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LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

OCTOBER 8, 1991

**JIMMY JENKINS
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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LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
OCTOBER 8 , 1991

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

October 8, 1991

Chairman James H. Jenkins, Jr. presiding.

Tuesday, October 8, 1991

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

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the September 9, 1991, Commission Minutes. A motion for approval was made by Mr. McCall and seconded by Mr. Schneider. The motion passed unanimously.

The Spotted Seatrout Notice of Intent was brought before the Commission for clarification by Legal Counsel Mr. Puckett. Mr. Pol explained that the reason Mr. Puckett is being asked to present this notice is that somehow or another the times were left out in the original motion. Mr. Puckett stated that at the end of the last Commission meeting there were amendments to the notice that were made during the course of the meeting and he had some concern from a legal prospective as to whether or not all of the changes had actually been placed into the notice. In an effort to make it clear as to what all the particulars of the notice are Mr. Puckett recommended that this be repromulgated at the October meeting. For the record Mr. Puckett read the entire notice of intent.

Chairman Jenkins explained that this notice is nothing different than basically what was in the motions, committee reports and all of the discussions. Mr. Puckett further explained that this notice contains all of the motions that were made at the last meeting and there were no substantive changes.

Chairman Jenkins called for questions from the Commission. There being none Chairman Jenkins called for a motion to adopt the notice of intent. Mr. Pol made a motion that the notice of intent be accepted. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for any discussion from the public. There being none Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

Section 341. Spotted Seatrout Management Measures

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM April 1 until midnight September 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season.

C. The annual commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed on the earlier date of 12:01 A.M. April 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met each year.

E. Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open

period, or commercial dealers and anyone other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4.

F. Pursuant to R.S. 56:322 and effective with the seasonal closure, or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets.

This rule shall become effective on February 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

James H. Jenkins, Jr.
Chairman

The Spotted Seatrout Law Enforcement Plan was presented to the Commission by Acting Secretary A. Kell McInnis III. Acting Secretary McInnis had Colonel Vidrine hand out materials to the Commissioners and explained that before they started with this he would like to introduce Dr. Farhad Niami, new economist for the department. This is an emergency appointment and Dr. Niami will be working with the fisheries management plans and civil penalties program.

Acting Secretary McInnis pointed out that what has been passed out was in relation to the discussion at the last meeting about compliance with Wholesale/Retail Dealer Reporting system. As discussed at length there has been some difficulty with this, both from the perspective of the language that exists in the current statute as well as that of the in-house policies and programs. It was discovered that the letters requesting compliance did not conform identically with those in the statute and created problems for the department. This needs to be addressed and the department needs to be in conformance or there will continue to be problems. In an effort to make sure that the proper information is gotten

back to the department a program has been put together that is felt will be effective in getting the information. The first thing to be done is to have the accounting staff, fisheries staff and enforcement staff get together to make sure that they all understand what is trying to be accomplished. The problem that exists now with the existing statute is such that certain evidence needs to be presented to the respective District Attorneys so that they can go forward with a prosecution. The department will work to make sure that what they are asking for is what is going to be delivered to the department. The accounting staff will help to educate the enforcement staff on how to go through the books and work from an accounting perspective. The fisheries staff will work on trying to ascertain what it is the department is trying to gather together. The enforcement staff will be the ones to go in the field to look for this. Acting Secretary McInnis explained that there are two situations; the first of which is what exists today and the second of which is obviously formats will be changed after January 1 when the Commercial Fishermen Sales Card goes into effect. Plans are to bring in the District Lieutenants who will have the field responsibility for assigning the work duties of their men, and will be familiar with what is needed to go forward with the prosecution. The department will work with the District Attorneys on this program because they are the ones who pointed out the deficiencies in what the department was trying to do initially. The department will have to make sure that they have the proper evidentiary materials available and will assign staff on an ongoing basis rather than just trying to focus on this particular program one or four days a week. The interaction through Lieutenants who will be coordinating this program should be the key to the program. If they can keep their staff in the field looking after this program on a regular basis there should not be any problems in the office receiving the information pointed out Acting Secretary McInnis. A number of other things will take place with this, not just looking at the books. This involves the whole process; selling fish, buying fish, and making sure reports reflect those purchases and sales advised Acting Secretary McInnis.

The department will be meeting with the coastal District Attorneys to make sure that they understand the program. Acting Secretary McInnis advised that yesterday he had the opportunity to address the judicial conference in New Orleans on civil penalties and while there talked with a number of judges about particular problems that the department was having and discovered that they were having a tough time understanding what the department was trying to do. It is important to coordinate and educate, not only the District Attorneys, but the judges themselves. Several of the judges specifically expressed their concern to Acting Secretary McInnis. Once the credit card system is understood in-house and the commercial fisherman in the field along with the wholesale and retail dealers are educated on this program the department will go ahead and change the format to utilize the credit card system.

This should simplify the process because virtually everyone should be using the same method of bookkeeping at this point.

Concluding, Acting Secretary McInnis stated that corrective legislation needs to be prepared to amend the statutes that are on the books so that there is a consistency that can be enforced. Acting Secretary McInnis thanked Ms. Baker, her staff, Colonel Vidrine, his staff, and Dr. Clark, and his staff for working together to come up with this program that will utilize all the expertise that the department has in-house to make this program work more smoothly and accurately.

Chairman Jenkins asked the Commission if there were any question of Acting Secretary McInnis on this report and stated that he had a question. Chairman Jenkins stated that as he recalls the restaurants were eliminated from compulsory periodic reporting and are required to report only when they purchase fish directly from the fishermen where the fish do not go through a fish house or some other place that would be counted. Acting Secretary McInnis advised that this was correct. Chairman Jenkins advised that he has asked the question at one of the meetings about how many reports has the department received of restaurants reporting and the answer was something like fifteen. Acting Secretary McInnis stated that the number was very small but did not remember it. Chairman Jenkins stated that this number is minute when you consider the restaurants in this state that serve seafood and questioned seriously whether this number is close to an accurate figure and asked how does the department propose in this enforcement plan to handle this situation. Acting Secretary McInnis again pointed out that there are some legislative deficiencies and this is one that needs to be addressed. As long as they don't have to make a report it is going to be very difficult unless the department makes the sale themselves to determine whether or not this has happened. Some sales have been made in the past and will certainly be part of an ongoing program stated Acting Secretary McInnis. Chairman Jenkins stated that until the department gets better legislation, the only thing they have is undercover type operations. Acting Secretary McInnis answered essentially this was correct, the department has to play by the rules that are written.

Chairman Jenkins asked if any of the other Commissioners had any questions. There being none he called for comments from the audience. No comments were received from the audience. Chairman Jenkins went on to the next item on the agenda which was the D.A.'s Report Update.

Acting Secretary McInnis asked Mr. Al Brown to come forward and stated that this is something that he has learned more about in the last six weeks than he did in the last year and a half. Some sample work was handed out to the Commissioners by Mr. Brown. Acting Secretary McInnis advised that Mr. Brown has worked very

closely with Colonel Vidrine and his staff to come up with "what are you trying to get out of the system" and to write a program that would enable the department to get this information. At this point, Acting Secretary McInnis asked Mr. Brown to explain what the department has come up with using the sample.

Mr. Brown reported that briefly last month some of the aspects of the new citation system were reviewed and he is pleased to report that this is in place as they speak. The data is being input from the regional offices but will take some time for the data to accumulate to the point that it will be extremely useful. The biggest difference made in the responsibility for inputting this data from the citation level as well as the disposition level is being delegated out to the regional offices to the people that use the data. From experiences the value and validity of information skyrockets when the same person that needs it is capturing it and putting it in advised Mr. Brown. This capability exists today and is being used. The responsibility for reporting dispositions still remains with the District Attorney's offices and the primary method is still going to be the return of one copy of the citation after the case has been disposed of but the difference is that it is going to go back to the regional office so the people that input the information when the citation was issued are going to also have the disposition. Exceptions of this will be made for District Attorneys that have the availability to report magnetically and also have the volume to so justify. The department sent a survey this past month to all District Attorneys and at the present time about half of those have been received back. It appears, with about fifty percent of the survey back in, that there is going to be a few District Attorneys that have the ability to report magnetically but will probably be the larger parishes and will probably speed up some of the disposition reporting. Each District Attorney that indicates he has this ability will be contacted individually by the department to work out some details for that reporting. Mr. Brown pointed out that the samples that were handed out are just sample reports of the capabilities which are in place. The old system did not have the ability to capture all the detail that is now in the present system. The civil restitution information was not in the old citation system but in a stand alone personal computer type application put together in a hurry to help implement a program. Mr. Brown went on to explain the sample. The first page shows the number of citations issued and the disposition of the cases as well as a column showing number of dispositions not received (pending or still being reported). The second page shows citations that dispositions have not been received on. The regional secretaries will have the ability to request this information for their offices and have it produced in their offices. The third page showed an example of a form to be used in generating a copy of a citation without disposition. The department has the ability with the system it has today to continually keep this information in front of the District Attorneys until the disposition is received by the department and

updated into the files. Only then will the department be able to provide the accurate information that the Commission is asking for advised Mr. Brown. The last page of the sample showed the Class 1 information which is now the department's responsibility to collect fines and have hearings. This has not been part of the citation system in the past. Concluding, Mr. Brown stated that the vehicle is in place and the secretaries have had one training session but will probably need another because they are having some questions.

Chairman Jenkins asked if the Commissioners had any questions. Mr. Jones asked when did Mr. Brown think the Commission would receive the numbers and be able to start working from them. Mr. Brown answered that reports can be generated based on the limited information that the department has now but the problem being it is very limited. There has been confusion from the parishes, at the D.A.'s level of how the reporting is coming in, limited amount of information being put into the system and it is very sketchy. The department could go back to the six month reports and pull some of this information which may be added into the existing system stated Mr. Brown but emphasized "may". Reports can be produced today but would be sketchy and to be able to say that this particular D.A. has only reported fifty percent of the cases that happened in this period of time, even though the paper may show it, Mr. Brown advised that he would be very reluctant to release it as accurate information. Mr. Jones asked when would there be accurate information. Mr. Brown answered from this day forward when the secretaries key this information in. The problem now becomes a time lag because the citations that are issued today may take as much as three to six months to work through the course. As these citations are received, and as the dispositions are received, they are input at that point and are available. Mr. Brown stated that from October 1 of this year forward he will have every confidence in the data that can be reported to the Commission.

Mr. Schneider stated that this would only work if the District Attorneys cooperated. Mr. Brown advised that this is exactly correct and the vehicle is there to go back to him again and again that says we still have not received this information. The spotlight can be put on the D.A., so to speak, through the computer that will generate a lot more compliance.

Chairman Jenkins asked if this would be under the "Dispositions Not Received" column. Mr. Brown answered yes and explained that this would be the number of citations that the department does not know what has happened to them.

Mr. Schneider asked if this information could be made available to the press and public so that if the D.A. was not doing his job then the people that voted for him could know that. Mr. Brown stated that this was their hope.

Mr. Jones commented that this program needs to be implemented and make it public knowledge who is doing the job for wildlife and fisheries and who is not. Mr. Brown advised that this is exactly their intent. Acting Secretary McInnis pointed out that the D.A.'s to date certainly have been filling out the reports that were sent to them and does not anticipate that there will be very many, if any, of the District Attorneys who refuse to cooperate. The D.A.'s Association has gone on record as being supportive of the program and Acting Secretary McInnis is scheduled at their next meeting to educate them on what the department is trying to do. Mr. Jones asked what D.A.'s haven't sent in the information. Acting Secretary McInnis advised that he presented that information last month and would be happy to get it for him again as he does not have it this morning. The only one he recalls was Evangeline Parish. The new citation system that went into effect October 1 will simplify the D.A.'s record keeping as well, stated Acting Secretary McInnis.

Chairman Jenkins asked if there were any other questions. There being none he called for comments from the audience. There were no comments from the audience.

The next item on the agenda, Update on Collection of Civil Penalties was given by Ms. Wynnette Kees. Before Ms. Kees' report Acting Secretary McInnis advised that last week he spoke with Mr. Pete Adams with the District Attorney's Association and got his assistance in putting some information together. A letter and packet was drafted to go out to each one of the judges in the state so that they would have a better understanding of what the department is doing and why. It also points out that in 1988 when the Legislature authorized the Commission to establish the values the department went forward with the Administrative Procedure Act with these numbers and they were accepted by the Legislature and the public. This also made a change in the Code of Criminal Procedure and says that the District Attorney certainly has the opportunity to work with the Judicial system and make restitution in condition of probation. This is the message that Acting Secretary McInnis took to the judges and a number of them were not aware of this. Concluding, Acting Secretary McInnis asked Mr. Kees to report to the Commission where the department is now on the civil penalties.

Ms. Kees pointed out that one of the main complaints from people who are calling the department once they have received a letter on civil penalties is that they are told when they go to court to pay their criminal fine that that fine is all they have to pay. They then get a letter from the department wanting more money and they are very displeased. Ms. Kees explained that the handout given to the Commissioners was a recap of information giving a simple explanation of what the procedures are within the department; giving figures showing the values of the assessments and what has been collected thus far. As the figures show the program has been

less than successful. From a Fiscal Division standpoint Ms. Kees identified, in the handout, some of the problems that they see with the program has and why it has not been successful. Ms. Kees advised that her division's role in this is collection. The Enforcement Division plays a big role in this as does the Legal staff. Ms. Kees pointed out that she has also recapped where her division is going with this and what the department is looking at in terms of resolving the problems. Revenues can be generated from this and the people need to understand that the department is serious about the program. The department needs to get behind the program and work towards it, needs to resolve some legal issue and have efficient staffing to make it work concluded Ms. Kees. Ms. Kees asked if the Commissioners had any questions.

Chairman Jenkins asked if the people are issued citations for these penalties at the same time they are issued citations for violating the law. Ms. Kees advised that they are not issued anything. When an agent writes a citation in the field he writes his citation and it says nothing about a civil penalty. The agent fills out a separate form which is sent to Ms. Kees' office and from this the value is determined. The people know nothing about this until they get their letter. Chairman Jenkins asked if there would be any value in changing the citation form to add something to the effect that there may a civil penalty.

Acting Secretary McInnis advised that in order to solve this problem there would be two ways to do this. One would be to make some type of notation on the ticket itself indicating this; or two, the agent himself if he knows that there was illegal game taken, could inform the individual at that time.

Mr. Puckett advised that it just might be possible to put a generic clause on the citation pertaining to the civil penalties.

Chairman Jenkins advised that the people need to be informed of this at the time they are issued the citation. Chairman Jenkins continued and commented on the value of assessments (\$555,700) under II. Current Status of Ms. Kees' handout with a notation stating that this could be overstated because of companion cases and asked if there was any idea of what the value really would be after filtering out the companion cases.

Ms. Kees informed the Commission that they have no idea of the value and when the computer program was developed they did not even know that this was going to be an issue. If five people are hunting and they all get the same game or wildlife confiscated they each get a letter for the value price but only one value price is owed, they don't each owe the value price and this was not known when the system was set up explained Ms. Kees.

Chairman Jenkins asked if we know it now or were we ever going to know it. Ms. Kees advised that they are working with the Computer Center to rewrite the whole system.

Acting Secretary McInnis pointed out that this was one of the things that Mr. Brown referred to earlier and as he was generating this other program he realized the deficiencies with the civil penalty program and the problems that existed and will tied into the other report.

Chairman Jenkins asked if anyone could make an estimate on the true value price. Ms. Kees stated that her guess is it is probably overstated by twenty percent, a sizable amount. Chairman Jenkins commented then it would be \$400,000 instead of \$550,000 and have only collected \$18,000. Ms. Kees stated that only the ones that owe a small amount pay.

Mr. Jones asked how is it that the department is going to go about collecting this. Ms. Kees stated, that from her point of view, the computer system is going to be improved to get accurate data to enable the department to generate letters quickly. Education of the Fiscal staff, Enforcement staff, Judiciaries in all the local areas and the public is needed. An article in the magazine may be tried again. Internally there are a lot of legal issues to resolve. Ms. Kees stated that Fiscal's role is to collect money but when the letters are sent out they get all the phone calls; also letters from attorneys are received with specific questions. The Legal section or Enforcement section are contacted on these and nobody wants to fool with it advised Ms. Kees.

Mr. Jones commented that he remembers a year or so ago that Acting Secretary McInnis mentioned that they were going to go out and possibly work this on a retainer basis where law firms would go out and help collect these civil penalties. Acting Secretary advised that this is available and some people have indicated that they would do some pro bono work for the department. Some cases have been isolated by reviewing what is outstanding and the department will divide these up and pass them out. Mr. Jones asked when. Ms. Kees answered shortly, in the next few weeks.

Mr. Schneider advised that he has talked with Mr. Duncan Kemp, the D.A. in his district, and Mr. Kemp is more than willing to help collect these penalties. Mr. Kemp would like somebody from the department to talk to him and work out a procedure. Mr. Schneider thinks that there may be some D.A.'s around the state that may be willing to work with the department to collect these penalties. Acting Secretary McInnis stated that he thinks there are some who would be willing to do this and others who would not touch it with a ten foot pole. The department will find those that are willing and will find other persons to help in those other areas advised Acting Secretary McInnis.

Mr. Jones stated that this needs to be kept in the high priority end of the building, and asked Mr. Puckett what were the legal issues that there were problems with; and if they needed to be discussed or just get him to solve them.

Mr. Puckett advised that as in any program legal issues come and they need to be addressed. When the program is fully operational Mr. Puckett thinks there will be a lot of questions that will be resolved at that time. There have been a lot of problems up to this point and the Legal Division will assist in every way possible.

Ms. Kees stated that they had thought the problems were all resolved and pointed out a flier on civil penalties that the department wrote up. The Legal staff reviewed this when it was written and now Ms. Kees is being told it is not right, that the people don't have a right to ask for a hearing.

Mr. Schneider asked if it was possible to tie the civil penalties and criminal penalties together so that you could not get out of one until the other one is satisfied. Mr. Puckett answered that there are a number of problems associated with that; number one, the District Attorney's Association, when approached with this, was superstitious about this because they have tried to keep the two separate for so long for reasons totally unrelated to civil penalties; number two, restitution mean collections, if you have D.A.'s and judges who are both receptive to making restitution that condition of probation that involves no civil warranties the seeking success is the closest thing to a linkage you have, otherwise there are probably disadvantages to linking them. Example, there might be instances where a case would be nolle prosequi or there might be an acquittal where we would still feel like a violation had occurred and we would still seek civil penalties in that case so we would not want linkage stated Mr. Puckett.

Chairman Jenkins asked Ms. Kees that he assumed that there was something in the budget for this income and if she knew what it was. Ms. Kees replied \$30,000, because after last year only \$18,000 was collected. Chairman Jenkins asked what was budgeted the first year. The first year was around \$100,000 which was overstated and undercollected advised Ms. Kees. Chairman Jenkins asked if any efforts, through the Conservationist magazine or T.V. program, are being made to make the public aware of this situation. Ms. Kees stated that in January 1990 the Conservationist magazine printed an article, the one and only. Chairman Jenkins suggested that maybe this should be done a little more often or something to make people aware of this.

Mr. Jones asked if the department was clear in a plan to go on and implement this so that collections could be made. Ms. Kees stated that she has a plan but was not sure that everybody agreed with it. Acting Secretary McInnis advised that he can assure that everybody

is in agreement. Mr. Jones asked when will this happen. Acting Secretary McInnis pointed out that he has already met with Colonel Vidrine, Lt. Colonel Clark and Major Candies to get the message back out to the Enforcement staff and if the Commissioners would look on page two of Ms. Kees' handout there are a series of things that are plans of action and the department has already initiated virtually all of them. Mr. Jones suggested that along with the enforcement report there could be a collection update every month.

Ms. Baker pointed out that one of the things that is a real problem is ultimately all of this comes down to her staff doing it. When civil penalties came into place and when Class 1 violations came into place no new people were added. There are ladies and gentlemen that work for Ms. Baker that are just absolutely up to their eyeballs in existing workload, preparation of budget, different kinds of documentation, sales of commercial licenses, motorboat registrations and renewals, etc. Ultimately a plan was put in for Class 1 violations that two people would be added but a commitment was made that these people would not be added until money started coming in or at least when the department could look at what a legitimate revenue stream would be because it had to support Fiscal and it was supposed to support eighteen new Law Enforcement Agents also stated Ms. Baker. Hundred of pieces of paper need to be matched up with citations, with documentation, etc. The department is relying upon the Computer staff to make adjustments in various systems and there are only five people who are doing computer programming which is not a lot of depth of staff when you look at the complexity of the issues and the problems that have to be worked with. Manpower and people are a real problem. If you look at last year's budget request and this year's budget that was adopted the Fiscal staff has been cut five people pointed out Ms. Baker. Two of the five people were key positions that were never filled which were the Class 1 violation people. Ms. Baker advised that she is not trying to shirk the responsibility of trying to get it done but manpower and coordination is a problem not only in Fiscal but also in Enforcement and Legal and they would appreciate any help the Commission could give with trying to get some additional money and manpower to help make this a reality.

Chairman Jenkins stated that probably some of the good that has come out of this item being on the agenda is the information and what the Commission is learning, but does not think any of the Commissioners had realized totally what the problem has been so there was no way for the Commission to help. Now that the Commissioners know some of the reasons why, Chairman Jenkins thinks everyone can all work on it.

Ms. Baker did advise that they did have someone handling this but she left to take another job elsewhere and when that position is vacant things don't get done and just last month a new person was brought in. This is a real struggle concluded Ms. Baker.

Chairman Jenkins went on to the next item on the agenda, Department of Agriculture/Fish Kills, and advised that this was the second time this has been on the agenda and there was not much of a response the first time.

Acting Secretary McInnis reported that the department invited Commissioner Odom or his staff to address the Wildlife and Fisheries Commission on this. The department received a response form the Department of Agriculture indicating that they received the department's letter shortly after the last meeting and informed us that the investigation of the fish kills which have occurred this past summer are on-going. The Pesticide Advisory Commission has scheduled a hearing for adjudication of the suspected fish kill violations for November 19 and 20, 1991. Once this investigation is concluded and a agenda for their November commission meeting has been established they will notify us advised Acting Secretary McInnis. Acting Secretary McInnis called Mr. Keppinger, Acting Assistant Commissioner, and told him that he was disappointed in their response and did not think that the Wildlife and Fisheries Commission would be excited about it as well, and asked that he please be more specific if he was not going to be able to join us. The second letter came from Mr. Keppinger earlier this week and indicates how many investigations they are looking into and what actions have been taken. Actions taken: 1) suspended the sale and application of the pesticide, Azinphos-methyl; 2) suspended the license of three aerial applicators; 3) issued and delivered 53 stop orders; 4) issued and delivered 3 protective orders; 5) supervised clean-ups, etc. Basically what they are saying is that they are in the middle of the investigation and as soon as they are completed they will share it with us concluded Acting Secretary McInnis.

Chairman Jenkins asked if there were any questions from the Commissioners and stated that he would like to get one thing cleared up. He would like for Acting Secretary McInnis, Mr. Puckett or somebody to explain to everyone what authority the Commission and department does have and what can be done about a situation like this. If somebody kills a half a million fish then Wildlife and Fisheries ought to be able to do something stated Chairman Jenkins.

Mr. Puckett addressed Chairman Jenkins questions and advised that if you can show or if you can prove who killed the fish you can do something about it. You can seek the values for the lost of the fish which was the subject of the last agenda item. As Mr. Puckett understands it the questions concerning proof or reports from who did what is basically what is at issue.

Adding, Acting Secretary McInnis advised that the collection can be made if in fact the actions taken by the individual held to be responsible were in violation of some law or regulation. Mr. Puckett agreed with Acting Secretary McInnis and stated a law or

regulation that governs fish and wildlife. Acting Secretary McInnis stated that if they were following all the rules that were set forth and it still caused a fish kill there is no civil penalty available to the department to collect.

Chairman Jenkins asked if someone was violating the law does the department have the authority or power to investigate that violation and make the citation; why do we have to wait on the Department of Agriculture to do this, why can't the department or some other agency determine whether they did or they didn't.

Acting Secretary McInnis inquired of Chairman Jenkins if he was asking if the department could ascertain whether or not they have violated the agriculture rules or not. Chairman Jenkins answered yes. Acting Secretary McInnis commented that he questioned whether or not the department would have the authority to make that decision. Chairman Jenkins asked why can't the department conduct the investigation if we want to and determine if they are in violation; why do we have to wait on Mr. Odom at election time to do this.

Ms. Baker pointed out that the Department of Environmental Quality is doing an investigation from water quality perspective which DEQ has the authority to regulate. They make investigations into these various fish kills to see if they can identify what toxins are present and if they can identify sources. Acting Secretary McInnis advised that DEQ has issued one order and the department will pursue it but the question still is do we have the authority to make a decision as to whether or not a pesticide was used improperly.

