January 4, 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section will be collecting the annual rent for oyster leases and taking renewal applications for expired leases between December 1997 and March 1998, and

WHEREAS, the Department of Wildlife and Fisheries Oyster Lease Survey Section does not have sufficient staff to concurrently lift the moratorium, collect annual rent for oyster leases and take renewal applications for expired leases,

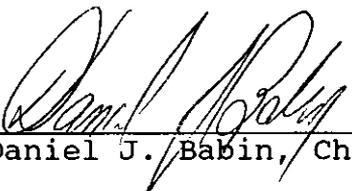
THEREFORE BE IT RESOLVED, that the moratorium on the taking of new oyster lease applications for new acreage will be extended through April 12, 1998, and

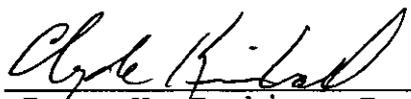
BE IT FURTHER RESOLVED, that beginning on April 13, 1998 the Department will accept applications for oyster leases in accordance with all applicable statutes, rules, regulations and procedures for oyster lease applications, and

BE IT FURTHER RESOLVED, that on or before April 6, 1998 the Department will publicly advertise the time and place where applications are to be taken,

BE IT FURTHER RESOLVED, that on the date for taking of applications only one applicant at a time will be allowed in the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application, and

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


Daniel J. Babin, Chairman


James H. Jenkins, Jr., Secretary

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Daniel J. Babin, Chairman

James H. Jenkins, Jr., Secretary



Louisiana Oyster Task Force

1600 Canal Street, Suite 210, New Orleans, LA 70112

Fax: 504-568-5668

1-800-222-4017

Wilson Voisin, Jr. Chairman

DRAFT

DRAFT

DRAFT

DRAFT

Leasing Committee - John Tesvich

John Roussel informed the Louisiana Department of Wildlife & Fisheries will propose to the Commission at the upcoming meeting in September that the moratorium be extended to April. He stated that by doing so, it would be easier on the industry to lift the moratoriums in April. He also informed that the industry would be informed approximately one week ahead of time as to where applications will be taken.

Ron Dugas made a motion that the OTF send a letter to the Commission supporting having the moratorium lifted in January, 1998 and to be lifted no later than April 13, 1998. Motion seconded by Al Sunseri. No opposition to motion. Motion passed.

LOUISIANA DREDGING COMPANY
120 MALLARD STREET, SUITE 300
ST. ROSE, LOUISIANA 70087
(504) 468-3247

August 27, 1997

Louisiana Department of Wildlife and Fisheries
Post Office Box 98000
Baton Rouge, LA 70898-9000

Attention: Undersecretary

Re: Request for sealed bids for waterbottoms to explore, dredge and remove fossil shells
dated August 7, 1997.

Gentlemen:

In response to the above referenced request, Louisiana Dredging Company is unable to submit a bid which meets the minimum requirements of the bid specification as set forth by the Department of Wildlife and Fisheries. The bid specifications impose conditions that are economically prohibitive in today's aggregate market in which shell must compete.

As the holder of the last two (2) leases and roots that go back many decades in the shell industry, we recognize many factors have contributed to the decline of the shell industry. Among which are diminishing reserves, the quality and characteristics of remaining reserves, environmentally unjustified permit conditions, and a restrictive lease term that discourages capital expenditures, not only by the lease holder but also the customer who purchases shell in the manufacturing and value added markets. In addition, the state has shown unwillingness to support this local industry through tax breaks or parity that would allow it to compete with out of state materials brought into Louisiana or special consideration in environmental programs the material is naturally suited for. These factors along with the market pressures from increased competition from foreign limestone impede the production of shell in sufficient quantities to profitably operate under the minimum annual royalty.

RECEIVED
AUG 27 1997
ADRIAN B. DUBOIS

Louisiana Department of Wildlife and Fisheries
August 27, 1997
Page -2-

The viable future of the industry may require the Department to reconsider the relationship with a leaseholder. A no-minimum, pay as you go program supported by state sponsored programs of oyster bed planting, habitat reconstruction, coastal restoration and highway construction should be considered among the many options. It would be our pleasure to discuss these options with you at anytime.

Sincerely,

Louisiana Dredging Company



David G. Howson
Manager

bcc: James H. Jenkins, Jr.
Secretary

✓ Ms. Karen Foote
Marine Fisheries Division

ENFORCEMENT CASE REPORT

AUGUST 1997

ENFORCEMENT CASE REPORT-AUGUST 1997

REGION I

TOTAL CASES-58

W.A.&REFUGES-0

12-Boating

21-Angling W/O A License

2-Angling W/O A License Non-Resident

21-Fishing W/O Resident Pole License

2-Take/Possess Undersize Commercial Finfish

CONFISCATIONS:

142 undersize channel catfish.

TOTAL OF EACH CATEGORY FOR REGION I:

12-Boating

44-Sport Fishing

2-Commercial Fishing

Page (2)

REGION 2

TOTAL CASES-127

W.A.&REFUGES-0

53-Boating

1-Bowfin Size Limit Violation

22-Angling W/O A License

5-Angle W/O A Non-Resident License

17-Fish W/O Resident Pole License

7-Illegal Possession Of Alligator

1-Driving ATV On Public Road

1-Cruelty To Animals

2-Trap Or Sell F.B.A. Parts W/O License

3-Other Than Wildlife

1-Possess Cocaine and Marijuana

1-DWI

6-Littering

2-Driving Under Suspension

2-Possess Drug Paraphernalia

3-Speeding Violations

CONFISCATIONS:

NONE,

Page (3)

REGION 2 CONTD..