Mr. Schneider stated that he had a question for Mr. Puckett on the same subject. The EPA has been threatening to take some sort of action if the state does not. If the EPA takes some sort of action and files a legal action against somebody, some things, some company, would the department be able to coat tail on EPA's suit. Mr. Puckett advised if their suit shows causation that the actions taken by the individual firm cause of the fish kill and again if it was in violation of a law that was enacted to protect fish or wildlife and these two are met, yes, action could be taken for the loss of the fish.

Chairman Jenkins asked if somebody went out and sprayed a pesticide over brown pelican nets would the department have to wait for Mr. Bob Odom to come out and check it out. Mr. Puckett stated that if we could show causation independently we could make a case. Chairman Jenkins stated it sounds like all you have got to do is just go take a sample out of a stream where the fish are dead and see what killed them. Mr. Puckett advised that you would have to demonstrate who put the chemical in the stream. Chairman Jenkins stated it would take a little investigation and does not think it is a John Dillinger type deal, believes we could do it but doesn't

really know and is now asking the question. Mr. Puckett commented if the facts show that, yes you can do.

Mr. Jones stated how do you determine whether the facts show that or not, can we go find the facts, this is the whole question. Mr. Puckett advised that the Enforcement Division has been given general enforcement powers. It may be that they would have powers to investigate this under that provision, but does not know if the expertise exist for this type of investigation since it involves chemical, technical knowledge, but they have the powers of general law enforcement agents stated Mr. Puckett.

Chairman Jenkins stated that time is marching on and it might even be too late to pursue this one, but really thinks that they ought to study this situation and be prepared to do something about it timely if they can in the future. Chairman Jenkins suggested that Acting Secretary McInnis look into this (investigate the department's authority to investigate) and report back to the Commissioners at the November meeting. Acting Secretary McInnis pointed out that there was a big squabble over the jurisdiction between the DEQ and Department of Agriculture and Forestry. They went to the Legislature and the Legislature determined that the Department of Agriculture and Forestry had the jurisdiction and that DEQ did not. There are some restrictions and Acting Secretary McInnis advised that he would try and get a clarification for the Commissioners for next month's meeting.

Chairman Jenkins asked if there was any more discussion on this from the Commission or audience. There being none Chairman Jenkins proceeded on to the next agenda item.

Mr. John Roussel presented a Resolution/Notice of Intent on Crab Trap Marking to the Commission. Mr. Roussel advised that Section 332(D) of Title 56 provides that the Commission shall establish a marking system for crab traps sufficient to allow the enforcement of all the appropriate crab laws and read the resolution for the Commissioners. Mr. Roussel mentioned that the actual recommendation of the marking system came from the Crab Task Force and attending the meeting today is the Chairman of the Crab Task Force. Concluding, Mr. Roussel asked if there were any questions.

Chairman Jenkins called for questions from the Commissioners. There being none he called for a motion. A motion was made by Mr. Foret to accept the resolution on the notice of intent. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for discussion. There being none a vote on the motion was called for. The motion passed unanimously.

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

**Resolution
Louisiana Wildlife and Fisheries Commission**

Crab Trap Marking

WHEREAS, Section 332(D) of Title 56 of the Louisiana Revised statutes provides that the Commission shall promulgate and adopt rules and regulations to establish a marking system for crab traps, and

WHEREAS, the Crab Task Force has recommended a marking system which satisfies the requirements of 56:322(D).

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations establishing a marking system for crab traps which provides that each crab trap shall be marked with a 1/2 inch stainless steel self-locking tag attached to the center of the trap ceiling, said tags shall be supplies by the fishermen and shall have the commercial fishermen's license number or the recreational crab trap license number printed thereon.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of the Intent and preparation of reports and correspondence to other agencies of government.

James H. Jenkins, Jr.
Chairman

A. Kell McInnis III
Acting Secretary

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

NOTICE OF INTENT

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

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to mandate marking of crab traps.

TITLE 76
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 345. Crab Trap Marking

Each crab trap shall be marked with a 1/2-inch stainless steel self-locking tag attached to the center of the trap ceiling. Said tags shall be supplied by the fishermen and shall have the commercial fisherman's license number (not the commercial gear license) or the recreational crab trap gear license number printed thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(D).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., December 31, 1991 to Vince Guillory, Marine Fisheries Project Coordinator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 189, Bourg, LA 70343.

James H. Jenkins, Jr.
Chairman

The next item on the agenda was the Ratification of the Rule on Size Limit for Bowfin Commercial Harvest and was brought before the Commission by Mr. Bennie Fontenot. Mr. Fontenot advised that this rule establishes a twenty two inch minimum size limit on bowfin and also prohibits commercial fishermen while on the water from possessing bowfin eggs that are not naturally connected to a whole fish. Concluding, Mr. Fontenot stated that he would be happy to answer any questions. Chairman Jenkins asked Mr. Fontenot to read the rule for the record. Mr. Fontenot complied.

Chairman Jenkins called for questions on the rule. Mr. Schneider stated that a bowfin was a choupique. Mr. Fontenot stated that was correct. Chairman Jenkins called for a motion. Mr. Schneider made a motion to adopt the rule. The motion was seconded by Mr. Jones. Chairman Jenkins called for discussion from the public.

Mr. John Burke, President of the Louisiana Caviar Company which produces caviar from choupique, addressed the Commission. Mr.

Burke advised that they had worked with Mr. Fontenot and fisheries biologists last season to come up with this rule. Mr. Burke stated that he was happy with the twenty two inch minimum size fish which will give the fish an opportunity to reproduce itself before it is commercially harvested. It has come up in the Legislature for the past two years to shut the industry down altogether. This state has a viable caviar industry and since 1916 the state has been requesting that someone go into a commercial fisheries with choupique because so many other fish have been harvested from the bayous. Mr. Burke stated that he would like to see the choupique protected for the caviar industry. The only problem that Mr. Burke has is the naturally attached roe to the fish. This means that the fishermen will now be bringing to him lots of choupique whereas before they only brought the roe. If you have ten choupique at ten pounds apiece that is a thousand pounds of fish pointed out Mr. Burke and the fishermen is not going to pull his bateau with a thousand pounds of fish in it. By bringing the whole fish to Mr. Burke this will put pressure on him to develop a valuable added product with the bowfin which he would like to do but does not have the capital to develop these new valuable added products. Mr. Burke would like to know if there are any funds available or any grants for development of the flesh of choupique.

Mr. Schneider asked if this fish was not sold to be eaten at all. Mr. Burke stated not at all and the most that could be done with it before was to sell it at eight cents a pound for crawfish bait, but then the crawfish bait buyer would only want ten thousand pounds a season because this fish is the low man on the totem pole for crawfish bait. This is a trash fish basically and Mr. Bruke does not believes that this fish makes the underutilized species list.

Chairman Jenkins stated that he could not answer Mr. Burke's question and asked if anyone else could answer it. It was suggested that the Seafood Promotion Board would be one place to go. Mr. Burke advised that he has talked to Mr. Karl Turner with the Seafood Promotion Board. Mr. Burke would also like to see more studies done by the department on the spoonbill cats (paddlefish) because the fish are out there. Right now there is a moratorium on the spoonbill but have any studies been done on them to see what the numbers are or if there could be some kind of permit or tag system so that there could be a paddlefish caviar and paddlefish flesh industry in the state as well stated Mr. Burke. Mr. Burke is currently selling paddlefish caviar but it comes from Montana where they have rules and regulations and so many paddlefish can be caught. This caviar is sold during the summer and fall months when the choupique caviar is not available.

Mr. Fontenot addressed Mr. Burke's question and advised that there is a three year moratorium on the taking of paddlefish both commercial and recreational. The department is developing a management plan for the fish and also has an ongoing research

project right now. The paddlefish is being taken very seriously and Mr. Fontenot's staff is working on this, samples are being taken all over the state.

Chairman Jenkins asked Mr. Burke if he was in favor of this resolution. Mr. Burke stated that he was in favor of the resolution and would like to see the resource properly managed.

Mr. Schneider asked how much roe would a ten pound choupique have in it. Mr. Burke answered it depends on the time of the season but about ten to sixteen ounces of roe. Mr. Schneider asked how much meat would be wasted. Mr. Burke stated on a ten pound choupique probably six or seven pounds. Mr. Schneider stated that it seems like a real waste and a tragedy to take seven pounds of a ten pound fish and have to throw it away to get a one pound product to sell and this bothers him. Mr. Burke pointed out that everything was sold for eight cents a pound for crawfish bait before his business, now he get fifty dollars to one hundred dollars a pound for the roe. The roe is what is valuable, not the flesh pointed out Mr. Burke and stated that he hates throwing it away but what has ever been done with it in the years past. Mr. Schneider asked who does Mr. Burke sell the roe to. Mr. Burke advised that he sells the caviar from Beverly Hills to Melbourne, Australia. The caviar is shipped all over the world. All of the great chefs in this state are behind this product advised Mr. Burke. There is a real potential in this industry and Mr. Burke stated that he would like to develop something.

Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

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

RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with R.S. 49:950 et seq. the Wildlife and Fisheries Commission hereby adopts the following rule.

TITLE 76
WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter I. Freshwater Sport and Commercial Fishing

Section 153. Bowfin Minimum Size Regulation

The Louisiana Wildlife and Fisheries Commission hereby:

A. establishes a statewide 22" minimum size limit on bowfin (Amia calva) harvested for commercial purposes;

B. prohibits commercial fishermen, while on the water, from possessing bowfin eggs that are not naturally connected to a whole fish.

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

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

James H. Jenkins, Jr.
Chairman

A Discussion of Department Lands, Definition of Refuge, Wildlife Management Area and Habitat Conservation Area was brought before the Commission by Dr. Robert H. Chabreck. Dr Chabreck advised that the department has two types of management systems for the lands that are defined in the Constitution. These are the wildlife refuges and wildlife management areas. At the August 9th Commission meeting at Cocodrie another type of area was mentioned that the department was interested in establishing under the Natural Heritage Program. This was the habitat conservation area. There was some discussion at that time about the definitions of these different areas and how they were related or differ from one another. The Commission asked the department to prepare some definitions. Dr. Chabreck met with the staff of the Office of Wildlife and definitions have been prepared of these different areas.

Dr. Chabreck pointed out that in the Commissioner's packets they would find a description of those different areas. The wildlife refuges will be and are administered by the Fur and Refuge Division and is defined in the law book as "any area that is set aside and designated by the Commission as a refuge on which wild birds and animals are protected and controlled. Control of certain wildlife may be conducted by the department". These areas were previously referred to as a "game preserve" but in recent years the term "wildlife refuges" has been used and accepted. The primary objective of the wildlife refuge is to protect and enhance populations of migratory birds and native species of wildlife. Other objectives of the wildlife refuge program are to provide optimum habitat to insure the maximum utilization by migratory birds and native wildlife, also to provide maximum public recreation without jeopardizing this primary refuge objective, and also to provide an area for research for the study of habitats and the wildlife that they contain. The basic management philosophies in the wildlife refuge program is that the refuges are managed to provide optimum habitat conditions and sanctuary for migratory

birds and resident wildlife. The refuges will differ from the wildlife management areas and the habitat conservation areas by the complete absence of recreational hunting. The wildlife refuges are sanctuaries with no refuge hunting and their primary objective is to protect and enhance migratory birds and native wildlife emphasized Dr. Chabreck.

The wildlife management areas are managed by the Game Division and their primary objective is to provide maximum recreational opportunities associated with fish and wildlife resources that are available while protecting, restoring and conserving all forms of wildlife and their habitats through sound land and water stewardship programs. Other objectives of the wildlife management areas are to produce revenue, allow for wildlife educational, research and extension services, and habitat and wildlife protection and enhancement. Dr. Chabreck emphasized that the primary objective of the wildlife management area program is to provide maximum recreational opportunities associated with the fish and wildlife resources where hunting, fishing and other types of outdoor recreation are allowed and encouraged. These areas were previously dedicated as "game management areas" but a few years ago the name was changed to "wildlife management areas".

The third type of area that is been proposed is the habitat conservation area. These areas are proposed to be administered by the Habitat Conservation Division and are defined as any area designated by the Commission to be managed for the purpose of restoring, conserving and perpetuating all natural habitat and species that are indigenous or natural to the area and in their normal or natural balance in perpetuity. The primary objective of the habitat conservation area is to conserve the native biotic diversity through perpetual maintenance of the natural plant communities and the associated native species which they have supported. Other objectives are to conserve rare, threatened and unique species and habitats, to provide recreational activities compatible with the primary objective, to recreate as nearly as possible the natural conditions present in the area prior to pre-settlement times and protection and perpetuation of soil productivity. The basic management philosophies of this new type of area is to conserve the native biological diversity through wise management, avoidance of unnatural disturbances such as commercial timber management, livestock grazing, vehicular and mechanical intrusion unless it is necessary to achieve the above objective, reestablishment of natural forces, where practicable, that were important to the system and allow controlled hunting, trapping and fishing on the areas. Dr. Chabreck emphasized that the primary objective of the area is the maintenance of the natural plant communities and the associated species that they contain. This differs from wildlife refuges which have the primary objective of protection and enhancement of migratory birds and wildlife whereas the conservation area is to protect the habitats and the plants that they contain and the wildlife management area's primary

objective is to provide maximum recreational opportunities associated with the fish and wildlife pointed out Dr. Chabreck.

Concluding, Dr. Chabreck advised that they feel like the department has three different land management programs and urge that these definitions be accepted by the Commission.

Chairman Jenkins asked where did the definitions, objectives, philosophies, etc. on the different areas come from or is this something that is just being created today. Dr. Chabreck advised that the wildlife management area and refuge area are defined in Title 56 Code Book, and the management philosophies and benefits were outlined by the Game Division and Fur and Refuge Division recently.

Chairman Jenkins commented that the wildlife habitat conservation area doesn't really exist today and asked Dr. Chabreck if that was correct. Dr. Chabreck answered that was correct, it doesn't. Chairman Jenkins commented that this is totally new from ground up. Dr. Chabreck stated that was right and the definition has not been accepted and this is what they are talking about today. Chairman Jenkins advised that he had just received the materials on this yesterday and he personally needs a lot more time to consider any kind of action from his standpoint.

Mr. Pol asked Dr. Chabreck how many wildlife refuges does the department have. Dr. Chabreck advised there were about five refuges. Mr. Pol asked who administers these areas. Dr. Chabreck advised that they are administered through the Fur and Refuge Division. Mr. Pol asked if the money was in place to begin to enlarge on this and why was the department going for more wildlife refuges. Dr. Chabreck pointed out that the department won't be expanding the wildlife refuge program but calls for the establishment of the wildlife habitat conservation area which is a different type of area. Mr. Pol explained that he was against creating any more refuges or anything that eliminates the hunter from being able to hunt and would never vote for anything like that because the money that is being spent to buy the property is from the hunters and fishermen. Mr. Pol commented that he cannot see taking their money and buying property then depriving them of the use of the property. Dr. Chabreck explained that the department has no intention to create a refuge or to exclude hunting, fishing or trapping on these new areas. All of these activities will be allowed on the new areas and will be encouraged. These activities will be regulated by the wildlife management area guidelines, outside area, for hunting seasons on the new area. Mr. Pol stated that he agreed with Mr. Jenkins, they will have to look at this long and hard.

Ms. Baker explained to clarify for Mr. Pol the refuges that the department have as refuges are so stated because of the deeds of donation as to how the property was acquired. Mr. McCall asked again how many refuges did the department have. Mr. Tommy

Prickett, Administrator, Fur and Refuge Division addressed the question and advised that they manage the proclaimed refuges for the department and some of the wildlife management areas in the coastal zone. State Wildlife, Rockefeller, and Marsh Island are the three large refuges that were donated by deeds of donation to have no hunting. There are some small refuges and they are the St. Tammany Refuge on the north shore of Lake Pontchartrain, Coulee Refuge up near Monroe and Game Division has Soda Lake which is called a wildlife management area but is so small there is no hunting allowed.

Chairman Jenkins asked if the habitat conservation area that is being proposed going to be managed by the Habitat Conservation Division. Dr. Chabreck stated yes. Chairman Jenkins asked if all the divisions, Game, Fur and Refuge, and Habitat Conservation, were involved in developing all the different definitions. Dr. Chabreck stated that they had a meeting in which everyone discussed it in detail. Chairman Jenkins asked if everybody agreed that these were the proper definitions for these different areas. Dr. Chabreck answered that everyone had a chance to review these and the consensus was that there was a clear cut distinct difference between the areas. Chairman Jenkins asked Dr. Chabreck if they asked Mr. Prickett, Fur and Refuge, right now if he agreed that these are defined properly that as far as Dr. Chabreck was concerned he would say yes, or would there be some disagreement about them. Dr. Chabreck advised that he does not think that there is any disagreement about the definitions of the areas. Chairman Jenkins asked if there was a habitat conservation area why would it be necessary to have another layer of people to manage these area, why couldn't this be done under the existing Game Division or Fur and Refuge Division and does Dr. Chabreck think there is any merit in trying to look at managing these areas from the way the department is set up already without creating another layer of management. Dr. Chabreck stated that if you had a small refuge area located within a wildlife management area, such as Game Division does on Saline WMA, administratively it has an advantage to keep it under that same division, but if it is a large enough area then the different divisions have their staff specialties within certain areas and each division develops specialties and has staff to address those specialties. It would be more appropriate for them to look after these special types of areas.

Mr. Jones questioned whether or not there were vehicles in place that already allow the department to regard areas as special, example rare plants. Dr. Chabreck advised that there are some examples of that currently in place. Mr. Jones asked how would this be administered. Dr. Chabreck answered if it is a small area on a large area, such as a wildlife management area, it would administered by the Game Division.

Ms. Nelwyn McInnis, botanist with the department's Heritage Program, addressed the Commission. Ms. McInnis advised that

current laws protecting rare plants do not provide the protection that animals get. For one thing the only protected species in the state are federally listed species and there are no laws protecting state rare species at all explained Ms. McInnis. Even though there are federal laws that apply to federally listed plants the private landowner can do what they wish with that species because there is no actual protection if it is on private property as compared to a eagle's nest where there are federal laws that protect that species even on private property. In essence there is no protection for rare plant species at all. Chairman Jenkins asked suppose, we as a department, determine that it was a rare plant and wanted to protect it, there is nothing to keep us from doing it, is there. Ms. McInnis commented that there is no mechanism for you to do it. Acting Secretary McInnis explained that what Ms. McInnis is pointing out is that last year the department tried to introduce a bill into the Legislature to give the department that authority. The bill was not successful and the department does not have that authority. What was pointed out with the eagle is that an eagle is an animal and there are law in place that do protect it at the federal and state level. For the plant life that is being referred to there is no existing state law that establishes the rules by which you protect them, there is no penalty explained Acting Secretary McInnis.

Mr. Schneider asked if the department decided to buy a piece of property that was thought to be truly a valuable piece and represented something that was about to be lost to mankind in this state, does not the Commission have the authority to regulate who uses it and how they use it and can't these rules be enforced as a matter of policy. Acting Secretary McInnis advised that they could restrict access and can also restrict the activities on the property but if you don't have the authority to establish a penalty for destruction of some type of plant life you don't have the authority to do it.

Mr. Pol stated let the Legislature regulate the plants, this is the Wildlife and Fisheries Commission.

Chairman Jenkins asked if any of the Commissioners had any more questions for Dr. Chabreck.

Dr. Chabreck advised that he wanted to point out that at the August 9th Commission meeting the Commission did establish the "Tunica Hills Habitat Conservation Area" and was officially designated as such and this should be addressed along with this agenda item.

Chairman Jenkins stated that as far as action today, he would personally like to see a deferment and maybe at a subsequent meeting there could be more enlightened discussion from a variety of people, or a committee of the Commission could be formed to met with people of the department to hear how they feel about this.

Mr. Pol made a motion that the Commission defer any action on this item until a later date giving the Commission time to study it. The motion was seconded by Mr. McCall. Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

Dr. Chabreck informed Chairman Jenkins that they had one more thing, in this regard, that they would like to bring up at this time and called on Mr. Johnnie Tarver.

Mr. Tarver advised that he had a declaration of emergency that deals with the Tunica Hills Habitat Conservation Area which will allow for hunting, fishing and trapping for this season. Without action today on this declaration of emergency there will be no authority to allow people to hunt on the area this year because there are no rules establishing what types of activities can occur on the area.

Mr. Jones asked if it fell under the regular state game laws of the other areas. Mr. Puckett advised that in order for there to be hunting on this area it has to be declared and the Commission has not declared a season. Mr. Jones asked if they have declared it closed. Mr. Puckett stated you have not declared it opened. Acting Secretary McInnis commented that you don't declare it closed, you open them.

Chairman Jenkins asked if the department owned the property. Acting Secretary answered yes. Chairman Jenkins asked if the property was designated legally as a habitat conservation area. Mr. Tarver answered that it was designated as the Tunica Hills Habitat Conservation Area. Mr. Jones questioned if this was the name of the area. Mr. Tarver stated yes sir. Chairman Jenkins stated that it has not been defined as to what this area is and asked how can we say that this is in fact what it is when there hasn't been any kind of definition of these areas adopted and in absence of saying we have a definition of a habitat conservation area and the land was just purchased what would it be, what would it fall under? Acting Secretary McInnis advised that he was going to answer Chairman Jenkins' question as best as he could; it really doesn't matter what you call it, unless you establish a season on this piece of property there is no open season. Chairman Jenkins commented then seasons can be established on this area without calling it anything in particular. Acting Secretary McInnis advised that you have to make some reference to what you are going to call it. Chairman Jenkins stated that it could be called the Tunica Hills Tract. Acting Secretary McInnis advised that the Commission has already established what they were going to call it and could take some remedial actions if they wanted to. Chairman Jenkins stated that it sounds like we have got the "cart before the horse", we are calling things something and yet they have not been defined what they are. If the object is to allow the public to hunt on this land this year, and not put it off until all the definitions are defined, Chairman Jenkins commented that he doesn't

see why they can't call it whatever they want to call it and go ahead and set hunting seasons on it for now.

Mr. Schneider asked how many acres was this piece of property. Mr. Tarver advised that it was about 590 acres. Mr. Schneider asked if there would be any safety considerations that they should know about as far as public safety. Mr. Tarver answered that Mr. Schneider is probably well familiar with the amount of people that can hunt on a particular area. This is close to the greater metropolitan Baton Rouge area and will have lots of people interested in it. This is the first area the department has been able to purchase in the Florida Parishes in some time and Mr. Tarver suspects that there will be lots of interest. Mr. Tarver pointed out that if there are fifty people deer hunting on the area you are looking at one person per ten acres and there are some concerns that certain types of hunting may be more dangerous than others for the participants. There are some options that the Commission can consider. Options would be designating it as a special archery area, which would be a lot safer for people taking a nature walk, it could be combined with muzzleloader, or combine it with shotgun only or you can include rifle. At this point in time the way it reads now it includes all of these types of hunting mechanisms and some are more dangerous to the public as well as the hunters.

Chairman Jenkins recommended that the declaration of emergency be left like it is but strike out Tunica Hills Habitat Conservation Area and put in Tunica Hills Tract in the various places. This way, until the definitions are straighten out, there would be no conflict of any definitions.

Mr. Schneider asked Mr. Hugh Bateman if he would like to address this matter and stated that he would like to hear any recommendations that he may have, especially if hunting is being considered.

Mr. Bateman advised that acquiring a piece of property doesn't automatically close it. This area could probably be hunted under same as outside rules and regulations this year. The concerns that Mr. Tarver has brought up are an entirely different matter as to what they are going to do with the property in terms how that would be compatible from a safety standpoint. The Game Division has been wrestling with rules and regulations, safety, refuges, closed areas and open areas for years. The long range plan in this particular area, as was discussed between Mr. Bateman and Mr. Tarver this morning, is to eventually incorporate some property that was acquired by the Nature Conservancy a couple of years ago and also proceeding with land acquisition on another two thousand plus acres. Once all of this property is combined into a three or four thousand acres area it will certainly be more compatible to doing things that are more in line with normal wildlife management area hunting operations. The issue is that rules are trying to be

established to get the area opened for this fall so that there is no misunderstanding and Mr. Bateman stated that he cannot find fault with this. Mr. Bateman's personal opinion is that he is not sure he would agree with restricting rifles because Hunter Safety statistics will show that shotguns are much more dangerous than rifles. The issue is what kind of action the Commission needs to take to legally establish some kind of rule on this area concluded Mr. Bateman.

Chairman Jenkins reiterated that the area be called the Tunica Hills Tract. Dr. Chabreck pointed out that the Commission has already approved the August 9, 1991 Commission minutes and read the following: "Be it further resolved that the lands be designated as the Tunica Hills Habitat Conservation Area". The Commission has named the area and will probably have to un-name it stated Dr. Chabreck. Chairman Jenkins directed the department staff to work on the emergency declaration with the changes while they go on to another agenda item and then come back and action will be taken later.