TOTAL OF EACH CATEGORY FOR REGION 2

53-Boating

6-Littering

9-Hunting

10-Public Assistance

44-Sports Fishing

1-Commercial Fishing

14-Other

Page (4)

REGION 3

TOTAL CASES-124

W.A.&REFUGES-11

22-Boating

41-Angle W/O A License In Possession

3-Angling W/O A Pole License

4-Angling W/O A Non-Resident License

3-Take/Possess Undersize Black Bass

4-Take Fish Illegally

1-Failure To Have Commercial License In Poss.

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

3-Failure To Abide By Rules And Regs. On W.A.

1-Possession Of Spotted Fawn

1-Illegal Possession Of Drug Paraphernalia

10-Littering

16-Criminal Trespass State/Federal Property

1-DWI

1-Expired Drivers License

1-Operate ATV On Public Road

1-Flight From An Officer

5-Illegal Possession Of Marijuana

2-Illegal Use Of Controlled Dangerous Substance In Front Of Juveniles

1-Illegal Carrying Of Weapon (Concealed)

Page (5)

REGION 3 CONTD.

1-Switched License Plates

1-Driving W/O Operators License

CONFISCATIONS:

25 catfish, 38 lbs. Of catfish, 4 black bass, 1 spotted fawn.

1 basic fishing license, 1 ice chest, 1 shocking device, 1 wooden boat, 1 aluminum boat, 2-25 h.p. outboards, 2 gas tanks, 2 boat trailers, 2 dip nets, 1 sack of chains and weights, 2 life jackets, 1-12 volt battery, 4 marijuana cigarettes, 1-22 cal. pistol, 2 pipes, pack of cigarette papers, 2 bags of marijuana.

TOTAL OF EACH CATEGORY FOR REGION 3:

22-Boating

51-Sport Fishing

6-Commercial Fishing

4-Hunting

41-Other

Page (6)

REGION 4

TOTAL CASES-68

W.A.&REFUGES-41

12-Boating

7-Angling W/O A License

6-Angling W/O A Non-Resident License

1-Fishing W/O A Resident Pole License

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

1-Take Commercial Fish W/O Commercial Gear License

34-Not Abiding By Rules And Regs. On W.A.

2-Littering

4-Violate Rules and Regs. On Mussel Harvesting .

CONFISCATIONS:

1 ice chest containing alcoholic beverages.

TOTAL OF EACH CATEGORY FOR REGION 4:

12-Boating

16-Fishing

40-Other

Page (7)

REGION 5

TOTAL CASES-80

W.A.&REFUGES-44

17-Boating

9-Angling W/O A License

3-Angling W/O A Non-Resident License

2-Angling W/O A Saltwater License

3-Fail To Have Commercial Fish Intact

2-Take Or Possess Undersize Red Drum

3-Take Or Possess Undersize Black Drum

1-Take Or Possess Spotted Sea Trout

3-Take Or Possess Undersize Black Drum

4-Not Abiding By Commission Rules And .

1-Destroy Legal Crab Traps Or Removing Contents

1-Possess Or Sell Undersize Crabs

2-Trawling In Closed Season (Inside Waters)

21-Not Abiding By Rules And . On W.A.

1-Other Than Wildlife And Fisheries

3-Butterflying In Closed Season

1-Take Or Possess Undersize White Shrimp

2-Criminal Trespass On State Property

1-Fail To Keep Federally Controlled Fish Intact

Page (8)

REGION 5 CONTD..

CONFISCATIONS:

506 lbs. Of shrimp, 4 red drum, 8 black drum, 2 speckled trout, 9 red snapper, 3 1/4 lbs. Of fillet red snapper, 1 cobia, 1 cobia fillet, 4 shrimp trawls, 6 butterfly nets, 100 lbs. Of crabs, monies collected for sell of shrimp \$2,753.15, 2 outboard motors.

TOTAL OF EACH CATEGORY FOR REGION 5:

17-Boating 2-Other

3-Hunting

58-Fishing

Page (9)

REGION 6

TOTAL CASES-148

W.A.&REFUGES-40

48-Boating

36-Angling W/O A License

3-Angling W/O A Non-Resident License

19-Fish W/O Resident Pole License

31-Take Illegal Size Black Bass

1-Take Commercial Fish W/O Commercial Gear License

1-Take Or Possess Commercial Fish W/O Vessel License

1-Illegal Possession Of Game Fish

3-Not Abiding By Rules And Regs. On W.A.

2-Littering

1-Take Or Possess Spotted Fawn

CONFISCATIONS:

72 black bass, 1 basic fishing license, 1 saltwater fishing license, 1 marine resource stamp,

1 spotted fawn, 5 sac-a-lait, 1-outboard motor, 1 Louisiana scratch off lottery ticket.

TOTAL OF EACH CATEGORY FOR REGION 6:

48-Boating 1-Public Assistance

90-Sport Fishing 2-Littering

3-Commercial Fishing

3-W.A.

1-Hunting

Page (10)

REGION 7

TOTAL CASES-256

W.A.&REFUGES-9

109-Boating

99-Angling W/O A License

10-Angling W/O A License Non-Resident

13-Angling W/O A Pole License

6-Angling W/O A Saltwater License

5-Angling W/O A Saltwater License Non-Resident

2-Sell Fish W/O Wholesale/Retail License

2-Transport W/O Required License

1-Possess Squirrels Closed Season

4-DWI

1-Theft

1-Littering

2-Other

1-Fraud

CONFISCATIONS:

4 squirrels, 63 lbs. Of shrimp.

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REGION 7 CONTD.

TOTAL OF EACH CATEGORY FOR REGION 7:

109-Boating

2-Public Assistance

4-Commercial Fishing

133-Sport Fishing

1-Hunting

9-Other

Page (12)

REGION 8

TOTAL CASES-291

W.A.&REFUGES-50

57-Boating

77-Angling W/O A Basic License

5-Angling W/O A Non-Resident License

11-Angling W/O A Saltwater License

1-Angling W/O A Non-Resident Saltwater License

6-Fail To Have Saltwater Stamp As Per 56:12.1E

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

4-Take/Possess Undersized Red Drum

3-Take/Possess Undersized Speckled Trout

4-Take/Possess Undersized Black Drum

7-Not Abiding By Commission Rules For Recreational Finfish

1-Fail To Comply With Charter Boat Regulations

2-Fail To Have Commercial License In Possession

5-Take/Sell Commercial Fish W/O Commercial License

**2-Outboard Vessel W/O Commercial License While Commercial Rod And Reel
In Use**

7-Take Commercial Fish W/O Commercial Gear License

9-Take/Possess Commercial Fish W/O Vessel License

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

1-Fail To Maintain Records

REGION 8 CONTD.

- 1-Fail To Comply With Federal Law In EEZ**
- 1-Buy Commercial Fish From Unlicensed Fisherman**
- 1-Allow Unlicensed Fisherman To Use Commercial Vessel Or Vessel License**
- 1-Allow Unlicensed Fisherman To Use Commercial Gear License**
- 2-Fail To Mark Soft Shell Crab Container**
- 1-Permit Unlicensed Person To Operate Commercial Vessel**
- 2-Take/Possess Oysters W/O Oyster Harvester's License**
- 2-Possess Or Sell Undersized Crabs**
- 1-Trawl In Inside Waters With Oversized Double Rigs**
- 8-Trawl In Restricted Areas**
- 2-Use Skimmers In Closed Season**
- 3-Failure To Have Written Permission**
- 4-Take Oysters In Closed Season**
- 1-Fail To Mark Oyster Lease While Harvesting**
- 1-Failure To Display Proper Number On Vessel**
- 1-Failure To Tag Sacked Or Containerized Oysters**
- 13-Harvest Oysters From Unmarked Lease**
- 1-Take/Possess Alligators In Closed Season**
- 1-Fail To Keep Federal Fish Intact**
- 28-Violation of Sanitary Code-Chapter 9**
- 11-Other**

REGION 8 CONTD.

CONFISCATIONS:

56 red snapper, 27 speckled trout, 4 bass, 60 lbs. Of grouper, 4 almaco jack, 2 gopher tortoise, 462 lbs. Of shrimp sold for \$1062.60, 60 lbs. Of grouper sold for \$120.00, 6 black, drum, 1 cobia, 74 beeliner , 33 red snapper, 4 triggerfish, 38 bags of filleted fish, 700 lbs. Of crabs, 381 sacks of oysters, 1 alligator, 2 oyster dredge, 2 boats, 1 motor, 700 lbs. Of crabs, 381 sacks of oysters, 55 lbs. Of beeliner sold for \$110.00, 441 lbs. Of black drum sold for \$573.30, 4 trawls, 3 licenses, 1 ice chest.

TOTAL OF EACH CATEGORY FOR REGION 8:

57-Boating

121-Recreational Fishing

101-Commercial Fishing

1-Alligator

11-Other

SHRIMP ACTIVITY REPORT

REGION 8 ENFORCEMENT

AUGUST 1997

COMPLAINTS

1. Complaints were received of a bat shrimper taking large quantities of dead shrimp. These were worked without success. Complaints were received of boats trawling on the Louisiana side of the LA-MISS line- several cases were made. Complaints were fewer than normal for this time of year.

PATROLS

1. Regular patrols by boat have been continued. Several cases were made on shrimpers. Most shrimpers checked were in compliance. Shrimp effort was down due to lack of shrimp and closed waters.

INQUIRIES

1. We received numerous inquiries for TED information, which were referred to the LSU Cooperative Extension Service Fisheries Gerald Horst.
2. We received numerous calls regarding the shrimp season openings and closings. As usual, there was much confusion due to parts of Zone 1 being left open. Many of these calls required up to 5 minutes of explanation. We received a normal amount of calls regarding bait trawls and other gear questions. There were also numerous calls regarding the change back to 1-1/4" mesh for the fall season.

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CASES

1-Trawl With Oversized Double Rigs

8-Trawl In Restricted Area

2-Use Skimmers In Closed Season

1-No Commercial Gear License

1-No Commercial Vessel License

Early in August agents caught two skimmer boats working in closed waters near Coupa Bel. Just before the season reopened several large trawlers were caught in Louisiana waters in closed season. Only one boat were caught with oversized trawls.