Chairman Jenkins announced that the gentleman that is to present the Shikar-Safari Award for Agent of the Year 1989-90 was not in attendance yet and postponed the presentation until the end of the meeting. (Note - The meeting ended and the gentleman making the presentation did not make the meeting. This will be taken up at another meeting.)

Chairman Jenkins asked Colonel Winton Vidrine to give the Monthly Law Enforcement Report for September.

Colonel Vidrine reported the following:

Region I - Minden - 96 cases. Confiscated 1 rifle, shotgun, 3 squirrels, 2 doves, 59 dove breast.

Region II - Monroe - 98 cases. Confiscated 5 doves and 2 squirrels.

Region III - Alexandria - 138 cases. Forty three was hunting migratory game birds over a baited area. Confiscated 2 fourteen foot aluminum boats, 130 hp Mercury motor, 9.8 Mercury motor, trolling motor, dip nets, four foot alligator skin, 18 squirrels, 120 doves and 7 catfish.

Region IV - Ferriday - 66 cases. Confiscated ten catfish, 152 white perch, 4 squirrels and a dip net.

Region V - Lake Charles - 226 cases. Twenty five for possession of over limit of red drum, 15 for possession of undersized black drum. Confiscated 46 red drums, 10 black drums, red snapper, 2,000 pounds of shrimp which sold for \$6,456.00, 3 alligators, and 400 pounds of crabs which sold for \$70.50.

Region VI - Opelousas - 96 cases. Eighteen for taking possession of over limit of gamefish. Confiscated a monofilament gill net, 59 undersized eel cats, 5 black drum, 24 dove, 453 black bass, 1 red drum and 4 squirrels.

Region VII - Baton Rouge - 212 cases. Fifty one for hunting migratory game birds over baited area. Confiscated 7 doves, 7 foot alligator and 2 squirrels.

Region VIII - New Orleans - 552 cases. Nineteen for over the limit of red drum, 92 for taking and possession undersize red drum, 13 for taking and possessing undersize spotted seatrout, 12 for undersize black drum, 13 for trawling inside water with oversize rigs, 46 for hunting migratory game birds over baited areas. Confiscated 7 gill nets totalling 2,117 feet, 233 red drum, 65 speckled trout, 391 alligator hides, and 142 doves.

Region IX - Thibodeaux - 389 cases. Twenty one for possession of over limit of red drum, 58 for possession of undersize red drum, 19 for possession of undersize spotted seatrout and 11 for undersize black drum. Confiscated 174 alligator heads, 80 alligator hides, 361 red drum, 76 seatrout, 154 sacks of oysters, shocking machine, gill nets, and 5 boats.

The Oyster Strike Force had a total of 76 cases. They confiscated 411 sacks of oysters, 11 boats, 3 licenses, 15 dredges and 1 permit.

During the last three or four nights quite a bit of oysters have been seized advised Colonel Vidrine and will be on the October report. Captain Vujnovich thanked the enforcement personnel for doing a good job.

SWEP made 32 cases this month with 17 for oversize trawls. Confiscated 14 trawls, 1,122 pounds of shrimp which sold for \$2,456.00, 60,926 pounds of croaker fish which sold for \$3,350.00 at 5 1/2 cents a pound.

Colonel Vidrine reported that the total number of cases for the month of September was 1,976 and advised that for a point of information there are twenty six cadets in the academy right now and will be there until the first week of February. Out of the twenty six cadets eleven will go on the statewide strike force, ten are assigned to the coastal parishes and five come from the upland parishes. Colonel Vidrine thanked Mr. Al Brown, Computer Center, for all the help he has given enforcement on the report system and appreciates what he is doing.

Mr. Jones stated concerning reports, it would be interesting to know, just as a projection on the confiscations, what the civil penalties would be at the end of the month if all of these

confiscations were collected. Mr. Jones also stated that he would like to have as a monthly report on the progression of collection of civil penalties. Chairman Jenkins advised that this could be a monthly report if Mr. Jones wanted. Mr. Jones stated that he thinks it would be a good idea.

Colonel Vidrine asked Mr. Jones if he was asking for two separate reports. After a short discussion on this it was decided that there would be a ongoing tally report instead of trying to estimate all of the confiscations. Acting Secretary McInnis asked if what they want is a monthly report of the total balance and then the outstanding, how much is collected and thought that they had agreed to do this earlier. Mr. Jones stated that he thought it was the same thing. Acting Secretary McInnis asked if now they wanted to include confiscation with Mr. Jones answering no. Ms. Baker pointed out that the citation report is not really finished until the day before the meeting and the tickets do not come through the system until the people come to office and there probably will be a six weeks lag time but will provide the Commission the most current information where the citations have been processed. Chairman Jenkins stated that whatever the current information is would be fine.

At this point during the meeting, Mr. Tarver, came back before the Commission with the Revised Declaration of Emergency on the Tunica Hills Area. Mr. Tarver advised that he met with Legal Counsel on this and proceeded to read the revised emergency declaration for adoption. Mr. Tarver further advised that Legal Counsel has made it known that a two thirds vote of the Commission is needed before any action is taken on the declaration of emergency.

Chairman Jenkins called for motion to waive the rules and take action on the declaration of emergency. A motion was made by Mr. Schneider to waive the rules and was seconded by Captain Vujnovich. The motion passed unanimously.

Chairman Jenkins called for a motion on the corrected declaration of emergency as read by Mr. Tarver. A motion for adoption was made by Mr. Schneider and seconded by Captain Vujnovich. The motion passed unanimously.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Tunica Hills Area

In accordance with the provisions of R.S. 49:967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:1921 et seq., the Wildlife and Fisheries Commission hereby adopts the following rule relative to hunting seasons on the Tunica Hills Area.

All general rules and regulations applicable to Wildlife Management Areas for 1991-1992 will be applicable to the Tunica Hills Area except as provided below.

The area may be accessed by walk-in only. No vehicles of any type are permitted on the area, except for the existing parish gravel road that crosses generally east to west across the middle of the property.

Hunting seasons will commence on the area Saturday, 19 October 1991 at which time all designated hunting or trapping periods, bag limits, and all other hunting or trapping regulations in effect in Zone 1 will apply to the area.

In order to protect wildlife, rare species, or other natural components of features of the area, the Secretary of the Louisiana Department of Wildlife and Fisheries has the authority to restrict or close all or portions of the area to any or all public use, as appropriate, by public notice.

This rule shall become effective 9 October 1991.

James H. Jenkins, Jr.
Chairman

The Secretary's Report was given by Acting Secretary A. Kell McInnis III. Acting Secretary McInnis reported that they have been extremely busy this month.

Acting Secretary McInnis traveled to the International Association of Fish and Wildlife Agencies in Arkansas at Hot Springs and was joined by several staff members. Issues that were worked on were legal, law enforcement, migratory birds, North American Waterfowl Plan, international affairs, animal welfare, education, legislation, etc. The International is the collective voice of the fish and wildlife business in Washington, D.C. They keep up with congressional actions and keep the states advised and posted on what can be done to assist in making sure that the states are well represented in Washington.

The American Fisheries Society meeting was held in San Antonio and the department was involved in organization of a symposium on oil spill damage assessments to find out what techniques have worked and haven't worked throughout the United States and help design the state's response. The department biologists coordinated with

others on the latest techniques in marine stock assessments and the results of freshwater fisheries management techniques especially related to largemouth bass and crappie. Updated the marfin on the shrimp management plan and heard the interim results of other marfin participants research including bycatch which is a major consideration at this time.

The Gulf Council meeting was attended by Dr. Clark and Chairman Jenkins. Acting Secretary attended very briefly to meet with some of the people on the council.

Dr. Chabreck attended the Audubon Society in Acting Secretary McInnis' place in Austin, Texas and worked on a panel with the Directors from other states.

In-house the department staff had an opportunity to make a presentation to Mr. Dennis Stine and his staff to bring them up-to-date on the status of the programs, goals, and objectives that the department has established in-house. This was very informative and Acting Secretary McInnis advised that this really helped him to get a much better grip on what in-house problems the department has in getting some things accomplished. Next year, it is hoped to get more people involved in the session to give them the same type of update.

The shell mitigation continues with Mr. Perret, Mr. Tarver, Mr. Puckett and Ms. Baker working on this. There are now two new shell reefs in Timbalier and a load of shell at Marsh Island. Shell is still owed to the department and they are working to get this shell delivered and/or resolved through litigation.

The Artificial Reef Program had a very busy month. Mr. Rick Kasprzak and Acting Secretary McInnis had the pleasure of meeting with three separate groups. Exxon gave the department a check for \$200,000.00; Murphy Oil gave a check for \$500,000.00; and Odico gave a check for \$500,000.00 for the Artificial Reef Program.

A marsh management workshop was held at the department in the Louisiana Room. There was excellent participation from around the state and out-of-state. The Wildlife Biologists Association, along with the department hosted the workshop. Dr. Chabreck, Dr. Clark and Acting Secretary McInnis participated directly on the panels. There were excellent discussions and points brought out will be helpful in working towards some solutions.

The alligator season opened last month. Virtually all the tags issued for wild stock were filled with very little exception. The price was down this year not only for the wild skins but the farm skins as well. Enforcement-wise there were some problems with some of the administrative rules that were established. The Fur and Refuge staff and the Enforcement staff will get together and try

to come to some common solution on the problems that were discovered.

Lt. Colonel Charlie Clark, Assistant Chief, Enforcement, attended the National Boating Law Administrator's meeting in Idaho and reported back on several things. The most crucial matter deals with the registration in titling which is a coming thing stated Acting Secretary McInnis. The department has been trying to work through the Fiscal Section to get a good grip on how to be ready for this when it comes about. It is just a matter of time before titling of boats becomes a national requirement. There is a nationwide problem with personal watercraft (jet skis). The Louisiana Legislature has already addressed this issue and established rules which will be used by other states in drafting their response. Acting Secretary McInnis advised that a copy of the report from Lt. Colonel Clark will be given to each Commissioner.

There is a new committee that was formed by the Legislature to address the effects of the Phillips Oil decision on Louisiana land ownership. The Phillips decision was a Supreme Court case that has created some questions about the ownership of lands especially in coastal areas. There was a preliminary meeting on Thursday and a formal meeting on Friday and a number of issues were addressed. There are about twenty people involved in this committee representing landowners, governmental agencies, and various universities around the state to determine what effect this decision really does have on Louisiana law. No agreement has been reached but the committee will be having continual meetings to work on this with legislation resulting from this committee advised Acting Secretary McInnis.

In the next weeks before the next Commission meeting the Gulf State Marine Fisheries Commission will be meeting in New Orleans from the 15th to the 18th.

There will also be a meeting of the Black Bear Conservation committee that is scheduled in Nacogdoches, Texas and Dr. Chabreck will be attending. The department has been working with the Fish and Wildlife Service to provide them with information that they need to make a decision. The Service has gone ahead and extended the public comment period through November 20th and expect to make another announcement as to the status of their program on the 21st of December of this year. During that time frame the Service is trying to get some additional information on the taxonomy of the bears that are in Louisiana and what might be done about them. The department has committed to assist in the funding of a position to coordinate the black bear committee and has also worked up and participating in a memorandum of understanding developed between the state, committee, industry and Fish and Wildlife Service.

On October 27th the Catahoula Lake will be designated as a Wetland of International importance. Each of the Commissioners should have received an invitation to attend and it is a very important things pointed out Acting Secretary McInnis. Catahoula Lake is the second lake in this part of the world to receive such a designation and the department is real pleased. It is hoped that it will enable the department to do some good work in cleaning up the lead poison problem that exists on Catahoula Lake.

The Southeastern Association of Fish and Wildlife will hold its annual meeting in West Virginia on November 2-6, 1991, and included in that is a special session which is suppose to work with Commissioners to help them understand the problems that are not just unique to their own state but are common problems around the United States. At the International meeting and previous North American meeting Commissioners from different states have attended and issues that are very critical to Louisiana and other states are being discussed by the people who can do something about it pointed out Acting Secretary McInnis. If any of the Commissioners would like more information on this they need to get with Acting Secretary McInnis.

The Habitat Section has been very active with permits as usual and the Scenic Rivers staff have been working with surveys on Bayou Choupique, Bayou Torro, and Bayou Chaudrant. There have been public hearings on these bayous and there has also been another Scenic Rivers Task Force meeting.

The Game Division continues to work on land acquisition. There has been some 15,000 plus DMAP tags packaged and distributed which are being in turned distributed to 600 cooperators around the state. Last year there was around 19,000 deer taken on DMAP land with over 11,000 being antlerless deer. The Game Division has also been busy with trying to get ready for the upcoming season with roads, trails, etc. Bayou Macon had an excellent opening. Archery hunting had over 600 efforts and over 25 deer have already been taken since October 1, 1991. Dove season was a little shaky depending upon where you hunted. The weather had a lot to do with this. Waterfowl have already started moving down and over a month ago blue wings were seen on Catahoula Lake. Recently over 85,000 ducks were estimated as already being on Catahoula Lake. Most of these are a third pintails, a third blue wings, and a third green wings. Vegetation situation is in very good shape on the lake. Locally, the game staff has trapped and banded over 700 wood ducks in the Baton Rouge area. The special lottery hunt, for the Thistlethwaite area, has been completed with a total of 1,800 applications being received with a random drawing of 1,400 that will be able to hunt. This is 700 a day for two days. This is the department's first effort with the lottery and we are pleased with the participation that has been received. Squirrel and rabbit seasons have just opened.

The duck stamp competition for this year is scheduled for November 6, Baton Rouge office in the Louisiana Room concluded Acting Secretary McInnis and asked if there were any questions.

Chairman Jenkins asked if there were any questions. There being none Chairman Jenkins went on to the next item on the agenda.

The Date for the January Meeting was set. The date for the Commission meeting in January will be on Tuesday, January 7, 1992, at the Baton Rouge office in the Louisiana Room at 10 a.m.

Chairman Jenkins called for Public Comments.

Mr. Cyrus Savant, Houma, Louisiana, addressed the Commission. Mr. Savant stated that he would like to ask the Commission to put them on the agenda for the November meeting. Mr. Savant represents a non-profit organization called the "Environmental Group of America". This is a newly formed group and was formed because it is felt that limiting the renewable resources (fish and ducks) will not solve the problems; it is felt that hatcheries will have to be established to promote the raising of fish and wildlife to the public. The group will have information for the Commission at the next meeting if they will be good enough to put them on the agenda stated Mr. Savant. Mr. Savant pointed out what the department did with the alligator an endangered species which has been brought back into unlimited numbers. Limiting will not solve the problems. A lot of people have quit hunting ducks and quit fishing because of the limits. Mr. Savant stated that he does not think we need to go that way; we can still leave the limit like it is but raise some and call them a bonus fish or bonus duck. This is not to be done on a wide scale basis. A permit from the department that is well regulated would be a way to accomplish this.

Chairman Jenkins thanked Mr. Savant for his comments and asked if there was anyone else.

Mr. Jones gave a special thanks to the Fur and Refuge Division for their response to his request for a tour on the different aspects of Louisiana. Mr. Tommy Prickett and Mr. Noel Kinler did a superb job putting together a tour of Marsh Island to show a national publication how marsh management and the different ecosystems of Louisiana exist.

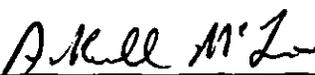
Chairman Jenkins thanked Mr. Jones for taking the time out from his busy schedule to help with this tour and appreciates it on behalf of the Commission. Chairman Jenkins continued and asked about the materials in their packets called "Highlights of Sport Fishing Restoration in Louisiana". Acting Secretary McInnis advised that this had come in the mail to him and he had copies made for each of the Commissioner's packet for information. Chairman Jenkins commented that it is apparently a publication by the U.S. Fish and Wildlife Service which shows the economic benefit of Louisiana to

sport fishing. Acting Secretary advised that this was one of the items discussed at the International meeting. Columbus Brown from Washington sent this to the department for informational purposes. Chairman Jenkins stated that if the press wanted copies he had some extras.

Chairman Jenkins asked if anyone else wanted to address the Commission.

Mr. Bateman stated that during the law enforcement report he started to comment and give a quick bit of information to the Commissioners. A fax was received this morning from the Lake Charles office involving an incident that occurred on the little Sabine Wildlife Management Area (Sabine Island). This land is owned by the State Land Office but the department has a lease on it. Through a contact with some narcotics people the department was informed that there were some bad dealings going on in Sabine. The local specialist went to investigate it on the opening weekend of the squirrel season and found an area where some unauthorized camping had been established. A group of people had moved into this isolated wildlife management area and were doing illegal hunting, etc. The specialist got together with the enforcement staff and they went back in on the next day and wrote 23 citations. They cited 19 people who were camping in an unauthorized area, hunting with dogs, cutting trees, possession of buckshot, possessing of buckshot closed season, possession of ducks in closed season, possession of illegally taking migratory birds, no federal stamp, no state stamp, possession of lead shot in a steel shot zone, taking ducks in closed season, possession of untagged deer meat, possession of illegally taking deer in closed season, failure to maintain sex identification of deer, possession of fur bearing animals in closed seasons, no hunting license, no non-resident hunting license (some apparently from Texas), hunting with unplugged gun, operating an unregistered boat, improper boat numbers and expired boat registration. Two of the hunters that apparently had ducks fled across the state line and they were cited on the Lacey Act violation of transporting illegal birds across a state line. Mr. Bateman thanked the Law Enforcement Division for taking the time to help the Game Division with this problem on the wildlife management area.

There being no other comments, Chairman Jenkins called for a motion on Adjournment of the October 8, 1991, Commission meeting. A motion was made by Mr. McCall for adjournment. The motion was seconded by Captain Vujnovich and passed unanimously.



A. Kell McInnis III
Acting Secretary

AKM:sb

10-15-91

Wade-

Draft of Minutes. Sharyn
Please review and
return asap. Thanks
made
corrections
on
machine
Pete

Sharyn

Fixes by Bob Sheldon.
Thanks. 10/25/91

DRAFT

Not in Final Form

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

October 8, 1991

Chairman James H. Jenkins, Jr. presiding.

Tuesday, October 8, 1991

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

Acting Secretary A. Kell McInnis III was also present.

Chairman Jenkins called for a motion for approval of the September 9, 1991, **Commission Minutes**. A motion for approval was made by Mr. McCall and seconded by Mr. Schneider. The motion passed unanimously.

The **Spotted Seatrout Notice of Intent** was brought before the Commission for clarification by Legal Counsel Mr. Puckett. Mr. Pol explained that the reason Mr. Puckett is being asked to present this notice is that somehow or ~~another~~ ^{another} the times were left out in the original motion. Mr. Puckett stated that at the end of the last Commission meeting there were amendments to the notice that were made during the course of the meeting and he had some concern from a legal prospective as to whether or not all of the changes had actually been placed into the notice. In an effort to make it clear as to what all the particulars of the notice are Mr. Puckett recommended that this be repromulgated at the October meeting. For the record Mr. Puckett read the entire notice of intent.

Chairman Jenkins explained that this notice is nothing different than basically what was in the motions, committee reports and all of the discussions. Mr. Puckett further explained that this notice contains all of the motions that were made at the last meeting and it was his concern that all of the motions were not compiled into the notice of intent and there were no substantive changes.

Chairman Jenkins called for questions from the Commission. There being none Chairman Jenkins called for a motion to adopt the notice of intent. Mr. Pol made a motion that the notice of intent be accepted. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for any discussion from the public. There being none Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

Section 341. Spotted Seatrout Management Measures

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM April 1 until midnight September 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season.

C. The annual commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed on the earlier date of 12:01 A.M. April 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met each year.

E. Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open

period, or commercial dealers and anyone other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4.

F. Pursuant to R.S. 56:322 and effective with the seasonal closure, or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets.

This rule shall become effective on February 20, 1992.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

James H. Jenkins, Jr.
Chairman

The **Spotted Seatrout Law Enforcement Plan** was presented to the Commission by Acting Secretary A. Kell McInnis III. Acting Secretary McInnis had Colonel Vidrine hand out materials to the Commissioners and explained that before they got started with this he would like to introduce Dr. Farhad Niemi, new economist for the department. This is an emergency appointment and Dr. Niemi will be working with the fisheries management plans and civil penalties program.

perspective?
Acting Secretary McInnis pointed out that what has been passed out was in relation to the discussion at the last meeting about compliance with Wholesale/Retail Dealer Reporting system. As discussed at length there has been some difficulty with this, both from the ~~respective~~ of the language that exist in the current statute as well as that of the in-house policies and programs. It was discovered that the letters requesting compliance did not conform identically with those in the statute and created problems for the department. This needs to be addressed and the department needs to be in conformance or there will continue to be problems. In an effort to make sure that the proper information is gotten

5
back to the department a program has been put together that is felt will be effective in getting the information. The first thing to be done is to have the accounting staff, fisheries staff and enforcement staff get together to make sure that they all understand what is trying to be accomplished. The problem that exist now with the existing statute is such that certain evidence needs to be presented to the respective District Attorneys so that they can go forward with a prosecution. The department will work to make sure that what they are asking for is what is going to be delivered to the department. The accounting staff will help to educate the enforcement staff on how to go through the books and work from an accounting perspective. The fisheries staff will work on trying to ascertain what it is the department is trying to gather together. The enforcement staff will be the ones to go in the field to look for this. Acting Secretary McInnis explained that there are two situations; the first of which is what exist today and the second of which is obviously formats will be changed after January 1 when the Commercial Fishermen Sales Card goes into effect. Plans are to bring in the District Lieutenants who will have the field responsibility for assigning the work duties of their men, and will be familiar with what is needed to go forward with the prosecution. The department will work with the District Attorneys on this program because they are the ones who pointed out the deficiencies in what the department was trying to do initially. The department will have to make sure that they have the proper evidentiary materials available and will assign staff on an ongoing basis rather than just trying to focus on this particular program one or four days a week. The interaction through Lieutenants who will be coordinating this program should be the key to the program. If they can keep their staff in the field looking after this program on a regular basis there should not be any problems in the office receiving the information pointed out Acting Secretary McInnis. A number of other things will take place with this, not just looking at the books. This involves the whole process; selling fish, buying fish, and making sure reports reflect those purchases and sales advised Acting Secretary McInnis. 5

The department will be meeting with the coastal District Attorneys to make sure that they understand the program. Acting Secretary McInnis advised that yesterday he had the opportunity to address the judicial conference in New Orleans on civil penalties and while there talked with a number of judges about particular problems that the department was having and discovered that they where having a tough time understanding what the department was trying to do. It is important to coordinate and educate, not only the District Attorneys, but the judges themselves. Several of the judges specifically expressed their concern to Acting Secretary McInnis. Once the credit card system is understood in-house and the commercial fisherman in the field and the wholesale and retail dealers are educated on this program the department will go ahead and change the format to utilize the credit card system. This

should simplify the process because virtually everyone should be using the same method of bookkeeping at this point.

Concluding, Acting Secretary McInnis stated that corrective legislation needs to be prepared to amend the statutes that are on the books so that there is a consistency that can be enforced. Acting Secretary McInnis thanked Ms. Baker, her staff, Colonel Vidrine, his staff, and Dr. Clark, and his staff for working together to come up with this program that will utilize all the expertise that the department has in-house to make this program work more smoothly and accurately.

Chairman Jenkins asked the Commission if there were any question of Acting Secretary McInnis on this report and stated that he had a question. Chairman Jenkins stated that as he recalls the restaurants were eliminated from compulsory periodic reporting and are required to report only when they purchase fish directly from the fishermen where the fish do not go through a fish house or some other place that would be counted. Acting Secretary McInnis advised that this was correct. Chairman Jenkins advised that he has asked the question at one of the meetings about how many reports has the department received of restaurants reporting and the answer was something like fifteen. Acting Secretary McInnis stated that the number was very small but did not remember it. Chairman Jenkins stated that this number is minute when you consider the restaurants in this state that serves seafood and questions seriously whether this number is close to an accurate figure and asked since there is no ongoing number to check how does the department propose in this enforcement plan to handle this situation. Acting Secretary McInnis again pointed out that there are some legislative deficiencies and this is one that needs to be addressed. As long as they don't have to make a report it is going to be very difficult unless the department makes the sale themselves to determine whether or not this has happened. Some sales have been made in the past and will certainly be part of an ongoing program stated Acting Secretary McInnis. Chairman Jenkins stated that until the department gets better legislation, the only thing they have is undercover type operations. Acting Secretary McInnis answered essentially this was correct, the department has to play by the rules that are written.

Chairman Jenkins asked if any of the other Commissioners had any questions. There being none he called for comments from the audience. No comments were received from the audience. Chairman Jenkins went on to the next item on the agenda which was the **D.A.'s Report Update.**

Acting Secretary McInnis asked Mr. Al Brown to come forward and stated that this is something that he has learned more about in the last six weeks than he did in the last year and a half. Some sample work was handed out to the Commissioners by Mr. Brown. Acting Secretary McInnis advised that Mr. Brown has worked very

closely with Colonel Vidrine and his staff to come up with "what are you trying to get out of the system" and to write a program that would enable the department to get this information. At this point, Acting Secretary McInnis asked Mr. Brown to explain what the department has come up with using the sample.

Mr. Brown reported that briefly last month some of the aspects of the new citation system were reviewed and he is pleased to report that this is in place as they speak. The data is being input from the regional offices but will take some time for the data to accumulate to the point that it will be extremely useful. The biggest difference made in the responsibility for inputting this data from the citation level as well as the disposition level is being delegated out to the regional offices to the people that use the data. From experiences the value and validity of information skyrockets when the same person that needs it is capturing it and putting it in advised Mr. Brown. This capability exist today and is being used. The responsibility for reporting dispositions still remains with the District Attorney's offices and the primary method is still going to be the return of one copy of the citation after the case has been disposed of but the difference is that it is going to go back to the regional office so the people that input the information when the citation was issued are going to also have the disposition. Exceptions of this will be made for District Attorneys that have the availability to report magnetically and also have the volume to so justify. The department sent a survey this past month to all District Attorneys and at the present time about half of those have been received back. It appears, with about fifty percent of the survey back in, that there is going to be a few District Attorneys that have the ability to report magnetically but will probably be the larger parishes and will probably speed up some of the disposition reporting. Each District Attorney that indicates ~~they have~~ this ability will be contacted individually by the department to work out some details for that reporting. Mr. Brown pointed out that the samples that were handed out are just sample reports of the capabilities which are in place. The old system did not have the ability to capture all the detail that is now in the present system. The civil restitution information was not in the old citation system but in a stand alone personal computer type application put together in a hurry to help implement a program. Mr. Brown went on to explain the sample. The first page shows the number of citations issued and the disposition of the cases as well as a column showing number of dispositions not received (pending or still being reported). The second page shows citations that dispositions have not been received on. The regional secretaries will have the ability to request this information for their offices and have it produced in their offices. The third page showed an example of a form to be used in generating a copy of a citation without disposition. The department has the ability with the system ~~they have~~ today to continually keep this information in front of the District Attorneys until the disposition is received by the department and

updated into the files. Only then will the department be able to provide the accurate information that the Commission is asking for advised Mr. Brown. The last page of the sample showed the Class 1 information which is now the department's responsibility to collect fines and have hearings. This has not been part of the citation system in the past. Concluding, Mr. Brown stated that the vehicle is in place and the secretaries have had one training session but will probably need another because they are having some questions.

Chairman Jenkins asked if the Commission had any questions. Mr. Jones asked when did Mr. Brown think the Commission would receive the numbers and be able to start working from them. Mr. Brown answered that reports can be generated based on the limited information that the department has now but the problem being it is very limited. There has been confusion from the parishes, the D.A.'s level of how the reporting is coming in, ^{it} limited amount of information being put into the system and is very sketchy. The department can go back to the six month reports and some of this may be added into the existing system stated Mr. Brown but emphasized "may". Reports can be produced today but would be sketchy and to be able to say that this particular D.A. has only reported fifty percent of the cases that happened in this period of time, even though the paper may show it, Mr. Brown advised that he would be very reluctant to release it as accurate information. Mr. Jones asked when would there be accurate information. Mr. Brown answered from this day forward when the secretaries key this information in. The problem now becomes a time lag because the citations that are issued today may take as much as three to six months to work through the course. As these citations are received, as the dispositions are received, they are input at that point and are available then. Mr. Brown stated that from October 1 of this year forward he will have every confidence in the data that can be reported to the Commission.

Mr. Schneider stated that would only work if the D.A. ^{is} cooperated. Mr. Brown advised that this is exactly correct and the vehicle is there to go back to him again and again that says we still have not received this information. The spotlight can be put on the D.A., so to speak, through the computer that will generate a lot more compliance.

Chairman Jenkins asked if this would be under the "Dispositions Not Received" column. Mr. Brown answered yes and explained that this would be the number of citations that the department does not know what has happened to them.

Mr. Schneider asked if this information could be made available to the press and public so that if the D.A. was not doing his job then the people that voted for him could know that. Mr. Brown stated that this was their hope.

Mr. Jones commented that this program needs to be implemented and make it public knowledge who is doing the job for wildlife and fisheries and who is not. Mr. Brown advised that this is exactly their intent. Acting Secretary McInnis pointed out that the D.A.'s to date certainly have been filling out the reports that were sent to them and does not anticipate that there will be very many, if any, of the District Attorneys who refuse to cooperate. The D.A.'s Association has gone on record as being supportive of the program and Acting Secretary McInnis is scheduled at their next meeting to educate them on what the department is trying to do. Mr. Jones asked what D.A.'s haven't sent in the information. Acting Secretary McInnis advised that he presented that information last month and would be happy to get it for him again as he does not have it this morning. The only one he recalls was Evangeline Parish. The new citation system that went into effect October 1 will simplify the D.A.'s record keeping as well, stated Acting Secretary McInnis.

Chairman Jenkins asked if there were any other questions. There being none he called for comments from the audience. There were no comments from the audience.

Key The next item on the agenda, **Update on Collection of Civil Penalties** was given by Ms. Wynnette Kees. Before Ms. Kees' report Acting Secretary McInnis advised that last week he spoke with Mr. Pete Adams with the District Attorney's Association and got his assistance in putting some information together. A letter and packet was drafted to go out to each one of the judges in the state so that they would have a better understanding of what the department is doing and why. It also points out that in 1988 when the Legislature authorized the Commission to establish the values the department went forward with the Administrative Procedure Act with these numbers and were accepted by the Legislature and the public. This also made a change in the Code of Criminal Procedure and says that the District Attorney certainly has the opportunity to work with the Judicial system and make restitution in condition of probation. This is the message that Acting Secretary McInnis took to the judges and a number of them were not aware of this. Concluding, Acting Secretary McInnis asked Mr. Kees to report to the Commission where the department is now on the civil penalties.

Ms. Kees pointed out that one of the main complaints from people who are calling the department once they have received a letter on civil penalties is that they are told when they go to court to pay their criminal fine that that fine is all they have to pay. They then get a letter from the department wanting more money and they are very displeased. Ms. Kees explained that the handout given to the Commissioners was a recap of some information giving a simple explanation of what the procedure are within the department; giving figures showing the values of the assessments and what has been collected thus far. As the figures show the program has been less than successful. From a Fiscal Division standpoint Mr. Kees

identified, in the handout, some of the problems that they see with why the program has not been successful. Ms. Kees advised that her division's role in this is collection. The Enforcement Division plays a big role in this as does the Legal staff. Ms. Kees pointed out that she has also recapped where her division is going with this and what the department is looking at in terms of resolving the problems. There are revenues to be generated from this and the people need to understand that the department is serious about the program. The department needs to get behind the program and work towards it and also need to resolve some legal issue and have efficient staffing to make it work concluded Ms. Kees. Ms. Kees asked if the Commissioners had any questions.

Chairman Jenkins asked if the people, who are unaware of these penalties, are issued citations for these penalties at the same time they are issued citations for violating the law. Ms. Kees advised that they are not issued anything. When an agent writes a citation in the field he writes his citation and it says nothing about a civil penalty. The agent fills out a separate form which is sent to Ms. Kees' office and from this the value is determined. The people know nothing about this until they get their letter. Chairman Jenkins asked if there would be any value in changing the citation form to add something to the effect that there may a civil penalty.

Acting Secretary McInnis advised that in order to solve this problem there would be two ways to do this. One would be to make some type of notation on the ticket itself indicating this; or two, the agent himself if he knows that there was illegal game taken, could inform the individual at that time.

Mr. Puckett advised that it just might be possible to put a generic clause on the citation pertaining to the civil penalties.

Chairman Jenkins advised that the people need to be informed of this at the time they are issued the citation. Chairman Jenkins continued and commented on the value of assessments ((\$555,7000) under II. Current Status of Ms. Kees' handout with a notation stating that this could be overstated because of companion cases and asked if there was any idea of what the value really would be after filtering out the companion cases.

Ms. Kees informed the Commission that they have no idea of the value and when the computer program was developed they did not even know that this was going to be an issue. If five people are hunting and they all get the same game or wildlife confiscated they each get a letter for the value price but only one value price is owned, they don't each owe the value price and this was not known when the system was set up explained Ms. Kees.

Chairman Jenkins asked if we know it now or were we ever going to know it. Ms. Kees advised that they are working with the Computer Center to rewrite the whole system.

Acting Secretary McInnis pointed out that this was one of the things that Mr. Brown referred to earlier and as he was generating this other program he realized the deficiencies with the civil penalty program and the problems that existed there. This is being tied into the other report.

Chairman Jenkins asked if anyone could make an estimate on the true value price. Ms. Kees stated that her guess is it is probably overstated by twenty percent, a sizable amount. Chairman Jenkins commented then it would be \$400,000 instead of \$550,000 and have only collected \$18,000. Ms. Kees stated that only the ones that owe a small amount pay.

Mr. Jones asked how is it that the department is going to go about collecting this. Ms. Kees stated, that from her point of view, the computer system is going to be improved to get accurate data to enable the department to generate letters quickly. Education of the Fiscal staff, Enforcement staff, Judiciaries in all the local areas and the public is needed. An article in the magazine may be tried again. Internally there are a lot of legal issues to resolve. Ms. Kees stated that Fiscal's role is to collect money but when the letters are sent out they get all the phone calls; also letters from attorneys are received with specific questions. The Legal section or Enforcement section are contacted on these and nobody wants to fool with it advised Ms. Kees.

Mr. Jones commented that he remembers a year or so ago that Acting Secretary McInnis mentioned that they were going to go out and possibly work this on a retainer basis where some law firms went out and to help collect these civil penalties. Acting Secretary advised that this is available and also some people have indicated that they would do some pro bono work for the department. Some cases have been isolated by reviewing what is outstanding and the department will divide these up and pass them out. Mr. Jones asked when. Ms. Kees answered pretty shortly, in the next few weeks.

Mr. Schneider advised that he has talked with Mr. Duncan Kemp, the D.A. in his district, and he is more than willing to help collect these penalties. Mr. Kemp would like somebody from the department to talk to him and work out a procedure. Mr. Schneider thinks that there may be some D.A.'s around the state that may be willing to work with the department to collect these penalties. Acting Secretary McInnis stated that he thinks there are some who would be willing to do this and other who would not touch it with a ten foot pole. The department will find those that are willing and will find other persons to help in those other areas advised Acting Secretary McInnis.

Mr. Jones stated that this needs to be kept in the high priority end of the building, wherever that is and asked Mr. Puckett what where the legal issues there were problems with; if they needed to be discussed or just get him to solve them.

Mr. Puckett advised that as in any program legal issues come and these needed to be addressed. When the program gets fully operational Mr. Puckett thinks there will be a lot of questions that will be resolved at that time. There have been a lot of problems up to this point and the Legal Division will assist in every way possible.

Ms. Kees stated that they had thought the problems were all resolved and pointed out a flier on civil penalties that the department wrote up. The Legal staff reviewed this when it was written and now Ms. Kees is being told it is not right, that the people don't have a right to ask for a hearing.

Mr. Schneider asked if it was possible to tie the civil penalties and criminal penalties together where you cannot get out of one until the other one is satisfied. Mr. Puckett answered that there are a number of problems associated with that; number one, the District Attorney's Association, when approached with this, was superstitious about this because they have tried to keep the two separate for so long for reasons totally unrelated to civil penalties; number two, restitution means collections, if you have D.A.'s and judges who are both receptive to making restitution that condition of probation that involves no civil warranties the seeking success. The ~~closest~~ thing to a linkage you have otherwise, there are probably disadvantages to linking them. Example, there might be instances where a case would be nolle pros or there might be an acquittal where we would still feel like a violation had occurred and we would still seek civil penalties in that case so we would not want linkage stated Mr. Puckett.

Chairman Jenkins asked Ms. Kees that he assumed that there was something in the budget for this income ~~this~~ and if she knew what it was. Ms. Kees replied \$30,000, because after last year only ~~collecting \$18,000~~. Chairman Jenkins asked what was budgeted the first year. The first year was around \$100,000 which was overstated and under collected advised Ms. Kees. Chairman Jenkins asked if any effort, through the Conservationist magazine or T.V. program, being made to make the public aware of this situation. Ms. Kees stated in January 1990 the Conservationist magazine printed an article, the one and only. Chairman Jenkins suggested that maybe this should be done a little more often or something to make people aware of this.

Mr. Jones asked if the department was clear in a plan to go on and implement this so that collections could be made. Ms. Kees stated that she has a plan but was not sure that everybody agreed with it. Acting Secretary McInnis advised that he can assure that everybody

is in agreement. Mr. Jones asked when will this happen. Acting Secretary McInnis pointed out that he has already met with Colonel Vidrine, Lt. Colonel Clark and Major Candies to get the message back out to the Enforcement staff and if the Commissioners would look on page two of Ms. Kees' handout there are a series of things that are plans of action and the department has already initiated virtually all of them. Mr. Jones suggested that along with the enforcement report there could be a collection update every month.

Ms. Baker pointed out that one of the things that is a real problem is ultimately all of this comes down to her staff doing it. When civil penalties came into place, and when Class 1 violations came into place no new people were added. There are ladies and gentlemen that work for Ms. Baker that are just absolutely up to their eyeballs in existing workload, preparation of budget, different kinds of documentation, sales of commercial licenses, motorboat registrations and renewals, etc. Ultimately a plan was put in for Class 1 violations that two people would be added but a commitment was made that these people would not be added until money started coming in or at least when the department could look at what a legitimate revenue stream would be because it had to support Fiscal and it was suppose to support eighteen new Law Enforcement Agents stated Ms. Baker. Hundred of pieces of paper need to be matched up with citations, with documentation, etc. The department is relying upon the Computer staff to make adjustments in various systems and there are only five people who are doing computer programing which is not a lot of depths of staff when you look at the complexity of the issues and the problems that have to be worked with. Manpower and people are a real problem. If you look at last year's budget request and this year's budget that was adopted the Fiscal staff has been cut five people pointed out Ms. Baker. Two of the five people were key positions that were never filled that were the Class 1 violation people. Ms. Baker advised that she is not trying to shirk the responsibility of trying to get it done but manpower and coordination is a problem not only in Fiscal but also in Enforcement and Legal and they would appreciate any help the Commission could give with trying to get some additional money and manpower to help make this a reality.

Chairman Jenkins stated that probably some of the good that has come out of this being on the agenda is the information and what the Commission is learning but does not think any of the Commissioners have realized totally what the problem has been so there was no way for the Commission to help. Now that the Commissioners know some of the reasons why, Chairman Jenkins thinks everyone can all work on it.

Ms. Baker did advised that they did have someone handling this but she left to take another job elsewhere and when that position is vacant things don't get done and just last month a new person was brought in. This is a real struggle concluded Ms. Baker.

Chairman Jenkins went on to the next item on the agenda, **Department of Agriculture/Fish Kills**, and advised that this was the second time this has been on the agenda and there was not much of a response the first time.

Acting Secretary McInnis reported that the department invited Commissioner Odom or his staff to address the Wildlife and Fisheries Commission on this. The department received a response form the Department of Agriculture indicating that they received the department's letter shortly after the last meeting and informed us that the investigation of the fish kills which have occurred this past summer are on-going. The Pesticide Advisory Commission has scheduled a hearing for adjudication of the suspected fish kill violations for November 19 and 20, 1991. Once this investigation is concluded and a agenda for their November commission meeting has been established they will notify us advised Acting Secretary McInnis. Acting Secretary McInnis called Mr. Keppinger, Acting Assistant Commissioner, and told him that he was disappointed in their response and did not think that the Wildlife and Fisheries Commission would be excited about it as well, and asked that he please be more specific if he was not going to be able to join us. The second letter came from Mr. Keppinger earlier this week and indicates how many investigations they are looking into and what actions have been taken. Actions taken: 1) suspended the sale and application of the pesticide, Azinphos-methyl; 2) suspended the license of three aerial applicators; 3) issued and delivered 53 stop orders; 4) issued and delivered 3 protective orders; 5) supervised clean-ups, etc. Basically what they are saying is that they are in the middle of the investigation and as soon as they are completed they will share it with us concluded Acting Secretary McInnis.

Chairman Jenkins asked if there were any questions from the Commission and stated that he would like to get one thing cleared up. He would like for Acting Secretary McInnis, Mr. Puckett or somebody to explain to everyone what authority the ~~Commission and~~ department does have and what can be done about a situation like this. If somebody kills a half ~~of~~ million fish then Wildlife and Fisheries ought to be able to do something stated Chairman Jenkins.

Mr. Puckett addressed Chairman Jenkins questions and advised that if you can show or if you can prove who killed the fish you can do something about it. You can seek the values for the lost of the fish which was the subject of the last agenda item. As Mr. Puckett understands it the questions concerning proof or reports from who did what is basically what is at issue.

Adding, Acting Secretary McInnis advised that the collection can be made if in fact the actions taken by the individual held to be responsible were in violation of some law or regulation. Mr. Puckett agreed with Acting Secretary McInnis and stated a law or regulation that governs fish and wildlife. Acting Secretary

McInnis stated that if they were following all the rules that were set forth and it still caused a fish kill there is no civil penalty available to the department to collect.

Chairman Jenkins asked if someone was violating the law does the department have the authority or power to investigate that violation and make the citation; why do we have to wait on the Department of Agriculture to do this, why can't the department or some other agency determine whether they did or they didn't.

Acting Secretary McInnis inquired of Chairman Jenkins if he was asking if the department could ascertain whether or not they have violated the agriculture rules or not. Chairman Jenkins answered yes. Acting Secretary McInnis commented that he questioned whether or not the department would have the authority to make that decision. Chairman Jenkins asked why can't the department conduct the investigation if we want to and determine if they are in violation; why do we have to wait on Mr. Odom at election time to do this.

Ms. Baker pointed out that the Department of Environmental Quality is doing an investigation from water quality perspective which DEQ has the authority to regulate. They make investigations into these various fish kills to see if they can identify what toxins are present and if they can identify sources. Acting Secretary McInnis advised that DEQ has issued one order and the department will pursue it but the question still is do we have the authority to make a decision as to whether or not a pesticide was used improperly.

Mr. Schneider stated that he had a question for Mr. Puckett on the same subject. The EPA has been threatening to take some sort of action if the state doesn't. If the EPA takes some sort of action and files a legal action against somebody, some things, some company, would the department be able to coat tail on EPA's suit. ~~Mr. Puckett advised if their suit shows causation that the actions taken by the individual affirm cause the fish kill and again if it was in violation of a law that was enacted to protect fish or wildlife and these two are met, yes, action could be taken for the loss of the fish.~~

Chairman Jenkins asked if somebody went out and sprayed a pesticide over brown pelican nets would the department have to wait for Mr. Bob Odom to come out and check it out. Mr. Puckett stated that if we could show causation independently we could make a case. Chairman Jenkins stated it sounds like all you have got to do is just go take a sample out of a stream where the fish are dead and see what killed them. Mr. Puckett advised that you would have to demonstrate who put the chemical in the stream. Chairman Jenkins stated it would take a little investigation and does not think it is a John Dillinger type deal, believes we could do it but dosen't

really know and is now asking the question. Mr. Puckett commented if the facts show that, yes you can do.

Mr. Jones stated how do you determine whether the facts show that or not, can we go find the facts, this is the whole question. Mr. Puckett advised that the Enforcement Division has been given general enforcement powers. It may be that they would have powers to investigate this under that provision, but does not know if the expertise exist for this type of investigation since it involves chemical, technical knowledge, but they have the powers general law enforcement agents stated Mr. Puckett.

Handwritten initials
Chairman Jenkins stated that time is marching on and it might even be ~~to~~ late to pursue this one, but really thinks that they ought to study this situation and be prepared to do something about it timely if they can in the future. Chairman Jenkins suggested that Acting Secretary McInnis look into this (investigate the department's authority to investigate) and report back to the Commissioners at the November meeting. Acting Secretary McInnis pointed out that there was a big squabble over the jurisdiction between the DEQ and Department of Agriculture and Forestry. They went to the Legislature and the Legislature determined that the Department of Agriculture and Forestry had the jurisdiction and that DEQ did not. There are some restrictions and Acting Secretary McInnis advised that he would try and get a clarification for the Commissioners for next month's meeting.

Chairman Jenkins asked if there was any more discussion on this from the Commission or audience. There being none Chairman Jenkins proceeded on to the next agenda item.

Mr. John Roussel presented a **Resolution/Notice of Intent on Crab Trap Marking** to the Commission. Mr. Roussel advised that Section 332(D) of Title 56 provides that the Commission shall establish a marking system for crab traps sufficient to allow the enforcement of all the appropriate crab laws and read the resolution for the Commissioners. Mr. Roussel mentioned that the actual recommendation of the marking system came from the Crab Task Force and attending the meeting today is the Chairman of the Crab Task Force. Concluding, Mr. Roussel asked if there were any questions.

Chairman Jenkins called for questions from the Commissioners. There being none he called for a motion. A motion was made by Mr. Foret to accept the resolution on the notice of intent. The motion was seconded by Captain Vujnovich. Chairman Jenkins called for discussion. There being none a vote on the motion was called for. The motion passed unanimously.

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

Resolution
Louisiana Wildlife and Fisheries Commission

Crab Trap Marking

WHEREAS, Section 332(D) of Title 56 of the Louisiana Revised statutes provides that the Commission shall promulgate and adopt rules and regulations to establish a marking system for crab traps, and

WHEREAS, the Crab Task Force has recommended a marking system which satisfies the requirements of 56:322(D).

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations establishing a marking system for crab traps which provides that each crab trap shall be marked with a 1/2 inch stainless steel self-locking tag attached to the center of the trap ceiling, said tags shall be supplies by the fishermen and shall have the commercial fishermen's license number or the recreational crab trap license number printed thereon.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of the Intent and preparation of reports and correspondence to other agencies of government.

James H. Jenkins, Jr.
Chairman

A. Kell McInnis III
Acting Secretary

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

Notice of Intent

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to mandate marking of crab traps.

TITLE 76
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 345. Crab Trap Marking

Each crab trap shall be marked with a 1/2-inch stainless steel self-locking tag attached to the center of the trap ceiling. Said tags shall be supplied by the fishermen and shall have the commercial fisherman's license number (not the commercial gear license) or the recreational crab trap gear license number printed thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(D).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., December 31, 1991 to Vince Guillory, Marine Fisheries Project Coordinator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 189, Bourg, LA 70343.

James H. Jenkins, Jr.
Chairman

The next item on the agenda was the **Ratification of Rule on Size Limit for Bowfin Commercial Harvest** and was brought before the Commission by Mr. Bennie Fontenot. Mr. Fontenot advised that this rule established a twenty two inch minimum size limit on bowfin and also prohibits commercial fishermen while on the water from possessing bowfin eggs that are not naturally connected to a whole fish. Concluding, Mr. Fontenot stated that he would be happy to answer any questions. Chairman Jenkins asked Mr. Fontenot to read the rule for the record. Mr. Fontenot ~~consented.~~ *complied.*

Chairman Jenkins called for questions on the rule. Mr. Schneider stated that a bowfin was a choupique. Mr. Fontenot stated that was correct. Chairman Jenkins called for a motion. Mr. Schneider made a motion to adopt the rule. The motion was seconded by Mr. Jones. Chairman Jenkins called for discussion from the public.

Mr. John Burke, President of the Louisiana Caviar Company which produces caviar from choupique, addressed the Commission. Mr.

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Burke advised that they had worked with Mr. Fontenot and fisheries biologists last season to come up with this rule. Mr. Burke stated that he was happy with the twenty two inch minimum size fish which will give the fish an opportunity to reproduce itself before it is commercially harvested. It has come up in the Legislature in the past two years to shut the industry down altogether. This state has a viable caviar industry and since 1916 the state has been requesting that someone go into a commercial fisheries with choupique because so many other fish have been harvested from the bayous. Mr. Burke stated that he would like to see the choupique protected for the caviar industry. The only problem that Mr. Burke has is the naturally attached roe to the fish. This means that the fishermen will now be bringing to him lots of choupique whereas before they only brought the roe. If you have ten choupique at ten pounds a piece that is a thousand pounds of fish pointed out Mr. Burke and the fishermen is not going to pull his bateau with a thousand pounds of fish in it. By bringing the whole fish to Mr. Burke this will put pressure on him to develop a valuable added product with the bowfin which he would like to do but the way it is today he does not have the capital to develop these new valuable added products. Mr. Burke would like to know if there are any funds available or any grants for development of the the flesh of choupique.