REGION 9

TOTAL CASES-276

W.A.&REFUGES-5

87-Boating

2-Allow Another To Use Recreational License

47-Angling W/O A License

5-Angling W/O Non-Resident License

3-Fish W/O Resident Pole License

18-Angling W/O Saltwater License

1-Angling W/O Saltwater License Non-Resident

8-Fail To Have Saltwater Stamp

1-Possess Overlimit Of Red Drum

2-Possess Overlimit Of Red Drum In Excess Of 27"

5-Fail To Have Intact (Saltwater Fish)

1-Take Illegal Size Black Bass

3-Take Undersize Red Drum

24-Take Undersize Spotted Sea Trout

6-Take Undersize Black Drum

8-Possession Overlimit Of Speckled Trout

5-Take Commercial Fish W/O Vessel License

1-Take Commercial Fish W/O Commercial Gear License

1-Fail To Maintain Records

1-Transport W/O Required License

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REGION 9 CONTD.

1-Possess Undersize commercial Finfish(Turtles)

1-Possess Undersize Commercial Finfish (Catfish)

4-Possess Crabs In Berry Stage

2-Use Crab Traps W/O Req. Markings

5-Removing Contents Crab Traps

3-Tending Crab Traps Illegal Hours

1-Possess Black Drum W/O Permit (Drm Over 27")

1-Possess Undersize Crabs Commercial Hard

1-Take Commercial Fish W/O Commercial License

6-Trawling In Closed Season (Inside Water)

3-Use Skimmers In Closed Season

1-Take Shrimp Illegal Gear

1-Use O/S Butterfly Provisions

2-Violate Shrimp Provisions

3-Harvest Oysters From Unmarked Lease

2-Hunting From Moving vehicle

2-Hunt Rabbits Closed Season

1-Take Turtle Eggs

1-DWI

3-Littering

1-General Speed Law Violation

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REGION 9 CONTD.

1-Flight From An Officer

1-Violation Of A Sanitary Code

CONFISCATIONS:

2,000 lbs. Of crabs released, 381 lbs. Of crabs sold for \$186.80, 348 fillets of speckle trout, 98 speckle trout, 282 lbs. Of shrimp sold for \$335.00, 16 red drum, 64 berry crabs, 1 black bass, 12 black drum, 32 black drum sold for \$160.00, 1 rabbit, 98 diamond back terrapin hatchling, 2 alligator snapping turtle hatchlings, 147 diamond back terrapin eggs, 4 gulf coast box turtle eggs, 5 southern painted turtle eggs, 32 mixed eggs of 3-toed box turtles and ornate box turtle, 3 boats, 3 test trawls, 4 butterfly nets, 1 crab trap, 1 shotgun and shells, 2 ice chests, 4 skimmer nets, 1 recreational license, 1 saltwater license, 1 conservation stamp, 1 driver's license.

TOTAL OF EACH CATEGORY FOR REGION 9:

87-Boating

134-Sport Fishing

27-Commercial Fishing

13-Trawling

3-Oyster

5-Hunting

7-Other

STATEWIDE STRIKE FORCE

TOTAL CASES-150

W.A.&REFUGES-150

35-Boating

39-Angling W/O A License

12-Angling W/O A License Non-Resident

3-Fish W/O Resident License

7-Angling W/O Saltwater License

3-Angling W/O Saltwater License Non-Resident

5-Failure To Have A Saltwater Stamp

3-Not Abiding By Rules And Regs. Of Commission

2-Take/Possess Overlimit Red Drum

2-Failure To Have Fish Intact

17-Take/Possess Undersize Spotted Sea Trout

2-Take/Possess Undersized Black Drum

1-Fail To Comply With Charter Boat Regs.

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

1-Take Commercial Fish W/O Commercial Gear License

1-Possess Crabs In Berry Stage

10-Not Abiding By Rules And Regs. On A W.A.

2-DWI

2-Other Than Wildlife And Fisheries

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SPECIAL STRIKE FORCE CONTD.

1-Obtain License By Fraud

1-Failure To Keep Federally Controlled Fish Intact

CONFISCATIONS:

47 berry crabs, 106 speckled trout, 5 black drum, 3 flounder, 2-48 quart ice chests, 1

Yamaha four wheeler, 1 Ruger .22 pistol.

TOTAL OF EACH CATEGORY FOR SPECIAL STRIKE FORCE:

35-Boating

83-Sport Fishing

26-Commercial Fishing

6-Other

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S.W.E.P.

TOTAL CASES-61

BOATS CHECKED-81

RUNNING TIME-173

20-Boating

9-Angling W/O Resident License

3-Angling W/O Non-Resident License

2-Possess Undersize Sea Trout

4-Angling W/O Saltwater License

2-Possess Crabs Berry Stage

2-Angling W/O Non-Resident Saltwater License

4-No Marine Conservation Stamp

1-Failure To Comply With Charter Boat Regulations

1-Obtain License By Fraud

8-Travel Restricted Area

1-No Commercial License

2-No Commercial Vessel License

1-No Gear License

1-Travel Inside waters W/Oversize Double Rigs

CONFISCATIONS:

19 sea trout, 59 berry crabs, 462 lbs. Of shrimp sold for \$1,062.60, 10 trawls.

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S.W.E.P. CONTD.

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

20-Boating

18-Sport Fishing

23-Commercial Fishing

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SEAFOOD INVESTIGATIVE UNIT

TOTAL CASES-23

5-Angling W/O A License

3-Angling W/O A Saltwater License

1-Take/Possess Undersize Spotted Sea Trout

1-Take Commercial Fish W/O Commercial License

1-Take Commercial Fish W/O Gear License

2-Take Commercial Fish W/O Vessel License

2-Sell/Buy W/O Wholesale/Retail Dealer's License

2-Fail To Maintain Records

3-Transport W/O Required License

2-Possess Crabs In The Berry Stage

1-Possess Or Sell Undersize Crabs

CONFISCATIONS:

700 lbs. Of live crabs, 6 undersize spotted sea trout.