Mr. Schneider asked if it was not sold to be eaten at all. Mr. Burke stated not at all and the most that they could do with it before was to sell it at eight cents a pound for crawfish bait but then the crawfish bait buyer would only want ten thousand pounds a season because this fish is the low man on the totem pole for crawfish bait. This is a trash fish basically and Mr. Bruke does not believes that this fish makes the underutilized species list.

Chairman Jenkins stated that he could not answer Mr. Burke's question and asked if anyone else could answer it. It was suggested that the Seafood Promotion Board would be one place to go. Mr. Burke advised that he has talked to Mr. Karl Turner with the Seafood Promotion Board. Mr. Burke would also like to see more studies done by the department on the spoonbill cats (paddlefish) because the fish are out there. Right now there is a moratorium on the spoonbill but have any studies been done on them to see what the numbers are or if there could be some kind of permit or tag system so that there could be a paddlefish caviar and paddlefish flesh industry in the state as well stated Mr. Burke. Mr. Burke is currently selling paddlefish caviar but it comes from Montana where they have rules and regulations and so many paddlefish can be caught. This caviar is sold during the summer and fall months when the choupique caviar is not available.

Mr. Fontenot addressed Mr. Burke's question and advised that there is a three year moratorium on the taking of paddlefish both commercial and recreational. The department is developing a management plan for the fish and have an ongoing research project

right now. The paddlefish is being taken very seriously and Mr. Fontenot's staff is working on this, samples are being taken all over the state.

Chairman Jenkins asked Mr. Burke if he was in favor of this resolution. Mr. Burke stated that he was in favor of the resolution and would like to see the resource properly managed.

Mr. Schneider asked how much roe would a ten pound choupique have in it. Mr. Burke answered it depends on the time of the season but about ten to sixteen ounces of roe. Mr. Schneider asked how much meat would you be wasting. Mr. Burke stated on a ten pound choupique probably six or seven pounds. Mr. Schneider stated that doesn't it seem like a real waste and a tragedy to take seven pounds of a ten pound fish and have to throw it away to get a one pounds product to sell and this bothers him. Mr. Burke answered before everything was sold for eight cents a pound for crawfish bait, now he get fifty dollars a pound wholesale, one hundred dollars a pound for the roe. The roe is what is valuable, not the flesh pointed out Mr. Burke and stated that he hates throwing it away but what has ever been done with it in the years past. Mr. Schneider asked who does Mr. Burke sell the roe to. Mr. Burke advised that he sells the caviar from Beverly Hills to Melbourne, Australia. The caviar is shipped all over the world. All of the ~~great chefs~~ in this state are behind this product advised Mr. Burke. There is a real potential in this industry and Mr. Burke stated that he would like to develop something.

Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

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

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with R.S. 49:950 et seq. the Wildlife and Fisheries Commission hereby adopts the following rule.

TITLE 76
WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter I. Freshwater Sport and Commercial Fishing

Section 153. Bowfin Minimum Size Regulation

The Louisiana Wildlife and Fisheries Commission hereby:

A. establishes a statewide 22" minimum size limit on bowfin (Amia calva) harvested for commercial purposes;

B. prohibits commercial fishermen, while on the water, from possessing bowfin eggs that are not naturally connected to a whole fish.

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

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

James H. Jenkins, Jr.
Chairman

A Discussion of Department Lands, Definition of Refuge, Wildlife Management Area and Habitat Conservation Area was brought before the Commission by Dr. Robert H. Chabreck. Dr Chabreck advised that the department has two types of management systems for the lands that are defined in the Constitution. These are the wildlife refuges and wildlife management areas. At the August 9th Commission meeting at Cocodrie another type of area was mentioned that the department was interested in establishing under the Natural Heritage Program. This was the habitat conservation area. There was some discussion at that time about the definitions of these different areas and how they were related or differ from one another. The Commission asked the department to prepare some definitions. Dr. Chabreck met with the staff of the Office of Wildlife and definitions have been prepared of these different areas.

Dr. Chabreck pointed out that in the Commissioner's packets they would find a description of those different areas. The wildlife refuges will be and are administered by the Fur and Refuge Division and is defined in the law book as "any area that is set aside and designated by the Commission as a refuge on which wild birds and animals are protected and controlled. Control of certain wildlife may be conducted by the department". These areas were previously referred to as a "game preserve" but in recent years the term "wildlife refuges" has been used and accepted. The primary objective of the wildlife refuge is to protect and enhance populations of migratory birds and native species of wildlife. Other objectives of the wildlife refuge program are to provide optimum habitat to insure the maximum utilization by migratory birds and native wildlife, also to provide maximum public recreation without jeopardizing this primary refuge objective, and also to provide an area for research for the study of habitats and the wildlife that they contain. The basic management philosophies in the wildlife refuge program is that the refuges are managed to provide optimum habitat conditions and sanctuary for migratory

birds and resident wildlife. The refuges will differ from the wildlife management areas and the habitat conservation areas by the complete absence of recreational hunting. The wildlife refuges are sanctuaries with no refuge hunting and their primary objective is to protect and enhance migratory birds and native wildlife emphasized Dr. Chabreck.

The wildlife management areas are managed by the Game Division and their primary objective is to provide maximum recreational opportunities associated with fish and wildlife resources that are available while protecting, restoring and conserving all forms of wildlife and their habitats through sound land and water stewardship programs. Other objectives of the wildlife management areas are to produce revenue, allow for wildlife educational and research and extension services, and habitat and wildlife protection and enhancement. Dr. Chabreck emphasized that the primary objective of the wildlife management area program is to provide maximum recreational opportunities associated with the fish and wildlife resources ~~were~~ hunting, fishing and other types of outdoor recreation are allowed and encouraged. These areas were previously dedicated as "game management areas" but a few years ago the name was changed to "wildlife management areas". *where*

The third type of area that has been proposed is the habitat conservation area. These areas are proposed to be administered by the Habitat Conservation Division and are defined as any area designated by the Commission to be managed for the purpose of restoring, conserving and perpetuating all natural habitat and species that are indigenous or natural to the area and in their normal or natural balance in perpetuity. The primary objective of the habitat conservation area is to conserve the native biotic diversity through perpetual maintenance of the natural plant communities and the associated native species which they have supported. Other objectives are to conserve rare, threatened and unique species and habitats, to provide recreational activities compatible with the primary objective, to recreate as nearly as possible the natural conditions present in the area prior to pre-settlement times and protection and perpetuation of soil productivity. The basic management philosophies of this new type of area is to conserve the native biological diversity through wise management, avoidance of unnatural disturbances such as commercial timber management, livestock grazing, vehicular and mechanical intrusion unless it is necessary to achieve the above objective, reestablishment of natural forces, where practicable, that were important to the system and allow controlled hunting, trapping and fishing on the areas. Dr. Chabreck emphasized that the primary objective of the area is the maintenance of the natural plant communities and the associated species that they contain. This differs from wildlife refuges which have the primary objective of protection and enhancement of migratory birds and wildlife whereas the conservation area is to protect the habitats and the plants that they contain and the wildlife management area's primary

objective is to provide maximum recreational opportunities associated with the fish and wildlife pointed out Dr. Chabreck.

Concluding, Dr. Chabreck advised that they feel like the department has three different land management programs and urge that these definition be accepted by the Commission.

Chairman Jenkins asked where did the definitions, objectives, philosophies, etc. on the different areas come from or is this something that is just being created today. Dr. Chabreck advised that the wildlife management area and refuge area are defined in Title 56 Code Book, ~~the management philosophies and benefits were~~ *and* outlined by the game division and Refuge division recently. *Fur and*

Chairman Jenkins commented that the wildlife habitat conservation area doesn't really exist today and asked Dr. Chabreck if that was correct. Dr. Chabreck answered that was correct, it doesn't. Chairman Jenkins commented then this is totally new from ground up. Dr. Chabreck stated that was right and the definition has not been accepted and this is what is being talked about today. Chairman Jenkins advised that he had just received the materials on this yesterday and he personally needs a lot more time to consider any kind of action from his standpoint.

Mr. Pol asked Dr. Chabreck how many wildlife refuges does the department have now. Dr. Chabreck advised there were about five refuges. Mr. Pol asked who administers these areas. Dr. Chabreck advised that they are administered through the Fur and Refuge Division. Mr. Pol asked if the money was in place to begin to enlarge on this and why was the department going for more wildlife refuges. Dr. Chabreck pointed out that the department won't be expanding the wildlife refuge program but calls for the establishment of the wildlife habitat conservation area which is a different type of area. Mr. Pol explained that he was against creating any more refuges or anything that eliminates the hunter from being able to hunt on and would never vote for anything like that because the money that is being spent to buy the property is from the hunters and fishermen. Mr. Pol commented that he cannot see taking their money and buying property then depriving them of the use of the property. Dr. Chabreck explained that the department has no intention to create a refuge or to exclude hunting, fishing or trapping on these new areas. All of these will be allowed on the new areas and will be encouraged. These activities will be regulated by the wildlife management area guidelines, outside area, for hunting seasons on the new area. Mr. Pol stated that he agreed with Mr. Jenkins, they will have to look at this long and hard.

Ms. Baker explained that to clarify for Mr. Pol the refuges that the department have as refuges are so stated because of the deeds of donation as to how the property was acquired. Mr. McCall asked again how many refuges did the department have. Mr. Tommy

Prickett, Administrator, Fur and Refuge Division addressed the question and advised that they manage the proclaimed refuges for the department and some of the wildlife management areas in the coastal zone. State Wildlife, Rockefeller, and Marsh Island are the three large refuges that were donated by deeds of donation to have no hunting. There are some small refuges and they are the St. Tammany Refuge on the north shore of Lake Pontchartrain, Coulee Refuge up near Monroe and Game Division has Soda Lake which is called a wildlife management area but is so small there is no hunting allowed.

Chairman Jenkins asked if the habitat conservation area that is being proposed going to be managed by the Habitat Conservation Division. Dr. Chabreck stated yes. Chairman Jenkins asked if all the divisions, Game, Fur and Refuge, Habitat Conservation, were involved in developing all the different definitions. Dr. Chabreck stated that they had a meeting in which everyone discussed it in detail. Chairman Jenkins asked if everybody agreed that these were the proper definitions for these different areas. Dr. Chabreck answered that everyone had a chance to review these and the consensus was that there was a clear cut distinct difference between the areas. Chairman Jenkins asked Dr. Chabreck if they asked Mr. Prickett, Fur and Refuge, if he agreed that these are defined properly that as far as Dr. Chabreck was concerned he would say yes, or would there be some disagreement about them. Dr. Chabreck advised that he does not think that there is any disagreement about the definitions of the areas. Chairman Jenkins asked if there was a habitat conservation area why would it be necessary to have another layer of people to manage these area, why couldn't this be done under the existing Game Division or Fur and Refuge Division and does Dr. Chabreck think there is any merit in trying to look at managing these areas from the way the department is set up already without creating another layer of management. Dr. Chabreck stated that if you had a small refuge area located within a wildlife management area, such as Game Division does on Saline WMA, administratively it has an advantage to keep it under that same division, but if it is a large enough area then the different divisions have their staff specialties within certain areas and each division develops specialties and has staff to address those specialties and would be more appropriate for them to look after these special types of areas.

Mr. Jones questioned whether or not there were vehicles in place that already allow the department to regard areas as special, example rare plants. Dr. Chabreck advised that there are some examples of that currently in place. Mr. Jones asked how would this be administered. Dr. Chabreck answered if it is on a large area, such as a wildlife management area administered by the Game Division, and is a small area it would be administered by the Game Division.

Ms. Nelwyn McInnis, botanist with the department's Heritage Program, addressed the Commission. Ms. McInnis advised that current laws protecting rare plants do not provide the protection that animals get. For one thing the only protected species in the state are federally listed species and there are no laws protecting state rare species at all explained Ms. McInnis. Even though there are federal laws that apply to federally listed plants the private landowner can do what they wish with that species because there is no actual protection if it is on private property as compared to a eagle's nest where there are federal laws that protect that species even on private property. In essence there is no protection for rare plant species at all. Chairman Jenkins asked suppose, we as a department, determine that it was a rare plant and wanted to protect it, there is nothing to keep us from doing it, is there. Ms. McInnis commented that there is no mechanism for you to do it. Acting Secretary McInnis explained that what Ms. McInnis is pointing out is that last year the department tried to introduce a bill into the Legislature to give the department that authority. The bill was not successful and the department does not have that authority. What was pointed out with the eagle is that an eagle is an animal and there are law in place that do protect it at the federal and state level. For the plant life that is being referred to there is no existing state law that established the rules by which you protect them, there is no penalty explained Acting Secretary McInnis.

Mr. Schneider asked if the department decided to buy a piece of property that was thought to be truly a valuable piece and represented something that was about to be lost to mankind in this state, does not the Commission have the authority to regulate who uses it and how they use it and can't these rule be enforced as a matter of policy. Acting Secretary McInnis advised that they could restrict access and can also restrict the activities on the property but if you don't have the authority to establish a penalty for destruction of some type of plant life you don't have the authority to do it.

Mr. Pol stated let the Legislature regulate the plants, this is the Wildlife and Fisheries Commission.

Chairman Jenkins asked if any of the Commissioners had any more questions for Dr. Chabreck.

Dr. Chabreck advised that he wanted to point out that at the August 9th Commission meeting the Commission did establish the "Tunica Hills Habitat Conservation Area" and was officially designated as such and this should be addressed along with this agenda item.

Chairman Jenkins stated that as far as action today, he would personally like to see a deferment and maybe at a subsequent meeting there could be more enlighten discussion from a variety of

people, or a committee of the Commission could be formed to meet with people of the department to hear how they feel about this.

Mr. Pol made a motion that the Commission defer any action on this item until a later date giving the Commission time to study it. The motion was seconded by Mr. McCall. Chairman Jenkins called for a vote on the motion. The motion passed unanimously.

Dr. Chabreck informed Chairman Jenkins that they had one more thing, in this regard, that they would like to bring up at this time and called on Mr. Johnnie Tarver.

Mr. Tarver advised that he had a declaration of emergency that deals with the Tunica Hills Habitat Conservation Area which will allow for hunting, fishing and trapping for this season. Without action today on this declaration of emergency there will be no authority to allow people to hunt on the area this year because there are no rules establishing what types of activities can occur on the area.

Mr. Jones asked if it fell under the regular state game laws of the other areas. Mr. Puckett advised that in order for there to be hunting on this area it has to be declared and the Commission has not declared a season. Mr. Jones asked if they have declared it closed. Mr. Puckett stated you have not declared it opened. Acting Secretary McInnis commented that you don't declare it closed, you open them.

Chairman Jenkins asked if the department owned the property. Acting Secretary answered yes sir. Chairman Jenkins asked if the property was designated legally as a habitat conservation area. Mr. Tarver answered that it was designated as the Tunica Hills Habitat Conservation Area. Mr. Jones questioned if this was the name of the area. Mr. Tarver stated yes sir. Chairman Jenkins stated that it has not been defined as to what this area is and asked how can we say that this is in fact what it is when there hasn't been any kind of definition of these areas adopted and in absence of saying we have a definition of a habitat conservation area and the land was just purchased what would it be, what would it fall under? Acting Secretary McInnis advised that he was going to answer Chairman Jenkins' question as best as he could; it really doesn't matter what you call it, unless you establish a season on this piece of property there is no open season. Chairman Jenkins commented then seasons can be established on this area without calling it anything in particular. Acting Secretary McInnis advised that you have to make some reference to what you are going to call it. Chairman Jenkins stated that it could be called the Tunica Hills Tract. Acting Secretary McInnis advised that the Commission has already established what they were going to call it and could take some remedial actions if they wanted to. Chairman Jenkins stated that it sounds like we have got the "cart before the horse", we are calling things something and yet they have not been

590?
defined what they are. If the object is to allow the public to hunt on this land this year, and not put it off until all the definitions are defined, Chairman Jenkins commented that he doesn't see why they can't call it whatever they want to call it and go ahead and set hunting seasons on it for now.

Mr. Schneider asked how many acres was this piece of property. Mr. Tarver advised that it was about (540) acres. Mr. Schneider asked if there would be any safety considerations that they should know about as far as public safety. Mr. Tarver answered that Mr. Schneider is probably well familiar with the amount of people that can hunt on a particular area. This is close to the greater metropolitan Baton Rouge area and will have lots of people interested in it. This is the first area the department has been able to purchase in the Florida Parishes in some time and Mr. Tarver suspects that there will be lots of interest. Mr. Tarver pointed out that if there are fifty people deer hunting on the area you are looking at one person per ten acres and there are some concerns that certain types of hunting may be more dangerous than others for the participants. There are some options that the Commission can consider. Options would be designating it as a special archery area, which would be a lot safer for people taking a nature walk, it could be combined with muzzleloader, or combine it with shotgun only or you can include rifle. At this point in time the way it reads now it includes all of these types of hunting mechanisms and some are more dangerous to the public as well as the hunters.

Chairman Jenkins recommended that the declaration of emergency be left like it is but strike out Tunica Hills Habitat Conservation Area and put in Tunica Hills Tract in the various places. This way, until the definitions are straighten out, there would be no conflict of any definitions.

Mr. Schneider asked Mr. Hugh Bateman if he would like to address this matter and stated that he would like to hear any recommendations that he may have, especially if hunting is being considered.

Mr. Bateman advised that acquiring a piece of property doesn't automatically close it. This area could probably be hunted under same as outside rules and regulations this year. The concerns that Mr. Tarver has brought up is an entirely different matter as to what they are going to do with the property in terms how that would be compatible from a safety standpoint. The Game Division has been wrestling with rules and regulations, safety, refuges, closed areas and open areas for years. The long range plan in this particular area, as was discussed between Mr. Bateman and Mr. Tarver this morning, is to eventually incorporate some property that was acquired by the Nature Conservancy a couple of years ago and also proceeding with land acquisition on another two thousand plus acres. Once all of this property is combined into a three or four

thousand acres area it will certainly be more compatible to doing things that are more in line with normal wildlife management area hunting operation. The issue is that rules are trying to be established to get the area opened for this fall so that there is no misunderstanding and Mr. Bateman stated that he cannot find fault with this. Mr. Bateman's personal opinion is that he is not sure he would agree with restricting rifles because Hunter Safety statistics will show that shotguns are much more dangerous than rifles. The issue is what kind of action the Commission needs to take to legally establish some kind of rule on this area concluded Mr. Bateman.

Shikan
Chairman Jenkins reiterated that the area be called the Tunica Hills Tract. Dr. Chabreck pointed out that the Commission has already approved the August 9, 1991 Commission minutes and read the following: "Be it further resolved that the lands be designated as the Tunica Hills Habitat Conservation Area". The Commission has named the area and will probably have to un-name it stated Dr. Chabreck. Chairman Jenkins directed the department staff to work on the emergency declaration while they go on to another agenda item and then come back and action will be taken later.

Chairman Jenkins announced that the gentleman that is to present the ~~Shika~~-Safari Award for Agent of the Year 1989-90 was not in attendance yet and postponed until the end of the meeting.

Chairman Jenkins asked Colonel Winton Vidrine to give the **Monthly Law Enforcement Report** for September.

Colonel Vidrine reported the following:

Region I - Minden - 96 cases. Confiscated 1 rifle, shotgun, 3 squirrels, 2 doves, 59 dove breast.

Region II - Monroe - 98 cases. Confiscated 5 doves and 2 squirrels.

Region III - Alexandria - 138 cases. Forty three ^{were} ~~was~~ hunting migratory game birds over a baited area. Confiscated 2 fourteen foot aluminum boats, 130 hp Mercury motor, 9.8 Mercury motor, trolling motor, dip nets, four foot alligator skin, 18 squirrels, 120 doves and 7 catfish.

Region IV - Ferriday - 66 cases. Confiscated ten catfish, 152 white perch, 4 squirrels and a dip net.

Region V - Lake Charles - 226 cases. Twenty five for possession of over limit of red drum, 15 for possession of undersized black drum. Confiscated 46 red drums, 10 black drums, red snapper, 2,000 pounds of shrimp which sold for \$6,456.00, 3 alligators, and 400 pounds of crabs which sold for \$70.50.

Region VI - Opelousas - 96 cases. Eighteen for taking possession of over limit of gamefish. Confiscated a monofilament gill net, 59 undersized eel cats, 5 black drum, 24 dove, 453 black bass, 1 red drum and 4 squirrels.

Region VII - Baton Rouge - 212 cases. Fifty one for hunting migratory game birds over baited area. Confiscated 7 doves, 7 foot alligator and 2 squirrels.

Region VIII - New Orleans - 552 cases. Nineteen for over the limit of red drum, 92 for taking and possession undersize red drum, 13 for taking and possessing undersize spotted seatrout, 12 for undersize black drum, 13 for trawling inside water with oversize riggs, 46 for hunting migratory game bird over baited areas. Confiscated 7 gill nets totalling 2,117 feet, 233 red drum, 65 speckled trout, 391 alligator hides, and 142 doves.

Region IX - Thibodeaux - 389 cases. Twenty one for possession of over limit of red drum, 58 for possession of undersize red drum, 19 for possession of undersize spotted seatrout and 11 for undersize black drum. Confiscated 174 alligator heads, 80 alligator hides, 361 red drum, 76 seatrout, 154 sacks of oysters, shocking machine, gill nets, and 5 boats.

The Oyster Strike Force had a total of 76 cases. They confiscated 411 sacks of oysters, 11 boats, 3 licenses, 15 dredges and 1 permit.

During the last three or four night^S, which will be on the October report, they have seized quite a bit of oysters advised Colonel Vidrine. Captain Vujnovich thanked the enforcement personnel for doing a good job.

SWEP made 32 cases this month with 17 for oversize trawls. Confiscated 14 trawls, 1,122 pounds of shrimp which sold for \$2,456.00, 60,926 pounds of croaker fish which sold for \$3,350.00 at 5 1/2 cents a pound.

Colonel Vidrine reported that the total number of cases for the month of September was 1,976 and advised that for a point of information there are twenty six cadets in the academy right now and will be there until the first week of February. Out of the twenty six cadets eleven will go on the statewide strike force, ten are assigned to the coastal parishes and five come from the upland parishes. Colonel Vidrine thanked Mr. Al Brown, Computer Center, for all the help he has given enforcement on the report system and appreciates what he is doing.

Mr. Jones stated concerning reports, it would be interesting to know, just as a projection on the confiscations, what the civil penalties would be at the end of the month if all of these confiscations were collected. Mr. Jones also stated that he would

like to have as a monthly report the progression of collection of civil penalties. Chairman Jenkins advised that this could be a monthly report if Mr. Jones wanted. Mr. Jones stated that he thinks it would be a good idea.

Colonel Vidrine asked Mr. Jones if he was asking for two separate reports. After a short discussion on this it was decided that there would be an ongoing tally report instead of trying to estimate all of the confiscations. Acting Secretary McInnis asked if what they want is a monthly report of the total balance and then the outstanding, how much is collected and thought that they had agreed to do this earlier. Mr. Jones stated that he thought it was the same thing. Acting Secretary McInnis asked if now they wanted to include confiscation with Mr. Jones answering no. Ms. Baker pointed out that the citation report is not really finished until the day before the meeting and the tickets do not come through the system until the people come to office and there probably will be a six weeks lag time but will provide the Commission the most current information where the citations have been processed. Chairman Jenkins stated that whatever the current information is would be fine.

Area → At this point during the meeting, Mr. Tarver, came back before the Commission with the **Revised Declaration of Emergency on the Tunica Hills ~~Tract~~**. Mr. Tarver advised that he met with Legal Counsel on this and proceeded to read the revised emergency declaration for adoption. Mr. Tarver further advised that Legal Counsel had made it know a two thirds vote of the Commission is needed before any action is taken because on the declaration of emergency.

Chairman Jenkins called for motion to waive the rules and take action on the declaration of emergency. A motion was made by Mr. Schneider to waive the rules and was seconded by Captain Vujnovich. The motion passed unanimously

Chairman Jenkins called then called for a motion on the corrected declaration of emergency as read by Mr. Tarver. A motion for adoption was made by Mr. Schneider and seconded by Captain Vujnovich. The motion passed unanimously.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Tunica Hills Area

In accordance with the provisions of R.S. 49:967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:1921 et seq., the Wildlife and Fisheries Commission hereby adopts the following rule relative to hunting seasons on the Tunica Hills Area.

All general rules and regulations applicable to Wildlife Management Areas for 1991-1992 will be applicable to the Tunica Hills Area except as provided below.

The area may be accessed by walk-in only. No vehicles of any type are permitted on the area, except for the existing parish gravel road that crosses generally east to west across the middle of the property.

Hunting seasons will commence on the area Saturday, 19 October 1991 at which time all designated hunting or trapping periods, bag limits, and all other hunting or trapping regulations in effect in Zone 1 will apply to the area.