TOTAL OF EACH CATEGORY FOR SEAFOOD INVESTIGATIVE UNIT:

9-Sport Fishing

14-Commercial Fishing

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OYSTER STRIKE FORCE

TOTAL CASES-64

24-Sanitary Code Violation-Vessel Log Regs.

10-Sanitary Code Violation-Vessel Tarp Regs.

3-Failure To Have Written Permission To Take Oysters From Private Lease

4-Illegally Taken Oysters From Unleased State Water Bottoms

6-Take Oysters Without Vessel License

1-Take Oysters Without Gear License

14-Take Oysters From Unmarked Lease

1-Failure To Tag Oysters Prior To Removal From Fishing Vessel

1-Possess Redfish In Federal Waters

CONFISCATIONS:

382 sacks of oysters, 1 red fish.

TOTAL OF EACH CATEGORY FOR OYSTER STRIKE FORCE:

64-Commercial Fishing

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TOTAL CASES-1725

TOTAL CASES WMA&REFUGES-350

ENFORCEMENT AVIATION REPORT

SEPTEMBER 1997

August

185-Amph. - 61092
Hrs. - 70.3

185-Float - 70365
Hrs. -

210 - 9467Y
Hrs. - 98.4

Enforcement Hours - 147.8

Other Divisions - 20.9

Total Plane Use - 168.7 Hrs.

1998		January			1998	
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

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CIVIL RESTITUTION ACTIVITY REPORT

CURRENT MONTH 08/01/1997 TO 08/31/1997 FISCAL YEAR TO DATE 07/01/1997 TO 08/31/1997 INCEPTION TO DATE 08/31/1997

	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
ORIG RESTITUTION VALUES ENTERED	14	\$8,741.30	24	\$11,553.01	3,401	\$2,271,135.37		
HEARING COSTS ASSESSED	0	\$0.00	0	\$0.00	133	\$3,325.00		
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	# CASES	AMOUNT
RESTITUTION ASSESSED	14	\$8,741.30	24	\$11,553.01	3,401	\$2,076,546.13		
PAYMENTS	8	\$1,496.49-	16	\$3,081.16-	2,204	\$341,673.46-		
DISCOUNTS FOR TIMELY PAYMENTS	6	\$779.14-	11	\$1,602.25-	1,487	\$168,463.75-		
OVERPAYMENTS	0	\$0.00	0	\$0.00	92	\$1,613.27		
REFUND OF OVERPAYMENT	0	\$0.00	0	\$0.00	37	\$7,150.51		
APPLIED CONFISCATED COMMODS	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-		
CREDITS	0	\$0.00	0	\$0.00				
REASSESSMENTS	0	\$0.00	0	\$0.00				
DEBITS	0	\$0.00	0	\$0.00	18	\$6,532.69		
CREDITS	0	\$0.00	0	\$0.00	52	\$33,593.61-		
WRITE-OFFS	0	\$0.00	1	\$0.02-	206	\$112,914.44-		
ASSESSMENTS WITHDRAWN	0	\$0.00	0	\$0.00	6	\$1,399.24-		
ADJUDICATION ADJUSTMENTS	0	\$0.00	0	\$0.00	0	\$58.90-		
FOUND NOT RESPONSIBLE	0	\$0.00	0	\$0.00	21	\$22,867.51-		
CASES VOIDED BY ENFORCEMENT	0	\$0.00	0	\$0.00	0	\$0.00		
** TOTAL OUTSTANDING			971	\$1,481,339.35				

FOOTNOTE:

	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT	# CASES	AMOUNT
PAYMENTS FROM COLLECTION EFFORT	0	\$0.00	1	\$20.00	56	\$11,040.67		
AMOUNT PAID TO COLLECTOR	1	\$0.00	1	\$5.00	2	\$2,760.16		
FORFEIT OF CONFISCATED COMMODS	1	\$3,202.60	1	\$3,202.60	2	\$3,202.60 *		

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								
Oct., 1997								
Nov., 1997								
Dec., 1997								
Jan., 1998								
Feb., 1998								
Mar., 1998								
Apr., 1998								
May., 1998								
June 1998								
Total FY 1998	24	11,553	0	16	3,081	1,602	40.5%	66.7%

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary
97-2276



CONTACT
9/2/97 765-2923

SEPTEMBER COMMISSION MEETING AGENDA REVISED

The Wildlife and Fisheries Commission has again revised the agenda for its next regular meeting, scheduled for 10 a.m. on Thursday, Sept. 4, 1997. The public meeting will convene at Department of Wildlife and Fisheries headquarters, 2000 Quail Drive, in Baton Rouge.

The revised agenda follows.

1. Roll call.
2. Approval of minutes of Aug. 7, 1997, Commission meeting.
3. Declaration of Emergency: white-tailed deer.
4. Declaration of Emergency: 1997-98 waterfowl season dates.
5. Rule ratification: non-resident duck stamp fee.
6. 1998 spring turkey season: boundary change and closure of Madison Parish.
7. Declaration of Emergency: set 1997-98 trapping season.
8. Rule ratification: black bass daily take and size limits at John K. Kelly-Grand Bayou Reservoir.
9. Notice of Intent: special permit program, bass size exemptions for large tournaments.
10. Discussion of black bass management regulations in the Atchafalaya River Basin and Lake Verret-Palourde complex.
11. Resolution and Declaration of Emergency: commercial red snapper season.
12. Presentation of the pilot charter boat survey (information only).
13. Lifting of oyster lease moratorium.
14. Shell dredging lease bid package, central coast: consideration of Minerals Committee report and recommendations; award of bid.
15. Enforcement and Aviation reports/August.
16. Division reports:
 - a. Dove field leasing program.
 - b. Lottery duck hunt at Red River WMA.
 - c. Department radio show first airing — Sept. 4.
17. Set January 1998 meeting date.
18. Public comments.
19. Adjourn.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE



James H. Jenkins Jr.
Secretary
97-227b

CONTACT
504/765-2923
9/2/97

SEPTEMBER COMMISSION MEETING AGENDA REVISED

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12. Presentation of the pilot charter boat survey (information only).
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14. Shell dredging lease bid package, central coast: consideration of Minerals Committee report and recommendations; award of bid.
15. Enforcement and Aviation reports/August.
16. Division reports:
 - a. Dove field leasing program.
 - b. Lottery duck hunt at Red River WMA.
 - c. Department radio show first airing — Sept. 4:
17. Set January 1998 meeting date.
18. Public comments.
19. Adjourn.

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
September 4, 1997
10:00 AM

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. White-Tailed Deer, Declaration of Emergency - Johnnie Tarver
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates - Robert Helm
5. Rule Ratification - Non-Resident Duck Stamp Fee - Hugh Bateman
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish - Tom Gattle
7. Declaration of Emergency - Setting 1997-98 Trapping Season - Phil Bowman
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir - Bennie Fontenot
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments - ~~Bennie Fontenot~~ *Dave Arnolli*
10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex - Bennie Fontenot
11. Resolution & Declaration of Emergency - Commercial Red Snapper Season - Harry Blanchet
12. Presentation of the Pilot Charterboat Survey (Information Only) - Joey Shepard
13. Lifting of Oyster Lease Moratorium - Raymond Impastato
14. Shell Dredging Lease Bid Package, Central Coast - Consideration of Minerals Committee Report and Recommendations - Minerals Committee
15. Enforcement & Aviation Reports/August - Winton Vidrine
16. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
17. Set January 1998 Meeting Date
18. Public Comments
19. Adjourn

September 2, 1997

NEWS RELEASE

APPROVED: _____

AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 4, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. White-Tailed Deer, Declaration of Emergency
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates
5. Rule Ratification - Non-Resident Duck Stamp Fee
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
7. Declaration of Emergency - Setting 1997-98 Trapping Season
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments
10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
11. Resolution & Declaration of Emergency - Commercial Red Snapper Season
12. Presentation of the Pilot Charterboat Survey (Information Only)
13. Lifting of Oyster Lease Moratorium
14. Shell Dredging, Central Coast - Consideration of Minerals Committee Report and Recommendations
15. Enforcement & Aviation Reports/August
16. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
17. Set January 1998 Meeting Date
18. Public Comments
19. Adjourn

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary



CONTACT
504/765-2923

97-227a

9/29/97

SEPTEMBER COMMISSION MEETING AGENDA REVISED

The Wildlife and Fisheries Commission has revised the agenda for its next regular meeting, scheduled for 10 a.m. on Thursday, Sept. 4, 1997. The public meeting will convene at Department of Wildlife and Fisheries headquarters, 2000 Quail Drive, in Baton Rouge.

The revised agenda follows.

1. Roll call.
2. Approval of minutes of Aug. 7, 1997, Commission meeting.
3. Declaration of Emergency: white-tailed deer.
4. Declaration of Emergency: 1997-98 waterfowl season dates.
5. Rule ratification: non-resident duck stamp fee.
6. 1998 spring turkey season: boundary change and closure of Madison Parish.
7. Declaration of Emergency: set 1997-98 trapping season.
8. Rule ratification: black bass daily take and size limits at John K. Kelly-Grand Bayou Reservoir.
9. Notice of Intent: special permit program, bass size exemptions for large tournaments.
10. Discussion of black bass management regulations in the Atchafalaya River Basin and Lake Verret-Palourde complex.
11. Presentation of the pilot charter boat survey (information only).
12. Lifting of oyster lease moratorium.
13. Shell dredging lease bid package, central coast: consideration of Minerals Committee report and recommendations; award of bid.
14. Enforcement and Aviation reports/August.
15. Division reports:
 - a. Dove field leasing program.
 - b. Lottery duck hunt at Red River WMA.
 - c. Department radio show first airing — Sept. 4.
16. Set January 1998 meeting date.
17. Public comments.
18. Adjourn.

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE



James H. Jenkins Jr.
Secretary

97-229

CONTACT
504/765-2923

8/29/97

MINERALS COMMITTEE MEETING

The Minerals Committee of the Louisiana Wildlife and Fisheries Commission will meet at 9 a.m. on Thursday, Sept. 4, 1997, at Department of Wildlife and Fisheries headquarters, 2000 Quail Drive, Baton Rouge.

The agenda for the meeting is as follows.

1. Roll call.
2. Shell dredging lease bid package, central coast.
3. Public comments.
4. Adjourn.

faxed 1:50PM

C O V E R



FAX

S H E E T

To: Ken Richkus or Frank Rohwer
Fax #: 388-4227
Subject: September 4 Commission Meeting Agenda
Date: September 2, 1997
Pages: 2, including this cover sheet.