In order to protect wildlife, rare species, or other natural components of features of the area, the Secretary of the Louisiana Department of Wildlife and Fisheries has the authority to restrict or close all or portions of the area to any or all public use, as appropriate, by public notice.

This rule shall become effective 9 October 1991.

James H. Jenkins, Jr.
Chairman

The **Secretary's Report** was given by Acting Secretary A. Kell McInnis III. Acting Secretary McInnis reported that they have been extremely busy this month.

Acting Secretary McInnis traveled to the International Association of Fish and Wildlife Agencies in Arkansas at Hot Spring and was joined by several staff members. Issues that were worked on were legal, law enforcement, migratory birds, North American Waterfowl Plan, international affairs, animal welfare, education, legislation, etc. The International is the collective voice of the fish and wildlife business in Washington, D.C. They keep up with congressional actions and keep the states advised and posted on what can be done to assist in making sure that the states are well represented in Washington.

The American Fisheries Society meeting was held in San Antonio and the department was involved in organization of a symposium on oil spill damage assessments to find out what techniques have worked and haven't work throughout the United States and help design the state's response. The department biologists coordinated with others on the latest techniques in marine stock assessments and the

results of freshwater fisheries management techniques especially related to largemouth bass and crappie. Updated the marfin on the shrimp management plan and heard the interim results of other marfin participants research including bycatch which is a major consideration at this time.

The Gulf Council meeting was attended by Dr. Clark and Mr. Jenkins. Acting Secretary attended very briefly to meet with some of the people on the council.

Dr. Chabreck attended the Audubon Society in Acting Secretary McInnis' place in Austin, Texas and worked on a panel with the Directors from other states.

In-house the department staff had an opportunity to make a presentation to Mr. Dennis Stine and his staff to bring them up-to-date on the status of the programs, goals, and objectives that the department has established in-house. This was very informative and Acting Secretary McInnis advised that this really helped him to get a much better grip on what in-house problems the department has in getting some things accomplished. Next year, it is hoped to get more people involved in the session to give them the same type of update.

The shell mitigation continues with Mr. Perret, Mr. Tarver, Mr. Puckett and Ms. Baker working on this. There are now two new shell reefs in Timbalier and a load of shell at Marsh Island. Shell is still owed to the department and they are working to get this shell delivered and/or resolved through litigation.

The Artificial Reef Program had a very busy month. Mr. Rick Kasprzak and Acting Secretary McInnis had the pleasure of meeting with three separate groups. Exxon gave the department a check for \$200,000.00; Murphy Oil gave a check for \$500,000.00; and Odico gave a check for \$500,000.00 for the Artificial Reef Program.

A marsh management workshop was held at the department in the Louisiana Room. There was excellent participation from around the state and out-of-state. The Wildlife Biologist-Association, along with the department hosted the workshop. Dr. Chabreck, Dr. Clark and Acting Secretary McInnis participated directly on the panels. There were excellent discussions and points brought out will be helpful in working towards some solutions.

Raymond
The alligator season opened last month. Virtually all the tags issued for wild stock were filled with very little exception. The price was down this year not only for the wild skins but the farm skins as well. Enforcement wise there was some problems with some of the administrative rules that were established. The Fur and Refuge staff and the Enforcement staff will get together and try to come to some common solution on the problems that were discovered.

Lt. Colonel Charlie Clark, Assistant Chief, Enforcement, attended the National Boating Law Administrator's meeting in Idaho and reported back on several things. The most crucial matter deals with the registration in titling which is a coming thing stated Acting Secretary McInnis. The department has been trying to work through the Fiscal Section to get a good grip on how to be ready for this when it comes about. It is just a matter of time before titling of boats becomes a national requirement. There is a nationwide problem with personal watercraft (jet skis). The Louisiana Legislature has already addressed this issue and established rules which will be used by other states in drafting their response. Acting Secretary McInnis advised that a copy of the report from Lt. Colonel Clark will be given to each Commissioner.

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There is a new committee that was formed by the Legislature to address the effects of the Phillips Oil decision on Louisiana land ownership. The Phillips decision was a Supreme Court case that has created some questions about the ownership of lands especially in coastal areas. There was a preliminary meeting on Thursday and a formal meeting on Friday and a number of issues were addressed. There are about twenty people involved in this committee representing landowners, governmental agencies, and various universities around the state to determine what effect this decision really does have on Louisiana law. No agreement has been reach) but the committee will be having continual meetings to work on this with legislation resulting from this committee advised Acting Secretary McInnis.

In the next weeks before the next Commission meeting the Gulf State Marine Fisheries Commission will be meeting in New Orleans from the 15th to the 18th.

There will also be a meeting of the Black Bear Conservation committee that is scheduled in Nacogdoches, Texas and Dr. Chabreck will be attending. The department has been working with the Fish and Wildlife Service to provide them with information that they need to make a decision. The Service has gone ahead and extended the public comment period through November 20th and expect to make another announcement as to the status of their program on the 21st of December of this year. During that time frame the Service is trying to get some additional information on the ~~testimonia~~ of the bears that are in Louisiana and what might be done about them. The department has committed to assist in the funding of a position to coordinate the black bear committee and have also worked up and participating in a memorandum of understanding developed between the states, committee, industry and Fish and Wildlife Service.

Memorandum

On October 27th the Catahoula Lake will be designated as a Wetland of International importance. Each of the Commissioners should have received an invitation to attend and it is a very important things

pointed out Acting Secretary McInnis. Catahoula Lake is the second lake in this part of the world to receive such a designation and the department is real pleased. It is hoped that it will enable the department to do some good work in cleaning up the lead poison problem that exist on Catahoula Lake.

The Southeastern Association of Fish and Wildlife will hold it annual meeting in West Virginia on November 2-6, 1991, and included in that is a special session which is suppose to work with Commissioners to help them understand the problems that are just unique to their own state but are common problems around the United States. At the International meeting and previous North American meeting Commissioners from different states have attended and issues that are very critical to Louisiana and other states are being discussed by the people who can do something about it pointed out Acting Secretary McInnis. If any of the Commissioners would like more information on this they need to get with Acting Secretary McInnis.

The Habitat Section has been very active with permits as usual and the Scenic Rivers staff have been working with surveys on Bayou Choupique, Bayou Torro, and Bayou Chaudrant. There have been public hearings on these bayous and there has also been another Scenic Rivers Task Force meeting.

The Game Division continues to work on land acquisition. There has been some 15,000 plus ~~DEMAP~~ ^{DMAP} tags packaged and distributed which are being in turned distributed to 600 cooperators around the state. Last year there was around 19,000 deer taken on DMAP land with over 11,000 being antlerless deer. The Game Division has also been real busy with trying to get ready for the upcoming season with roads, trails, etc. Bayou Macon had an excellent opening. Archery hunting had over 600 efforts and over 25 deer have already been taken since October 1, 1991. Dove season was a little shaky depending upon where you hunted. The weather had a lot to do with this. Waterfowl have already started moving down and over a month ago blue wings were seen on Catahoula Lake. Recently over 85,000 ducks were estimated as already being on Catahoula Lake. Most of these are a third pintails, a third blue wings, and a third green wings. Vegetation situation is in very good shape on the lake. Locally, the game staff has trapped and banded over 700 wood ducks in the Baton Rouge area. The special lottery hunt, for the Thistlewaite area, has been completed with a total of 1,800 applications ~~being~~ received with a random drawing of 1,400 that will be able to hunt. This is 700 a day for two days. This is the department's first effort with the lottery and ~~are~~ ^{we} pleased with the participation that has been received. Squirrel and rabbit seasons have just opened. ^{being}

The duck stamp competition for this year is scheduled for November 6, Baton Rouge office in the Louisiana Room concluded Acting Secretary McInnis and asked if there were any question.

Chairman Jenkins asked if there were any questions. There being none Chairman Jenkins went on to the next item on the agenda.

The **Date for the January Meeting** was set. The date for the Commission meeting in January will be on Tuesday, January 7, 1992, at the Baton Rouge office in the Louisiana Room at 10 a.m.

Chairman Jenkins called for **Public Comments**.

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Mr. Cyrus Savant, Houma, Louisiana, addressed the Commission. Mr. Savant stated that he would like to ask the Commission to put them on the agenda for the November meeting. Mr. Savant represents a non-profit organization called the "Environmental Group of America". This is a newly formed group and was formed because it is felt that limiting the renewable resources (fish and ducks) will not solve the problems; it is felt that hatcheries will have to be established to promote the raising of fish and wildlife to the public. The group will have information for the Commission at the next meeting if they will be good enough to put them on the agenda stated Mr. Savant. Mr. Savant pointed out what the department did with the alligator an endangered species which has been brought back into unlimited numbers. Limiting will not solve the problems. A lot of people have quit hunting ducks and quit fishing because of the limits. Mr. Savant stated that he does not think we need to go that way; we can still leave the limit like it is but raise some and call them a bonus fish or bonus duck. This is not to be done on a wide scale basis. A permit from the department that is well regulated would be a way to accomplish this.

Chairman Jenkins thanked Mr. Savant for his comments and asked if there was anyone else.

Mr. Jones gave a special thanks to the Fur and Refuge Division for their response to his request for a tour on the different aspects of Louisiana. Mr. Tommy Prickett and Mr. Noel ^{Kindler} ~~Kindler~~ did a superb job putting together a tour of Marsh Island to show a national publication how marsh management and the different ecosystems of Louisiana exist.

Chairman Jenkins thanked Mr. Jones for taking the time out from his busy schedule to help with this tour and appreciates it on behalf of the Commission. Chairman Jenkins continued and asked about the materials in their packets called "Highlights of Sport Fishing Restoration in Louisiana". Acting Secretary McInnis advised that this had come in the mail to him and he had copies made for each of the Commissioner's packet for information. Chairman Jenkins commented that it is apparently a publication by the U.S. Fish and Wildlife Service which shows the economic benefit of Louisiana to sport fishing. Acting Secretary advised that this was one of the items discussed at the International meeting. Columbus Brown from Washington sent this to the department for informational purposes.

Chairman Jenkins stated that if the press wanted copies he had some extras.

Chairman Jenkins asked if anyone else wanted to address the Commission.

Mr. Bateman stated that during the law enforcement report he started to comment and give a quick bit of information to the Commissioners. A fax was received this morning from the Lake Charles office involving an incident that occurred on the little Sabine Wildlife Management Area (Sabine Island). This land is owned by the State Land Office but the department has a lease on it. Through a contact with some narcotics people the department was informed that there were some bad dealings going on in Sabine. The local specialist went to investigate it on the opening weekend of the squirrel season and found an area where some unauthorized camping had been established. A group of people had moved into this isolated wildlife management area and were doing illegal hunting, etc. The specialist got together with the enforcement staff and they went back in on the next day and wrote 23 citations. They cited 19 people who were camping in an unauthorized area, hunting with dogs, cutting trees, possession of buckshot, possessing of buckshot closed season, possession of ducks in closed season, possession of illegally taking migratory birds, no federal stamp, no state stamp, possession of lead shot in a steel shot zone, taking ducks in closed season, possession of untagged deer meat, possession of illegally taking deer in closed season, failure to maintain sex identification of deer, possession of fur bearing animals in closed seasons, no hunting license, no non-resident hunting license (some apparently from Texas), hunting with unplugged gun, operating an unregistered boat, improper boat numbers and expired boat registration. Two of the hunters that apparently had ducks fled across the state line and they were cited on the Lacey Act violation of transporting illegal birds across a state line. Mr. Bateman thanked the Law Enforcement for taking the time to help the Game Division with this problem on the wildlife management area.

There being no other comments, Chairman Jenkins called for a motion on **Adjournment** of the October 8, 1991, Commission meeting. A motion was made by Mr. McCall for adjournment. The motion was seconded by Captain Vujnovich and passed unanimously.

A. Kell McInnis III
Acting Secretary

AKM:sb

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LA
OCTOBER 8, 1991

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of September 9, 1991.
- ✓ 3. Spotted Seatrout Notice of Intent - Clarification - Don Puckett
- ✓ 4. Spotted Seatrout Law Enforcement Plan (Report)
- ✓ 5. D.A. Report Update - Al Brown and A. Kell McInnis
- ✓ 6. Update on Collection of Civil Penalties - Wynnette Kees A. Kell McInnis III, and Legal
- ✓ 7. Department of Agriculture/Fish Kills *(Put 322①)*
- ✓ 8. Notice of Intent on Crab Trap Marking - John Roussel
- ✓ 9. Ratification of Rule on Size Limit for Bowfin, Commercial Harvest - Bennie Fontenot
- ✓ 10. Discussion of Department Lands - Definition of Refuge, Wildlife Management Area and Habitat Conservation Area - Robert H. Chabreck
11. Presentation of Shika-Safari Award for Agent of the Year 1989-90 - Winton Vidrine
- ✓ 12. Monthly Law Enforcement Report - Winton Vidrine
- ✓ 13. Acting Secretary's Report to the Commission - A Kell McInnis III
- ✓ 14. Set Date for January Meeting
15. Public Comments

COMMISSION MEETING
ROLL CALL

TUESDAY, October 8, 1991
Baton Rouge, LA
Wildlife and Fisheries Building

	Attended	Absent
Jimmy Jenkins (Chairman)	<u>✓</u>	—
Houston Foret	<u>✓</u>	—
Bert Jones (<i>will be late</i>) (<i>arrive 10:15</i>)	<u>✓</u>	—
Norman McCall	<u>✓</u>	—
Warren Pol	<u>✓</u>	—
Jeff Schneider	<u>✓</u>	—
Peter Vujnovich	<u>✓</u>	—

Mr. Chairman:

There are 6⁷ Commissioners in attendance and we have a quorum.
Acting Secretary Kell McInnis is also present.

Resolution

Louisiana Wildlife and Fisheries Commission

Crab Trap Marking

WHEREAS, Section 332(D) of Title 56 of the Louisiana Revised Statutes provides that the Commission shall promulgate and adopt rules and regulations to establish a marking system for crab traps, and

WHEREAS, the Crab Task Force has recommended a marking system which satisfies the requirements of 56:332(D)

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby give notice of its intent to adopt rules and regulations establishing a marking system for crab traps which provides that each crab trap shall be marked with a 1/2 inch stainless steel self-locking tag attached to the center of the trap ceiling, said tags shall be supplied by the fishermen and shall have the commercial fishermen's license number or the recreational crab trap license number printed thereon.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.



James H. Jenkins, Jr.
Chairman



A. Kell McInnis III
Acting Secretary

Louisiana Department of Wildlife and Fisheries

NEWS RELEASE

A. Kell McInnis III
Acting Secretary

91-137



10/2/91

CONTACT
(504) 765-2923

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Tuesday, Oct. 8, in the Louisiana Room of the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The following will be on the agenda:

1. Approval of minutes of Sept. 5.
2. Spotted seatrout Notice of Intent - clarification.
3. Spotted seatrout law enforcement plan.
4. D.A. report update.
5. Update on collection of civil penalties.
6. Department of Agriculture/fish kills.
7. Notice of Intent on crab trap marking.
8. Ratification of rule on size limit for bowfin, commercial harvest.
9. Discussion of Department lands - Definition of Refuge, Wildlife Management Area and Habitat Conservation Area.
10. Presentation of Shikar-Safari Award for Agent of the Year 1989-90.
11. Monthly law enforcement report.
12. Acting Secretary's report to the Commission.
13. Set date for January meeting.
14. Public comments.

State of Louisiana



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

Buddy Roemer
Governor

A. Kell McInnis III
Acting Secretary

October 2, 1991

MEMORANDUM

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary *AKM*
RE: October Board Meeting Agenda

The next regular public board meeting as set by the Commission will be held at 10:00 A.M. on Tuesday, October 8, 1991, in the Louisiana Room at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of September 5, 1991

WARREN POL

2. Spotted Seatrout Notice of Intent - Clarification
3. Spotted Seatrout Law Enforcement Plan

BERT JONES

4. D.A. Report Update
5. Update on Collection of Civil Penalties
6. Department of Agriculture/Fish Kills

JERRY CLARK

7. Notice of Intent on Crab Trap Marking
8. Ratification of Rule on Size Limit for Bowfin, Commercial Harvest

Page 2
October 2, 1991

ROBERT H. CHABRECK

9. Discussion of Department Lands - Definition of Refuge, Wildlife Management Area and Habitat Conservation Area

WINTON VIDRINE

10. Presentation of Shika-Safari Award for Agent of the Year 1989-90
11. Monthly Law Enforcement Report

A. KELL MCINNIS III

12. Acting Secretary's Report to the Commission
13. Set Date for January Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

October 2, 1991

MEMORANDUM

TO: Chairman and Members of Commission
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*SPOTTED SEATROUT NOTICE OF INTENT -
CLARIFICATION*

2. ~~Clarification of Proposed Date for Spotted Seatrout Season~~
3. Spotted Seatrout Law Enforcement Plan

BERT JONES

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5. Update on Collection of Civil Penalties
6. Department of Agriculture/Fish Kills

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Page 2
October 2, 1991

ROBERT H. CHABRECK

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AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

DRAFT

X Classification of ^{proposed date.} ~~some~~ dates for
Spotted Seatrout season

September 27,

MEMORANDUM

TO: Chairman and Members of Comm
FROM: A. Kell McInnis III, Acting
RE: October Board Meeting Agenda

Is the NOZ on
Spotted Seatrout
Management Plan
going to be brought
before Comm. again?
If so where do
you want to put
it? S.

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WARREN POL

Classification --
Spotted Seatrout Law Enforcement Plan

This was requested
at last Comm. meeting
will it be on agenda?

HOUSTON FORET

1. ~~Environmental Group of America Habitat for Ducks and Fish~~

BERT JONES

ok D.A. Report Update - Al Brown / AKM
ok Update on Collection of Civil Penalties
Department of Agriculture/Fish Kills

Requested at
last Comm meeting
will they be on agenda?

JERRY CLARK

Crab Trap Marking

Ratification of Rule on Size Limit for Bowfin, Commercial Harvest

Page 2
September 27

ROBERT H. CHABRECK

Discussion of Tunica Hills Habitat Conservation Area

(New)

WINTON VIDRINE

Presentation of Shika-Safari Award for Agent of the Year
1989-90

Monthly Law Enforcement Report

A. KELL MCINNIS III

Acting Secretary's Report to the Commission

Set Date for January Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

State of Louisiana



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

A. Kell McInnis III
Acting Secretary

Buddy Roemer
Governor

October 2, 1991

MEMORANDUM

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary *AKM*
RE: October Board Meeting Agenda

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CLARIFICATION*

2. ~~Clarification of Proposed Date for Spotted Seatrout Season~~
3. Spotted Seatrout Law Enforcement Plan

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Page 2
October 2, 1991

ROBERT H. CHABRECK

9. Discussion of Department Lands - Definition of Refuge, Wildlife Management Area and Habitat Conservation Area

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11. Monthly Law Enforcement Report

A. KELL MCINNIS III

12. Acting Secretary's Report to the Commission
13. Set Date for January Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

October 2, 1991

NEWS RELEASE

Approved AKM

AGENDA FOR COMMISSION MEETING

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12. Set Date for January Meeting
- 13 Public Comments

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

October 2, 1991

MEMORANDUM

TO: Chairman and Members of Commission
FROM: A. Kell McInnis III, Acting Secretary *AKM*
RE: October Board Meeting Agenda

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October 2, 1991

ROBERT H. CHABRECK

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13. Set Date for January Meeting

PUBLIC COMMENTS

AKM:sb

C: Bettsie Baker
Robert Chabreck
Jerry Clark
Don Puckett
John Medica
Division Chiefs

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 13, 1991

M E M O R A N D U M

TO: A. Kell McInnis III, Acting Secretary
FROM: Sharyn Bateman ^{SB}
RE: Items for October Commission Meeting

At the September Commission meeting several of the Commissioners directed that certain items be put back on the October agenda of the Commission meeting. Listed below are the items. I would like to know under whose name they should be listed in the memorandum that will be sent to the Commissioners. Should they be listed under the Commissioner's name who requested this or should we list them under the name of the person under whose responsibility it falls?

1. Department of Agriculture/Fish Kills
2. Law Enforcement Plan for Spotted Seatrout
3. D.A.'s Report Update
4. Update on Collection of Penalties ^{Civil}

sb

Agenda Items - From Last Meeting

- 1) Dept. of Agriculture - Fish Kill
- 2) Spotted Seatrout - Law Enforcement Plan
- 3) D.A.'s Report
- 4) Update on Collection of Civil Penalties

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to adopt rules and regulations affecting the management of the spotted seatrout fishery in Louisiana.

TITLE 76
WILDLIFE AND FISHERIES
PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 3. Saltwater Sport and Commercial Fishery
SECTION 341. Spotted Seatrout Management Measures

The proposed rules and regulations are as follows:

A. There shall be a closed season for the commercial take from Louisiana waters, and a prohibition of the commercial possession of spotted seatrout, including but not limited to a prohibition of the possession of spotted seatrout on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters, and the commercial sale, barter, or trade of spotted seatrout in Louisiana from 12:01 AM April 1 until midnight September 14 of every year.

B. There shall be a prohibition of the commercial take from Louisiana waters, and the commercial possession of spotted seatrout on the waters of the state, including but not limited to a prohibition of the possession of spotted seatrout during the closed period on any vessel possessing or fishing any seine, gill net, trammel net, or hoop net, whether taken from within or without Louisiana waters from sunset Friday through sunset Sunday for every weekend of the open commercial spotted seatrout season.

C. The annual commercial quota for spotted seatrout shall be one million pounds.

D. The commercial season for spotted seatrout shall be closed on the earlier date of 12:01 A.M. April 1, or when the quota has been reached, or when the staff of the Department of Wildlife and Fisheries predicts the one million pound quota will be met each year.

E. Nothing shall prohibit the possession by commercial fishermen off the water of fish legally taken during any open period, or commercial dealers and anyone other than a commercial fisherman licensed to sell, barter or exchange spotted seatrout from possessing, selling, bartering or trading spotted seatrout taken legally during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4

F. Pursuant to R.S. 56:322 and effective with the seasonal closure, or the closure coming after the quota has been reached, or projected to have been reached, the legal commercial mesh size for all gill nets, trammel nets and seine nets used in saltwater areas of the state, other than

strike nets, shall be a minimum of four and one-half inches stretched and a person shall have in possession or use aboard a vessel no more than two strike nets.

This rule shall become effective on February 20, 1992.

Interested persons may submit written comments on the proposed rule to the following address before November 15, 1991: Acting Secretary, Louisiana Department of Wildlife and Fisheries, Box 98000, Baton Rouge, La. 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with Act Number 157 of the 1991 Regular Session of the Louisiana Legislature, R.S. 56:6(25)(a); 56:325.3; 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission. LR 18: (1992).

James H. Jenkins, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: Bettsie Baker Dept: Wildlife and Fisheries
 Phone: 765-2860 Office: Secretary
 Return Address: P.O. Box 98000 Rule Title: Spotted Seatrout Management Measures
Baton Rouge, LA
70898-9000 Date Rule Takes Effect: _____

**SUMMARY
(Use complete sentences)**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule will likely yield an enhanced expectation of successful fishery efforts thereby potentially increasing the frequency of recreational fishing efforts. Since direct expenditures by recreational fishermen are relatively large, there likely will be positive economic impacts to coastal areas by increasing sales tax revenues. In all likelihood, however, these changes are likely to be marginal at all levels.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Economic costs and benefits will be borne by separate user groups. Benefits are expected to accrue to recreational fishermen anticipating enhanced fishery experiences and the industry that supports recreational activities. For instance; bait, tackle, auto transportation, boat launches, lodging, food and beverages likely will be positively impacted (approximately \$91.00 per fisherman trip). Due to the reduction in spotted seatrout quota by 250,000 pounds, there will be a reduction in income at dockside to commercial fishermen in the neighborhood of \$250,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule may result in increased employment in the recreational fishery industry, for instance, guide services, food, lodging, boat launches, etc., and may result in some unemployment in the commercial fishing sector if other commercial fishing or other sources of employment are not found to replace the lost activity.

Bettsie Baker
Signature of Agency Head or Designee

Bettsie Baker, Undersecretary
Typed Name and Title of Agency Head or Designee

9/20/91
Date of Signature

David W. Hood
LEGISLATIVE FISCAL OFFICER OR DESIGNEE
Senior Fiscal Analyst

9/24/91
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of the rule change, copies of both the current and proposed rules with amended portions indicated).