COMMENTS:

This is the latest version for Thursday's meeting.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

August 29, 1997

NEWS RELEASE

APPROVED: _____



AMENDED AGENDA FOR COMMISSION MEETING

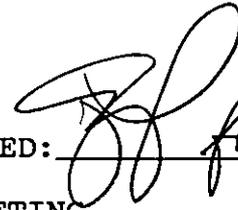
The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 4, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. White-Tailed Deer, Declaration of Emergency
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates
5. Rule Ratification - Non-Resident Duck Stamp Fee
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
7. Declaration of Emergency - Setting 1997-98 Trapping Season
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments
10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
11. Presentation of the Pilot Charterboat Survey (Information Only)
12. Lifting of Oyster Lease Moratorium 
13. Shell Dredging/^{Lease Bid Package} Central Coast - Consideration of Minerals Committee Report and Recommendations
14. Enforcement & Aviation Reports/August
15. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
16. Set January 1998 Meeting Date
17. Public Comments
18. Adjourn

August 29, 1997

NEWS RELEASE

APPROVED:

 for JHJ, JR

MINERALS COMMITTEE MEETING

The Minerals Committee of the Louisiana Wildlife and Fisheries Commission will meet at 9:00 a.m. on Thursday, September 4, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Shell Dredging Lease Bid Package, Central Coast
3. Public Comments
4. Adjourn

August 29, 1997

NEWS RELEASE

APPROVED: _____



AMENDED AGENDA FOR COMMISSION MEETING

The next regular public board meeting has been scheduled by the Commission for 10:00 A.M. on Thursday, September 4, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. White-Tailed Deer, Declaration of Emergency
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates
5. Rule Ratification - Non-Resident Duck Stamp Fee
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
7. Declaration of Emergency - Setting 1997-98 Trapping Season
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments
10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
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12. Lifting of Oyster Lease Moratorium
13. Shell Dredging, Central Coast - Consideration of Minerals Committee Report and Recommendations
14. Enforcement & Aviation Reports/August
15. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
16. Set January 1998 Meeting Date
17. Public Comments
18. Adjourn

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

James H. Jenkins Jr.
Secretary
97-227



CONTACT
504/765-2923
8/29/97

SEPTEMBER COMMISSION MEETING SCHEDULED

The Wildlife and Fisheries Commission will hold its next regular meeting on Thursday, Sept. 4, 1997, at 10 a.m. The meeting is scheduled to convene at Department of Wildlife and Fisheries headquarters, 2000 Quail Drive, in Baton Rouge.

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

1. Roll call.
2. Approval of minutes of Aug. 7, 1997, Commission meeting.
3. Deer farming.
4. Declaration of Emergency: 1997-98 waterfowl season dates.
5. Rule ratification: non-resident duck stamp fee.
6. 1998 spring turkey season: boundary change and closure of Madison Parish.
7. Declaration of Emergency: set 1997-98 trapping season.
8. Rule ratification: black bass daily take and size limits at John K. Kelly-Grand Bayou Reservoir.
9. Notice of Intent: special permit program, bass size exemptions for large tournaments.
10. Discussion of black bass management regulations in the Atchafalaya River Basin and Lake Verret-Palourde complex.
11. Presentation of the pilot charter boat survey (information only).
12. Lifting of oyster lease moratorium.
13. Shell dredging, central coast: consideration of Minerals Committee report and recommendations; award of bid.
14. Enforcement and Aviation reports/August.
15. Division reports:
 - a. Dove field leasing program.
 - b. Lottery duck hunt at Red River WMA.
 - c. Department radio show first airing — Sept. 4.
16. Set January 1998 meeting date.
17. Public comments.
18. Adjourn.

-30-

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 26, 1997

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 4, 1997, 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 7, 1997

OFFICE OF WILDLIFE

3. Deer Farming
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates
5. Rule Ratification - Non-Resident Duck Stamp Fee
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
7. Declaration of Emergency - Setting 1997-98 Trapping Season

OFFICE OF FISHERIES

8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments

Page 2
Commission Meeting
August 26, 1997

10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
11. Presentation of the Pilot Charterboat Survey (Information Only)
12. Lifting of Oyster Lease Moratorium
13. Shell Dredging, Central Coast - Consideration of Minerals Committee Report and Recommendations; Award of Bid

WINTON VIDRINE

14. Enforcement & Aviation Reports/August
15. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
16. Set January 1998 Meeting Date
17. Public Comments

JHJ:sch

cc: Clyde Kimball
Ron Couvillion
Johnnie Tarver
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

August 26, 1997

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 4, 1997, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, LA.

1. Roll Call
2. Approval of Minutes of August 7, 1997
3. Deer Farming
4. Declaration of Emergency - 1997-98 Waterfowl Season Dates
5. Rule Ratification - Non-Resident Duck Stamp Fee
6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
7. Declaration of Emergency - Setting 1997-98 Trapping Season
8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
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11. Presentation of the Pilot Charterboat Survey (Information Only)
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15. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
16. Set January 1998 Meeting Date
17. Public Comments
18. Adjourn

State of Louisiana



James H. Jenkins, Jr.
Secretary

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

M.J. "Mike" Foster, Jr.
Governor

August 6, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 19 any agenda items your office may have for the Thursday, September 4th 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 4th. 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
Karl Turner
Lyle Soniat
Phil Bowman

Eng. Report
8/26/97

C O V E R

S H E E T



FAX

To: Danny Babin
Fax #: 504-563-4202
Subject: September Commission Agenda
Date: August 26, 1997
Pages: 3, including this cover sheet.