In Summary, the proposed rule as follows:

- A. Establishes closed season for commercial take of spotted seatrout from 12:01 AM April 1 until midnight September 14 of every year.
- B. Prohibits the commercial take of spotted seatrout from sunset Friday through sunset Sunday for every weekend during the open commercial seatrout season.
- C. Sets a commercial quota for spotted seatrout at one million pounds.
- D. Provides for the closure of the commercial season for spotted seatrout on the earlier date of 12:01 AM April 1 or when the Department of Wildlife and Fisheries predicts the one million pound quota will be met.
- E. Provides for the possession of legally taken spotted seatrout off the water.
- F. Provides that the legal mesh size of commercial gill nets, trammel nets and seine nets in saltwater areas during the closed season for commercial take of spotted seatrout is four and one-half inches stretched.
- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

This rule is promulgated under the authority of Act 157 of the 1991 regular session, which provided for the authority of the Wildlife and Fisheries Commission to regulate the harvesting of spotted seatrout.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in an increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There are no costs to implement this rule.

COSTS	FY 91-92	FY 92-93	FY 93-94
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIRS AND CONSTR			
POSITIONS (#)	0		

2. Provide a narrative explanation of the costs or savings showing in "A.1.", including the increase or reduction in workload or additional paperwork (number on new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

No costs or savings are anticipated to implement the proposed action.

3. Sources of funding for implementing the proposed rule or change.

SOURCE	FY 91-92	FY 92-93	FY 93-94
STATE GENERAL FUND			
AGENCY SELF-GENERATED DEDICATED*			
FEDERAL FUNDS			
OTHER (Specify)			

TOTAL

* Conservation Fund

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No funds will be required to implement the proposed action.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No costs or savings are anticipated to implement the proposed action.

2. Indicate the sources of funding of the local governmental units which will be affected by these costs or savings.

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATION RULES

WORKSHEET

II. EFFECT OF REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

N/A

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 91-92</u>	<u>FY 92-93</u>	<u>FY 93-94</u>
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
<u>TOTAL</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

* Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no increase or decrease in revenue as a result of the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONNEL OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The people of Louisiana will likely benefit because: 1) the proposed reduction in commercial harvest will provide a biologically beneficial increase in the spotted seatrout spawning stocks, or 2) a potential increase in recreational activity that will be economically beneficial to the State, and 3) user conflicts will be reduced by providing for more separation of the commercial and recreational fishermen.

There are approximately 2,000 licensed commercial fishermen who may fish for spotted seatrout. The spotted seatrout quota has generally been met in May or June and the season closed until September. Under the proposed rule, commercial fishermen would not be able to fish for spotted seatrout after April 1, whether or not the quota had been met. A weekend closure will limit commercial weekend trips, the time when recreational activity is at its highest. The commercial quota would be reduced by 250,000 pounds, taking it back to the 1987-88 statutory 1 million pounds that was based on average annual commercial harvest over the previous 10 years when there was no quota.

Over 230,000 saltwater anglers are licensed in Louisiana each year. Total number of recreational participants may be as much as 50% higher as people over 60 and under 16 are not required to buy a license. Spotted seatrout is the preferred catch of 50% of the saltwater anglers. The recreational fishery is traditionally a spring and summer weekend fishery. Separation of the recreational and commercial fishermen in time will reduce volatile user conflicts. A reduction in the commercial harvest may potentially and indirectly increase the recreational harvest, a shift that is likely to benefit the State economically.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The employment effects are difficult to quantify. a decrease in the quota may increase commercial unemployment (although it amounts to only \$125 per license holder) if other sources of employment are not found. On the other hand, if recreational fishermen increase their expenditures, coastal employment could increase as recreational expenditures are a significant source of income and jobs for coastal parishes. On balance though, coastal employment would likely increase marginally.

LAW ENFORCEMENT'S WHOLESALE/RETAIL DEALER COMPLIANCE PROGRAM

1. Bring all personnel involved in this program to a work shop and develop an operational policy that will standardize a statewide program.
 - A. Accounting
 - B. Fisheries
 - C. Enforcement
2. Train the District Lieutenants in the overall mechanics of the program in a two day work shop. This would accomplish several of the key elements in assuring compliance.
 - A. They are responsible for scheduling the district officers assigned to them and could supervise a allotted time mandate after training each officer to operate as a single unit.
 - B. They will be familiar with the judicial process and the responsible officials within their jurisdiction and can insure the proper understanding and intention of the law. Their expertise in the evidentiary process will assure that the cases are upheld in court.
 - C. They can properly manage work hours to have a minimum effect on the overall program while still providing an increased effort in their reporting area.
 - D. The Lieutenant's overall experience would prove to be a valuable asset in the interaction that will be required between the field, district and Headquarters people in the various sections.
3. Set meetings with coastal District Attorneys within the parishes to explain the need for compliance to this law; Management of a delicate resource.
4. Prepare all parties concerned for the commercial fisherman credit card system to be implemented January 1st and begin an educational program for all parties concerned.
5. Prepare corrective legislation to allow fluent enforcement of reporting and documentation process.

~~Restaurants operating in this program?~~

ENE-509U
4-OCT-1991

CITATIONS ISSUED/DISPOSITIONS REPORTED
REPORTED BY PARISH
FOR THE PERIOD JANUARY 01, 1990 - JUNE 30, 1990

PAGE: 10

10 ANY PARISH NAME	NO OF CITATIONS	DISP REC'D	NOT GUILTY	NOT GUILTY	NO ACTION	NOI PROSS	JAIL TERM	NBR FORFEIT	BOND FORFEIT	COURT COST	STATE FINES	FED FINES	AMOUNT ASSESSED: \$4,232		AMOUNT COLLECTED: \$2,123	
													AMOUNT	AMOUNT	AMOUNT	AMOUNT
003.0 FISH W/O RES POLE LICENSE	3	0	0	0	0	0	0	0	0	0.00	15.00	.00				
033.0 TAKE/SELL COMM W/O LIC	1	0	1	0	0	0	0	0	0	57.00	500.00	.00				
035.0 NO COMMERCIAL VESSEL LIC	2	1	1	0	0	0	0	0	0	57.00	500.00	.00				
036.0 NO WHOLE/RETAIL DEALR LIC	9	3	1	0	0	5	0	0	0	57.00	400.00	.00				
038.0 TRANS W/O REQUIRED LIC	5	0	4	0	0	1	0	0	0	228.00	1550.00	.00				
054.0 TAX/POSS UND/STZ COMM FSH	3	1	1	0	0	1	0	0	0	57.00	450.00	.00				
057.0 BUY COMM FSH FR UN-LIC	1	1	1	0	0	0	0	0	0	57.00	100.00	.00				
158.0 TAKE UNDERSZE OYS NA,REEF	1	1	0	0	0	0	0	0	0	.00	.00	.00				
170.0 INCORRECT OYS TAG	1	1	0	0	0	0	0	0	0	.00	.00	.00				
240.0 HUNT FR MOV VEH/AIRCRAFT	2	1	1	0	0	1	0	0	0	.00	.00	.00				
246.0 HUNT WILD QUAD/BIRDS ILL	2	1	1	0	0	0	0	0	0	.00	.00	.00				
252.0 HUNT/DISCHG FRARM PUB RD	3	1	2	0	0	0	0	0	0	114.00	200.00	.00				
254.0 POSS WILD QUAD/BIRDS W/O	1	0	0	0	0	1	0	0	0	.00	.00	.00				
307.0 HUNT/TAKE DEER/BEAR-C/S	2	1	1	0	0	0	0	0	0	.00	.00	.00				
310.0 HUNT/TAKE DEER-PUBLIC RD	2	2	0	0	0	0	0	0	0	.00	.00	.00				
430.0 TAKE/POSS GATOR C/S	1	1	0	0	0	0	0	0	0	.00	.00	.00				
601.0 HUNT DUCK/GESE NO FED ST	1	1	0	0	0	0	0	0	0	.00	.00	.00				
618.0 USE LD SHOT-STEEL SHOT ON	1	0	0	0	0	0	0	0	0	.00	.00	.00				
641.0 POSS OVER LIMIT OF GESE	1	1	0	0	0	0	0	0	0	.00	.00	.00				
740.0 LITTERING	1	0	1	0	0	0	0	0	0	57.00	25.00	.00				
CITATIONS W/CIVIL RESTITUTIONS:	12															
TOTAL - ANY PARISH NAME	42	16	16	0	1	9	0	0	0	.00	684.00	3740.00	100.00			

ENF-555M
26-SEP-1991

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CITATIONS WITHOUT DISPOSITION: PHR 30-JUN-1991
EAST BATON ROUGE PARISH

PAGE: 1

VIOLATOR	CIT #	VIOL DATE	R/D	CODE	VIOLATION	D/A RESPONSE
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011914	06-20-1987	01/A	9.0	USE ILLEGAL BAIT SEINES	
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011926	12-03-1990	01/B	46.0	ELEVATED TROT LINES	
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011927	01-08-1990	01/B	56.0	SELL/PURCHASE GAME FISH	
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011928	02-03-1990	01/A	87.0	UNLIC PERS USE CML GEAR	
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011929	04-12-1990	01/B	9.0	USE ILLEGAL BAIT SEINES	
VIOLATOR, JOHN J 123 ANYPLACE ST SOMEWHERE, LA 70074	C011930	06-29-1990	01/A	32.0	NO COMM LIC IN POSSESSION	

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
CITATION WITHOUT DISPOSITION

The disposition information for the following citation has not been received by our office. Please complete the information requested.

CITATION: C011914 VIOLATION DATE: 01/15/1990 DOE, JOHN E
1234 ANYSTREET
ANYTOWN, LA 70800

CASE # _____ DOCKET # _____ PAGE # ----- DATE _____

DISTRICT ATTORNEY _____ JUDGE _____

VIOLATION 1: 310.0 HUNT/TAKE DEER-PUBLIC RD DISPOSITION: _____

COURT COSTS: _____ FINE (STATE/FEDERAL) _____ LIC ACTION _____

GAME SEIZED _____ EQUIP SEIZED _____

COMMENTS: _____

CLASS 1 VIOLATIONS ISSUED/DISPOSITIONS RECEIVED
 REPORTED BY PARISH
 FOR THE PERIOD JANUARY 01, 1991 - JUNE 30, 1991

4-OCT-1991	NO OF CITATIONS	DISP NOT REC'D	NOT GUILTY	NOT GUILTY	FINES PAID
10 ANY PARISH NAME					
002.0 ANGLE W/O A LICENSE	49	26	23	0	1150.00
004.0 USE GEAR W/O REC GEAR LIC	2	2	0	0	.00
255.0 HUNT MGB W/O STATE STAMP	2	0	2	0	100.00
231.0 HUNTING W/O RES LICENSE	2	1	1	0	50.00
507.0 NO OBSER IN BOAT W/SKIING	3	1	2	0	100.00
512.0 NO BOAT NUMBERS	3	1	2	0	100.00
513.0 NO BOAT REGISTION IN POSS	16	11	5	0	250.00
514.0 OPERATE UNREGISTERED BOAT	7	4	3	0	150.00
516.0 EXPIRED BOAT REGISTRATION	14	4	10	0	500.00
519.0 IMPROPER BOAT NUMBERS	2	1	1	0	50.00
521.0 IMPROPER RUNNING LIGHTS	1	0	1	0	50.00
524.0 NON-COMPLY W/PFD REQUIRE	35	10	25	0	1250.00
525.0 NO PFD ON UNDER 13 YR OLD	6	2	4	0	200.00
526.0 IMPROP/NO FIRE EXTINGUISH	4	1	3	0	150.00
527.0 IMPROP/NO FLAME ARRESTORS	1	1	0	0	.00
CITATIONS W/CIVIL RESITIUTIONS:	5				
			AMOUNT ASSESED:		\$132
			AMOUNT COLLECTED:		\$132
TOTAL - ANY PARISH NAME	147	65	82	0	4100.00



During its regular session of 1988, the Louisiana Legislature passed Act 169 instructing the Department of Wildlife and Fisheries to develop guidelines for determining monetary values for the state's fish and wildlife resources.

→ This law also required the department to assess those values as civil penalties against those persons who illegally kill, catch, take, or possess these resources.

The department, through the Wildlife and Fisheries Commission, promulgated the guidelines in December, 1988. Subsequently, department personnel began to gather information from numerous sources which was compiled into a recommended civil penalty schedule and, in December, 1989, the Commission adopted these recommended values for over one hundred species of fish and wildlife. The related rule was published in the January, 1990, Louisiana Register.

These values will be updated annually to reflect such factors as market changes and cultural uses.

Monies collected from civil penalty assessments are deposited into the Conservation

Fund, a constitutionally protected fund dedicated to support the activities of the Department of Wildlife and Fisheries. These funds will be used by the department to replenish these resources either by replacement or habitat conservation.

The department is authorized to recover civil penalties in addition to any fine, forfeiture, other penalty, or costs imposed as a result of criminal proceedings. Therefore, a person cited for illegally killing, catching, taking, or possessing fish or wildlife may be liable for both a criminal fine at the local level and/or for civil damages to the department. The two actions are separate and different, therefore, pendency or determination of one does not prevent action on the other.

Persons notified of a civil penalty are entitled to an adjudicatory hearing, and should submit to the department a written request for a hearing. In any adjudicatory hearing in which civil penalties are assessed, the person against whom the assessment is made shall also be liable for the costs of the hearing.

Persons cited and notified have the option to waive the adjudicatory hearing by making prompt payment of the civil penalty.

Failure to either pay the amount stated in the notification or to request a hearing in a timely manner can result in additional legal proceedings and additional legal expenses for the person cited.



Wynette

Civil Penalty - 1ST Notice

I. PROCEDURES

Agent issues citation to violator; if illegal wildlife or fish is seized, completes a Form 141 (Civil Penalty Offense Report) - attaches copies of Form 140 Offense Report and receipts where applicable.

Form 141's are approved by supervisor in Region office and forwarded to Enforcement headquarters in Baton Rouge for review by Major Tommy Candies.

Form 141's are sent to Fiscal. (This is about 3-4 weeks from date citation is issued.)

Fiscal review forms for accurate completion and exceptions, enters data, generates letters of notification of civil restitution assessment.

II. CURRENT STATUS

Citations Dated January, 1990 - December, 1990

1,400	Letters sent out (average \$396)
\$ 555,700*	Value of assessments
181	Assessments paid
\$ 18,655	Revenue collected.

*Budget ?
How much?*

Citations Dated January, 1991 - September, 1991

No letters have been sent out. Approximately 1,600 Form 141's currently being processed.

? - * This amount is overstated by some unknown amount due to companion cases, deer tag cases, etc. The existing computer program did not allow for these "exceptions" and variances.

III. PROBLEMS

No specific agency staff person was assigned administrative responsibility for the program.

Inadequate staffing (Fiscal and Legal) to take on a new program of this magnitude.

Too many variables and scattered data (i.e., criminal disposition, sale of confiscated goods, companion cases).

The current computer software to manage the data is cumbersome and difficult to work with. Original developers and users have left the agency.

Statute does not provide for consequences for nonpayment.

Neither the general public nor the local judicial officials are aware of this program. Violators are shocked to learn they have to pay this on top of a criminal fine.

*Caronata
maggini*

There is a serious lack of integration within the Department. The Acting Secretary, the two attorneys, and Enforcement Division frequently have differing opinions regarding legal issues and interpretations. Determinations are often reversed, and some issues are still not resolved after a year and a half into the program.

Letters from attorneys and inquiries from violators specific to their cases go unanswered because Fiscal is not qualified to deal with legal issues.

IV. PLAN OF ACTION

1. Work with Computer staff to improve system and tie into Enforcement's citation system.
2. Educate staff, local judiciaries, and public.
3. Focus on getting current with assessments.
4. Organize the enormous volume of hard copy data and documents associated with the citations.
5. Review statute to see if any correcting legislation is needed.
6. Continue to identify problems and try to resolve legal issues.

LA. DEPT. OF WILDLIFE & FISHERIES
 OFFENSE REPORT CHECKLIST FOR CIVIL PENALTIES
 (MARK QUANTITY, WEIGHT, OR LENGTH IN APPROPRIATE BLANK) *

<u>GAME ANIMALS & GAME BIRDS (Q)</u>		<u>NON-GAME ANIMALS **</u>	
___ COOTS	___ RABBITS	___ ALLIGATOR (MEAT) /LB	___ MUSKRAT
___ DEER	___ RAILS	___ ALLIGATOR (SKIN) /FT	___ NUTRIA
___ DOVES	___ SNIPE	___ BLACK BEAR	___ OTHER BIRDS
___ DUCKS	___ SQUIRRELS	___ BOBCAT	___ OTHER MAM.
___ GALLINULES	___ TURKEYS	___ FOX	___ RACCOON
___ GEESE	___ WOODCOCK	___ FROGS/LB	___ RAPTORS (BIRDS)
___ QUAIL		___ MARINE MAM.	___ TURTLES/LB
		___ MINK	

<u>THREATENED & ENDANGERED SPECIES (Q)</u>	<u>ALL NON-COMM. / NON-SPORT FISH</u>			
	<u>MARINE</u>		<u>FRESHWATER</u>	
	QUANTITY	LENGTH/IN	QUANTITY	LENGTH/IN
___ BIRDS (ADULT OR YOUNG)	___	___	___	___
___ BIRDS (EGGS) /VIOLATION	___	___	___	___
___ INVERTEBRATES /VIOLATION	___	___	___	___
___ MAMMALS	___	___	___	___
___ REPTILES (ADULT OR YOUNG)	___	___	___	___
___ REPTILES (EGGS) /VIOLATION	___	___	___	___
<u>SPECIES OF SPECIAL CONCERN (Q)</u>				
___ PADDLEFISH	___	___	___	___
___ STEELHEAD (ALL SPECIES)	___	___	___	___
	___	___	___	___

COMMERCIAL FISH SPECIES (LB)

___ AMBERJACK	___ HINDS, OTHER	___ SHRIMP
___ BARRACUDA	___ JEWFISH	___ SHRIMP, FWATER
___ BEARDED BROTLA	___ KING WHITING	___ SKATES
___ BLACKFISH, SACRAMENTO	___ MARLIN, BLACK	___ SNAPPER, BLACK
___ BLUEFISH	___ MARLIN, BLUE	___ SNAPPER, BLACKFIN
___ BLUERUNNER	___ MARLIN, WHITE	___ SNAPPER, GRAY
___ BONITO	___ MENHADEN	___ SNAPPER, LANE
___ BOWFIN	___ MOONFISH	___ SNAPPER, MAHOGANY
___ BUFFALOFISH	___ MULLET, BLACK	___ SNAPPER, MANGROVE
___ BUTTERFISH	___ OILFISH	___ SNAPPER, MUTTON
___ CARP	___ OYSTER	___ SNAPPER, OTHER
___ CATFISHES	___ PERMIT	___ SNAPPER, QUEEN
___ COBIA	___ POMPANO	___ SNAPPER, SILK
___ CRAB, BLUE	___ PORGY, RED	___ SNAPPER, VERMIL.
___ CRAB, STONE	___ RAYS	___ SNAPPER, YELLOWTAIL
___ CRAWFISH	___ RUDDERFISH	___ SPADEFISH
___ CREVALLE JACK	___ SAILFISH	___ SPANISH MACKEREL
___ DOLPHINFISH	___ SAWFISH	___ SPOT
___ DRIFTFISH, BLACK	___ SARDINE, PACIFIC	___ SQUID
___ DRUM, BLACK	___ SCAMP	___ SWORDFISH
___ EEL, COMMON	___ SCULPIN	___ TITLEFISH
___ EEL, CONGER	___ SCUP OR PORGY	___ TRIGGERFISH
___ EEL, MORAY	___ SEA CATFISH	___ TRIPLETAIL
___ GARFISH	___ SEABASS, ATLANTIC	___ TUNA, ALBACORE
___ GROUPE AND SCAMP	___ SHAD	___ TUNA, BIGEYE
___ GROUPE, BLACK	___ SHARK	___ TUNA, BLACKFIN
___ GROUPE, GAG	___ SHARK, BLACKTIP	___ TUNA, BLUEFIN
___ GROUPE, MARBLED	___ SHARK, BLUE	___ TUNA, OTHER
___ GROUPE, NASSAU	___ SHARK, BONITO	___ TUNA, SKIPJACK
___ GROUPE, OTHER	___ SHARK, DOGFISH	___ TUNA, YELLOWFIN
___ GROUPE, RED	___ SHARK, HAMMERHEAD	___ WAHOO
___ GROUPE, SNOWY	___ SHARK, LONGFIN MAKO	___ WARSAW
___ GROUPE, YELLOWEDGE	___ SHARK, SANDBAR	___ WENCHMAN
___ GROUPE, YELLOWFIN	___ SHARK, SAND TIGER	
___ GROUPE, YELLOWMOUTH	___ SHARK, SOUPFIN	
___ GRUNTS	___ SHARK, THRASHER	
___ HAKE	___ SHARK, TIGER	
___ HIND, RED	___ SHARK, WHITE	
___ HIND, ROCK	___ SHEEPHEAD	
___ HIND, SPECKLED	___ SHEEPHEAD, FWATER (DRUM)	

* MAJORITY OF CASE IS WEIGHT, UNLESS OTHERWISE STIPULATED.
 ** IN NON-GAME ANIMALS MAJORITY OF CASE IS QUANTITY, UNLESS STIPULATED.
 Q-QUANTITY, LB-ENTER WEIGHT, IN or FT-ENTER LENGTH



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P. O. Box 3596

Baton Rouge, Louisiana

70821-3596

(504) 925 3770

October 4, 1991



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

OCT 07 91

OFFICE OF THE SECRETARY

Dear Mr. McInnis:

In response to our conversation on September 30, we are providing the following information to your agency: We have had approximately 28 fish kills that we have responded to, 12 of which we will address at this time. The 12 fish kills occurred in Louisiana the summer of 1991, prior to July 17, located in 5 parishes and in close proximity to where sugarcane is grown. In conjunction with and arising out of these investigations, the Louisiana Department of Agriculture and Forestry has taken the following action:

- 1) Suspended the sale and application of the pesticide, Azinphos-methyl;
- 2) Suspended the license of three aerial applicators;
- 3) Issued and delivered 53 stop orders;
- 4) Issued and delivered 3 protective orders;
- 5) Supervised the clean-up of two pesticide spills and identified 15 instances where pesticide use was violated for additional enforcement action.

We are continuing to compile the information and take statements for all the fish kills in order to ascertain further enforcement actions. This is much more complicated than first thought and we are working diligently to compile the data and present it to the Pesticide Advisory Commission members on November 19 and 20 for their deliberation. If you have any other questions, please feel free to contact our office.

Very truly yours,

Matthew Keppinger
Acting Assistant Commissioner

MK/csl



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P. O. Box 3596

Baton Rouge, Louisiana

70821-3596



(504) 925 3770

September 24, 1991

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

Dear Mr. McInnis:

Commissioner Odom has received your letter of August 23, 1991 and has asked me to respond to the information which you have requested.

Please be advised that this Department's investigation into the fish kills which have occurred this past summer are on-going. Investigative action with regard to violations or suspected violations that arose out of all which were found in connection with this Department's fish kill investigation are presently being considered. The Pesticide Advisory Commission has scheduled a hearing for adjudication of the suspected fish kill violations for November 19 and 20, 1991. Once this Department's investigation has concluded and an agenda for the November Commission meeting has been established, the same will be sent to you.

Should you have any questions regarding this, please contact me at your convenience.

Very truly yours,

Matthew Keppinger
Acting Assistant Commissioner

MK:EJSIII:cs1

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate a rule to mandate marking of crab traps.

TITLE 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sprot and Commercial Fishing

Section 345. Crab Trap Marking

Each crab trap shall be marked with a 1/2-inch stainless steel self-locking tag attached to the center of the trap ceiling. Said tags shall be supplied by the fishermen and shall have the commercial fisherman's license number (not the commercial gear license) or the recreational crab trap gear license number printed thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(D)

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18: (1992).

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., December 31, 1991 to Vince Guillory, Marine Fisheries Project Coordinator, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 189, Bourg, LA 70343.

James H. Jenkins, Jr.

Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: Vince Guillory Dept. Wildlife and Fisheries
Phone: (504)594-4130 Office: Fisheries
Return
Address: Dept Wildlife & Fisheries Rule
P. O. Box 189 Title: Crab Trap Marking
Bourg, La. 70343 Date Rule
Takes Effect: July 1, 1992

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using the existing staff in conjunction with other duties.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed regulation could result in an annual cost of approximately \$25.00 and \$1.00 to each commercial and recreational crab trap fisherman, respectively, for purchase of tags. Marking of traps should reduce trap theft or theft of crabs from traps, which are economic burdens to commercial crab fishermen.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a positive impact on annual revenues of private sector vendors supplying tags; an estimated need for 719,500 tags per year could produce approximately \$71,950 of revenues to private individuals.