COMMENTS:

Please review the attached and call. Thanks.

From the desk of...

Susan Hawkins

La. Dept. Of Wildlife & Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9000

504-765-2806
Fax: 504-765-0948

, 1997

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 4, 1997, 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 7, 1997

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3. Deer Farming
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6. 1998 Spring Turkey Season, Boundary Change & Closure of Madison Parish
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OFFICE OF FISHERIES

8. Rule Ratification - Black Bass Daily Take & Size Limits - John K. Kelly-Grand Bayou Reservoir
9. Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments

10. Discussion of Black Bass Management Regulations in the Atchafalaya River Basin and Lake Verret-Palourde Complex
11. Presentation of the Pilot Charterboat Survey (Information Only)
12. Lifting of Oyster Lease Moratorium
13. Shell Dredging, Central Coast - Consideration of Minerals Committee Report and Recommendations; Award of Bid

WINTON VIDRINE

14. Enforcement & Aviation Reports/August
15. Division Reports
 - a. Dove Field Leasing Program
 - b. Lottery Duck Hunt at Red River WMA
 - c. Department Radio Show First Airing - September 4
16. Set January 1998 Meeting Date
17. Public Comments

JHJ:sch

cc: Clyde Kimball
Ron Couvillion
Johnnie Tarver
John Roussel
Craig Lamendola
Don Puckett
Dennis Kropog
Division Chiefs

State of Louisiana



James H. Jenkins, Jr.
Secretary

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

M.J. "Mike" Foster, Jr.
Governor

August 6, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 19 any agenda items your office may have for the Thursday, September 4th 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 4th. 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
Karl Turner
Lyle Soniat
Phil Bowman

Wildlife Division Items Sept. Comm. Meeting

- 1- Deletion of Emg. 1998-98 Waterfowl Season Dates - R. Helm*
- 2- Final Rule Ratification ON Non-Resident Duck Stamp Fee - H. Bateman*
- 3- 1998 Spring Turkey Season, Boundary Change and closure Madison Parish; T. Battle*
- 4- Division Report (Dove Field Lensing Program and Lottery Duck Hunt at Red River WMA)*

An Equal Opportunity Employer

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, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman ✓

Susan

Fur and Refuge agenda items
① Declaration of Emergency to
Set the 1997-98 trapping season

PSS

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, 1997

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 4, 1997

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JHJ/sch

Please add the following items to the agenda:

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot ✓
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

- 1) Rule Ratification - Black Bass Daily Take and Size Limits, John K. Kelley - Grand Bayou Reservoir.
- 2) Discussion -- Black Bass Management Regulations in the Atchafalaya River Basin and the Lake Verret-Palourde Complex.
- 3) Notice of Intent - Special Permit Program, Black Bass Size Exemptions for Large Tournaments.

Thanks,

Bennie J. Fontenot, Jr.

State of Louisiana



To: John

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, 1997

MEMORANDUM

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

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

SUBJECT: Commission Meeting Agenda - September 4, 1997

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 19 any agenda items your office may have for the Thursday, September 4th 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 4th. 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.

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote ✓
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

*Return to
Karen no
later than
Friday Aug. 15*

Items for agenda?

ROUTING LIST	DATE
FOOTE	
FOOTE	
BOUDREAU	CJB 8-8-97
BLANCHET	
DUGAS	
HANIFEN	
SAVOIE	
SCHENKAYDER	#5435 no
SHEPARD	
Thomas	GT 8/8

*Information only
Presentation of Pilot Charterboat Survey
Joe Shepard*

Raymond Inpudato - Lifting of oyster lease moratorium

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, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat ✓
Phil Bowman

*I + E : New Department Radio Show
1st airing is on Sept 4.*

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, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

Please write on the bottom of this memo and return to Susan Hawkins by Tuesday, August 19 any agenda items your office may have for the Thursday, September 4th 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 4th. 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.

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

Enforcement Report!
W.V.
8-6-97

FAX

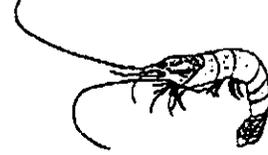
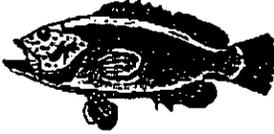
Louisiana Seafood Promotion & Marketing Board

1600 Canal St., Ste. 210

New Orleans, LA 70112

phone: 504-568-5693 or 1-800-222-4017

fax: 504-568-5668



TO: Susan Hawkins

FAX NO.: ⁽²⁴⁾765-2607

FROM: Kathy Johnson

NO. OF PAGES (INCL. THIS SHEET): 2

DATE: 8/19/97

MESSAGE

The following is regarding A response to agenda items for the Commission Meeting on Sept. 4, 1997.

Thank you.

Aug-07-97 07:36A

P. 01

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, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman

*NO ITEMS TO BE
PLACED ON THE
AGENDA!*

*Thank
you!*

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, 1997

MEMORANDUM

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

FROM: James H. Jenkins, Jr., Secretary *JHJ*

SUBJECT: Commission Meeting Agenda - September 4, 1997

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JHJ/sch

cc: Commissioners
Don Puckett
Winton Vidrine
Hugh Bateman
Bennie Fontenot
Karen Foote
Wynnette Kees
Karl Turner
Lyle Soniat
Phil Bowman