Bettie Baker, Undersecretary
Signature of Agency Head or Designee

Bettie Baker, Undersecretary
Typed Name and Title of Agency Head or Designee

9/18/91
Date of Signature

David W Hood
LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Senior Fiscal Analyst

9/24/91
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

Each crab trap shall be marked with a 1/2-inch stainless steel clamp-type tag attached to the center of the trap ceiling. Said tags shall be supplied by the fishermen and shall have the commercial fisherman's license number (not the commercial gear license) or the recreational crab trap gear license number printed thereon.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

Theft of crab traps or crabs in the traps is an economic burden to commercial crab trap fishermen. Enforcement of trap and crab theft by wildlife agents is hampered because traps are not marked.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in expenditure of funds associated with the proposed regulation.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) _____ Yes. If yes, attach documentation.
(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 91-92	FY 92-93	FY 93-94
PERSONAL SERVICES	\$0	0	0
OPERATING EXPENSES	\$0	0	0
PROFESSIONAL SERVICES	\$0	0	0
OTHER CHARGES	\$0	0	0
EQUIPMENT	\$0	0	0
TOTAL	\$0	0	0
MAJOR REPAIR & CONSTR.	\$0	0	0
POSITIONS (#)	\$0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be an increase in workload, but not in personnel, of enforcement agents to enforce the proposed regulation.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 91-92	FY 92-93	FY 93-94
STATE GENERAL FUND	\$0	0	0
AGENCY SELF-GENERATED	\$0	0	0
DEDICATED	\$0	0	0
FEDERAL FUNDS	\$0	0	0
OTHER (Specify)	\$0	0	0
TOTAL	\$0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Enforcement of the proposed regulation will be conducted by existing personnel in conjunction with other duties.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed regulation will have no impact on the workload of local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No additional funding will be necessary.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

If the fisherman purchase the tags, the proposed regulation would result in a direct annual cost of approximately \$25.00 and \$1.00 per commercial and recreational crab trap fisherman, respectively. This cost was derived from the product of the cost per tag (ie., 10¢) and an average of 250 and 10 traps per commercial and recreational fisherman, respectively. A life expectancy of one year per trap was assumed.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

A small increase in income of commercial crab trap fishermen may result from a reduction in theft of crabs from traps because of more efficient law enforcement resulting from trap marking. Operating expenses of commercial crab fishermen may also decrease because of a reduction in theft of traps.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be a positive impact on private sector vendors supplying tags. Assuming that a trap has a life expectancy of one year, an estimated annual sale of 719,500 tags producing approximately \$71,950 of income to vendors would be realized. These values were derived as follows:

<u>User Group</u>	<u>Tags per Fisherman</u>	<u>Number of Fisherman</u>	<u>Total Tags</u>	<u>Total Revenue</u>
Commercial	250	2,800	700,000	\$70,000
Recreational	10	1,950	19,500	\$ 1,950
TOTAL	260	4,750	719,500	\$71,950

These revenues would be reduced if fishermen construct their own tags.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 91-92	FY 92-93	FY 93-94
STATE GENERAL FUND	\$0	0	0
AGENCY SELF-GENERATED	\$0	0	0
RESTRICTED FUNDS*	\$0	0	0
FEDERAL FUNDS	\$0	0	0
LOCAL FUNDS	\$0	0	0
TOTAL	\$0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed regulation will have no effect on revenue collections of state and local governmental units.

RULE
DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

In accordance with R.S. 49:950 et seq. the Wildlife and Fisheries Commission hereby adopts the following rule.

TITLE 76
WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter I. Freshwater Sport and Commercial Fishing

Section 153. Bowfin Minimum Size Regulation

The Louisiana Wildlife and Fisheries Commission hereby:

- A. establishes a statewide 22" minimum size limit on bowfin (Amia calva) harvested for commercial purposes;
- B. prohibits commercial fishermen, while on the water, from possessing bowfin eggs that are not naturally connected to a whole fish.

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

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

James H. Jenkins, Jr.
Chairman

10

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

October 4, 1991

M E M O R A N D U M

TO: A. Kell McInnis III, Acting Secretary, Wildlife and Fisheries

FROM: Robert H. Chabreck, Assistant Secretary, Office of Wildlife *RHC*

SUBJECT: Definition of Department-Owned Areas

The administrative staff of each Division in the Office of Wildlife has met to finalize the definition of Wildlife Management Area, Wildlife Refuge, and Habitat Conservation Area. I am attaching copies of each definition for your review. Definition of the areas has been placed on the agenda (Item 10) of the October 8, 1991, meeting of the Louisiana Wildlife and Fisheries Commission and will be reviewed for adoption by the Commission.

Wildlife Management Area and Wildlife Refuge are currently defined by state law, but the Habitat Conservation Area defines a type of land management not previously covered under the other area descriptions. We feel that the Habitat Conservation Area is distinct enough to merit recognition as a separate type of Department-owned or managed area.

RHC:sb

C: Members, Louisiana Wildlife and Fisheries Commission

HABITAT CONSERVATION AREA

- A. Area definition:**
Habitat Conservation Area shall be defined as: Any area designated by the Commission to be managed for the purpose of restoring, conserving, and perpetuating all natural habitats and species indigenous to the area in their natural balance in perpetuity.
- B. Primary objective:**
Conservation of native biotic diversity through perpetual maintenance of natural plant communities and associated native species.
- C. Other objectives:**
- o Conservation of rare, threatened or unique species and habitats.
 - o To provide recreational activities compatible with the primary objective.
 - o To recreate as nearly as possible natural conditions present in the area in presettlement times.
 - o Protection and perpetuation of soil productivity.
- D. Basic management philosophies:**
- o Conservation of native biological diversity through wise management.
 - o Avoidance of unnatural disturbances, such as commercial timber management, livestock grazing, and vehicular and mechanical intrusion, unless it is necessary to achieve above objectives.
 - o Reestablishment of natural forces, where practicable, that were important to the system (e.g., fire).
 - o Allow controlled hunting/trapping.
- E. Public benefits:**
- o Protects watersheds and associated hydrology.
 - o Provides areas for baseline scientific research.
 - o Provides areas for recreational and aesthetic enjoyment and spiritual enrichment.
 - o Maintains exemplary natural areas for present and future generations to observe and enjoy as a part of their natural heritage.

F. Compatible uses:

- o **Hunting/Fishing/Trapping**
- o **Outdoor Education**
- o **Research/Nature Study**
- o **Hiking**
- o **Primitive camping**

G. Area administration:

Habitat Conservation Areas (HCA's) will be administered by the Habitat Conservation Division, LDWF. Until such time as personnel are positioned by the Department to manage/oversee individual HCA's, Habitat Conservation Division will pursue a number of options to ensure HCA's are adequately monitored and maintained. Some of these include:

- o **Seek occasional assistance from other Divisions of LDWF with monitoring and maintenance.**
- o **Establish MOU's with other local and state agencies (e.g., Police Juries, State Office of Forestry) to assist with monitoring and maintenance.**
- o **Establish local volunteer monitor groups to "watch-over" the area under guidelines set forth by Habitat Conservation Division.**
- o **Explore working relationships with other private conservation groups to assist with monitoring and maintenance.**

WILDLIFE REFUGE

A. Area definition:

"Wildlife Refuge" means any area set aside and designated by the Commission as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the department. (Title 56:8 (109) Definitions)

B. Primary objective:

To protect and enhance populations of migratory birds and native species of wildlife.

C. Other Objectives

1. Provide optimum habitat to insure maximum utilization by migratory and native wildlife.
2. Provide maximum public recreation without jeopardizing the refuge objective.
3. Provide an ideal research area to promote the study of habitats, habitat manipulation practices, and wildlife.

D. Basic management philosophies

1. Refuges will be managed to provide for optimum habitat conditions and sanctuary for migratory birds and resident wildlife. Refuges differ from
2. Wildlife Management Areas and Habitat Conservation areas by the complete absence of recreational hunting.
- 3.
- 4.

E. Public benefits

1. Provide demonstration areas to showcase habitat management techniques.
2. Provide safe haven for migratory birds and resident wildlife.
3. Provide public outdoor recreation.
- 4.

F. Compatible uses

1. Fishing
2. Wildlife observation
3. Wildlife and Nature Study
4. Photography
5. Boating
6. Mineral Production

G. Area administration

1. Fur and Refuge Division
2. Biologist Supervision
3. Full time enforcement trained employees
- 4.

WILDLIFE MANAGEMENT AREA

A. Area definition:

Any area proclaimed and set aside, protected, maintained, restored, developed and supervised by the Department for the purpose of managing, restoring, protecting and harvesting (sport or commercial activities) wild birds, wild quadrupeds, fish, or other aquatic wildlife and their habitat under scientifically controlled programs and conditions that afford maximum public enjoyment (hunting, trapping, fishing) opportunities.

B. Primary objectives:

To provide maximum recreational opportunities associated with fish and wildlife resources available while protecting, restoring and conserving all wildlife forms and their habitats through sound land and water stewardship programs.

C. Other Objectives

1. Revenue production
2. Wildlife educational and research, extension services
3. Habitat and wildlife protection and enhancement

D. Basic management philosophies

1. To maximize public recreational opportunities through consumptive and non-consumptive programs and facilities.
2. To allow commercial activities (timber, fishing, minerals) under controlled conditions compatible with wildlife and fish conservation.
3. Promotes "How to" programs for restoration of degraded wildlife populations and habitat.
4. Promote forestry practices that will maximize wildlife populations and stimulate habitat diversity.
5. Apply refuge management where needed.
6. Promote habitat manipulation to benefit target or featured species for game and non-game species.

E. Public benefits

1. Free or low cost recreational opportunities associated with fish and wildlife resources and the outdoors.

2. Public access to fruit, berry and mast resources for commercial and home use.
3. Stimulates local economy.
4. Provides a reservoir of plant and animal resources for restoration programs on private lands.
5. Educational experiences in a natural outdoor environment.
6. Rest and relaxation (esthetic values).

F. Compatible uses

1. Hunting, fishing, trapping (consumptive activities).
2. Timber management and vegetation control (including fire and chemical treatments).
3. Mineral exploration and development
4. Educational and research programs including nature trails, scenic walks, wildlife observation towers, refuge areas (non-consumptive).
5. Supplemental food source development (plantings, soil tillage and vegetation manipulation).
6. Construction of roads, trails and bridges for improvement of public access especially for handicapped citizens.

G. Area administration

1. Baton Rouge Division Administration
2. District Supervisor
3. Area Biologist (District level)
4. Area Supervisor (Specialist)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Tunica Hills Area

In accordance with the provisions of R.S. 49:967(D) of the Administrative Procedure Act, and under the authority of R.S. 56:1921 et seq., the Wildlife and Fisheries Commission hereby adopts the following rule relative to hunting seasons on the Tunica Hills Area.

All general rules and regulations applicable to Wildlife Management Areas for 1991-1992 will be applicable to the Tunica Hills Area except as provided below.

The area may be accessed by walk-in only. No vehicles of any type are permitted on the area, except for the existing parish gravel road that crosses generally east to west across the middle of the property.

Hunting seasons will commence on the area Saturday, 19 October 1991 at which time all designated hunting or trapping periods, bag limits, and all other hunting or trapping regulations in effect in Zone 1 will apply to the area.

In order to protect wildlife, rare species, or other natural components of features of the area, the Secretary of the Louisiana Department of Wildlife and Fisheries has the authority to restrict or close all or portions of the area to any or all public use, as appropriate, by public notice.

This rule shall become effective 9 October 1991.

James H. Jenkins, Jr.
Chairman

ENFORCEMENT CASE REPORT

AUGUST 1991

ENFORCEMENT CASE REPORT-AUGUST 1991

REGION 1

TOTAL CASES-96

ENFORCEMENT-96

OTHER -0

11-Boating

20-Angling W/O A License

34-Fish Without Resident Pole License

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

1-Fail To Maintain Records

6-Hunting W/O Resident License

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

2-Poss. Squirrels C/S

1-Hunting MGB With Unplugged Gun

11-Hunting MGB Over Baited Area

1-Possess Untagged MGB

1-Littering

2-Other Than Wildlife And Fisheries

CONFISCATIONS:

1-22.cal. rifle, 1-12 ga. shotgun, 3 squirrels, 2 doves, 59 dove breasts.

REGION 2

TOTAL CASES-98

ENFORCEMENT-98

OTHER -0

7-Boating

15-Angling W/O A License

38-Fish Without Resident Pole License

1-Taking/Poss. Over Limit Or Undersized Gamefish

2-Hunting W/O Resident License

REGION 2 CONT'D.

1-Hunting From Moving Vehicle And/Or Aircraft

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

2-Hunt Squirrel C/S

1-Hunting MGB With Unplugged Gun

14-Hunting MGB Over Baited Area

1-Resisting Arrest

3-DWI

1-Littering

10-Other Than Wildlife And Fisheries

CONFISCATIONS:

5 doves, 2 squirrel.

REGION 3

TOTAL CASES-138

ENFORCEMENT-134

OTHER - 4

18-Boating

20-Angling W/O A License

2-Fish Without Resident Pole License

2-Use Gear W/O Recreational Gear License

1-Fail To Have Commercial License In Possession

4-Taking Fish Illegally

7-Hunting W/O Resident License

1-Hunting W/O Non-Resident License

2-Hunting W/Unplugged Gun Or Silencer

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

6-Poss. Squirrels C/S

REGION 3 CONT'D.

2-Take Alligators From Other Than Approved Area

1-Take Alligators W/O License

1-Illegal Poss. Of Alligator Eggs, Or Their Skins

2-Hunting MGB With Unplugged Gun

8-Hunting MGB Illegal Hours

43-Hunting MGB Over Baited Area

1-Possess Over Limit Of Doves

3-Not Abiding By Rules And Regs. On WMA

3-Criminal Trespass On State Property

4-Littering

2-Other Than Wildlife And Fisheries

1-License Fraud

CONFISCATIONS:

2-14 foot aluminum boats, 1-30 h.p. outboard motor, 1-9.8 Mercury outboard, 1 Mikota Trawl motor, 2 dip nets, 1 power verter, 1-12 '4" alligator skin, 18 squirrels, 120 doves, 7 catfish.

REGION 4

TOTAL CASES-66

ENFORCEMENT-66

OTHER -0

15-Angling W/O A License

11-Fish Without Resident Pole License

4-Take Game Fish Illegally

1-Taking/Poss. Over Limit Of Undersized Gamefish

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

2-Take Commercial Fish W/O Commercial Gear License

2-Taking Fish Illegally

REGION 4 CONT'D.

- 5-Hunting W/O Resident License
- 5-Hunting W/Unplugged Gun Or Silencer
- 1-Use Live Ammo While Training Dogs C/S
- 1-Hunt Squirrel C/S
- 1-Hunting MGB With Unplugged Gun
- 13-Hunting MGB Over Baited Area
- 2-Hunting MGB From A Vehicle
- 2-Possess Over Limit Of Doves
- 1-Littering

CONFISCATIONS:

10 catfish, 152 white perch, 4 squirrels, 1 dip net.

REGION 5

TOTAL CASES-226

ENFORCEMENT-216

OTHER - 10

- 73-Boating
- 35-Angling W/O A License
- 4-Taking/Poss. Over Limit Of Undersized Gamefish
- 25-Poss. O/L Of Red Drum
- 3-Take Or Possess Undersized Red Drum
- 15-Take Or Possess Undersized Black Drum
- 3-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 2-Take Commercial Fish W/O Commercial Gear License
- 3-Take Or Possess Commercial Fish Without A Vessel License
- 2-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
- 1-Fail To Maintain Records

REGION 5 CONT'D.

2-Transport W/O Required License

1-Illegal Possession Of Red Drum And Spotted Sea Trout

2-Leave Nets Unattended

1-Take Or Possess Undersize Commercial Fish

3-Set Crab Traps In Nav. Channels

9-Take Or Possess Undersize White Shrimp

1-Using Other Than Self-Propelled Vessel

6-Hunting W/O Resident License

3-Hunting W/Unplugged Gun Or Silencer

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

2-Fail To Tag Alligator Upon Taking

4-Take Alligators From Other Than Approved Area

2-Not Abiding By Rules And Regs.

2-Hunting MGB From A Vehicle

3-Wanton Waste Of MGB

2-Hunting Doves Closed Season

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

5-Not Abiding By Rules And Regs. On WMA

3-Littering

2-Possess/Take Undersize Federal Controlled Fish Snapper

CONFISCATIONS:

46 red drum, 10 black drum, red snapper, 2000 lbs. of shrimp sold for

\$6,456.60, 4 doves, 3 alligators, 1 egret, 400 lbs. of crabs sold for 70.50.

REGION 6

TOTAL CASES-92

ENFORCEMENT-79

OTHER -13

26-Boating

17-Angling W/O A License

5-Fish Without Resident Pole License

2-Use Gear W/O Recreational Gear License

18-Taking/Poss. Over Limit Or Undersized Gamefish

1-Take Or Possess Undersized Red Drum

2-Take Or Possess Undersized Black Drum

1-Take Or Possess Commercial Fish Without A Vessel License

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

1-Use Illegal Mesh Nets

1-Take Or Possess Undersize Commercial Fish

7-Hunting W/O Resident License

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

2-Poss. Squirrels C/S

3-Hunting MGB Over Baited Area

2-Hunting MGB From A Vehicle

CONFISCATIONS:

1 monofilament gill net-13 yards, 59 undersized eel catfish, 5 black drum, 24 dove, 453 black bass, 1 red drum, 4 squirrels.

REGION 7

TOTAL CASES-212

ENFORCEMENT-212

OTHER - 0

48-Boating

63-Angling W/O A License

9-Fish Without Resident Pole License

6-Take Or Possess Undersized Red Drum

4-Take Or Possess Undersized Spotted Sea Trout

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

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

1-Allow Another To Use Commercial License

1-Use Oversize Trawl, Trawl Board

4-Hunting W/O Resident License

4-Hunting W/Unplugged Gun Or Silencer

3-Hunt Rabbits Closed Season

3-Hunt Squirrel C/S

1-Hunt Or Take Deer Or Bear C/S

1-Take Or Hunt Deer Or Bear W/Illegal Weapon

2-Fail To Tag Alligator Upon Taking

2-Not Abiding By Rules And Regulations

1-Take Alligators W/O License

3-Hunt Alligators At Night With Firearm

1-Hunting MGB With Unplugged Gun

51-Hunting MGB Over Baited Area

REGION 7 CONT'D.

1-Flight From An Officer

2-Littering

CONFISCATIONS:

7 doves, 1-7 foot alligator, 2 squirrels.

REGION 8

TOTAL CASES-552

ENFORCEMENT-411

OTHER -141

25-Boating

119-Angling W/O A license

1-Use Gear W/O Recreational Gear License

21-Angling W/O Saltwater License

13-Not Abiding By Rules and Regulations Of Commission

11-Take Game Fish Illegally

4-Taking/Poss. Over Limit Or Undersized Gamefish

19-Poss. O/L Of Red Drum

92-Take Or Possess Undersized Red Drum

13-Take Or Possess Undersized Spotted Sea Trout

12-Take Or Possess Undersized Black Drum

1-Poss. O/L Spotted Sea Trout

1-Fail To Have Commercial License In Possession

9-Take Commercial Fish W/O Commercial Gear License

12-Take Or Possess Commercial Fish Without A Vessel License

REGION 8 CONT'D.

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

3-Fail To Maintain Records

1-Transport W/O Required License

1-Taking Fish Illegally

1-Take Or Possess Undersize Commercial Fish

3-Allow Another To Use Commercial License

4-Permit Unlicensed Person To Operate Commercial Vessel

3-Permit Unlicensed Person To Use Commercial Gear

4-Take/Possess Oysters Without Oyster Harvester License

4-Failure To Mark/Tag Nets

6-Take/Possess Undersized Black Drum Commercial

2-Possess Or Sell Undersized Crabs

2-Fail To Comply With Shark Permit And Report Rules

2-Commercial Truck Without Display Of Owner Name and Address

4-Trawling In Closed Season

13-Trawling Inside Waters W/Oversized Double Rigs

10-Use Oversize Trawl, Trawl Board

1-Use Oversize Test Trawls

4-Butterflying In Closed Season

2-Use Oversize Butterfly Nets

3-Failure To Have Written Permission

5-Unlawfully Take Oysters From State Water Bottoms

2-Taking Oysters From Unapproved Area

6-Take Oysters Closed Season

5-Take Oysters Illegal Hours

REGION 8 CONT'D.

1-Failure To Tag Sacked Or Containerized Oysters

2-Harvest Oysters Without Oyster Harvester License

4-Hunting W/O Resident License

4-Poss. Wild Birds Or Wild Quadrupeds W/O A License

1-Hunting W/Unplugged Gun Or Silencer

3-Hunt Squirrel C/S

3-Fail To Tag Alligator Upon Taking

1-Take Alligators From Other Than Approved Area

1-Fail To Maintain Required Records Of All Alligator Transactions

9-Illegal Poss. Of Alligators Eggs, Or Their Skins

46-Hunting MGB Over Baited Area

2-Hunting Doves Closed Season

2-Hunting Snipe Closed Season

2-Littering

1-Other Than Wildlife And Fisheries

1-Refuse/Misrepresent Booking Info

CONFISCATIONS:

7 gill nets totaling 2117 yards, 2 oyster dredges, 19 trawls, 5 alligator tags, 2 sets of records of purchases, 4 butterfly nets, 1 mamou net, 2 trawl boards, 15 sacks of oysters, 3/4 bushel of crabs, 1 flounder, 1,157 pounds of shrimp sold for \$3,922.50, 62,926 pounds of croakers sold for \$3,350.93, 1 whole alligator sold for a total of 351.50, 233 red drum, 65 speckled trout, 11 black bass, 38 black drum, 7 sheephead, 5 flounder, 5 catfish, 9 snipe, 391 alligator hides, 142 doves.

REGION 9

TOTAL CASES-389

ENFORCEMENT-358

OTHER - 31

28-Boating

54-Angling W/O A License

8-Fish Without Resident Pole License

28-Angling W/O Saltwater License

4-Taking/Poss. Over Limit Or Undersized Gamefish

21-Poss. O/L Of Red Drum

5-Poss. O/L Of Red Drum In Excess of 27"

58-Take Or Possess Undersized Red Drum

19-Take Or Possess Undersized Spotted Sea Trout

11-Take Or Possess Undersized Black Drum

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

6-Take Commercial Fish W/O Commercial Gear License

8-Take Or Possess Commercial Fish Without A Vessel License

1-Transport W/o Required License

5-Not Abiding By Commission Rules And Regulations

1-Taking Fish Illegally

1-Use Illegal Mesh Nets

3-Take Or Possess Undersize Commercial Fish

4-Allow Another To Use Commercial License

1-Commercial Truck Without Display Of Owner Name And Address

5-Failure To Have Written Permission

6-Unlawfully Take Oysters From State Water Bottoms

REGION 9 CONT'D.

- 8-Taking Oysters From Unapproved Area (Polluted)
- 10-Trawling Or Seining On Oyster Lease
- 19-Harvest Oysters Without Oyster Harvester License
- 2-Hunting W/O Resident License
- 1-Hunting W/Unplugged Gun Or Silencer
- 4-Hunt Or Discharge Firearm From Public Road Or Road
Right-Of-Way
- 2-Fail To TAG Alligator Upon Taking
- 2-Take Alligators From Other Than Approved Area
- 3-Not Abiding By Rules And Regulations
- 3-Fail To Maintain Required Records Of All Alligator Transactions
- 1-Taking Or Possessing Alligators Closed Season
- 19-Illegal Poss. Of Alligators Eggs, Or Their Skins
- 1-Dealing In Alligator Parts W/O Proper License
- 8-Fail To Comply W/Alligator Parts Tagging Required
- 11-Hunting MGB Over Baited Area
- 1-Taking Cranes-No Season
- 4-Littering
- 6-Other Than Wildlife And Fisheries

CONFISCATIONS:

174 alligator heads, 80 alligator hides, 27 alligator babies, 4 whole alligators sold for \$849.98.

361 red drum, 19 black drum, 18 bass, 76 sea trout, 96 catfish, 154 sacks of oysters released to water, 72 doves, 1 mockingbird, 1 egret, 1/2 box of crabs, 1 weapon, 1 shocking machine, 1 dip net, 200 feet of gill net, 5 boats, 7 dredges, 1 boat trailer, 5 licenses.

OYSTER STRIKE FORCE

TOTAL CASES-74

8-Take Oysters From Unapproved Area (Polluted)

5-Fail To Have Written Permission

10-Take Oysters From State Water Bottom

1-Take Oysters Closed Season

1-Fail To Cull In Proper Location

6-Fail To Post Oyster Lease During Harvest

5-Fail to Comply With Dept. Rules and Regs.

4-Have No Commercial License

12-Have No Oyster Harvester License

7-No Vessel License

4-Allow Another To Use Commercial License

1-Transport W/O Required License

1-Fail To Display Name And Address On Commercial Truck

8-Health Dept.-No Tarp

1-Principal To The Act

CONFISCATIONS:

411 sacks of oysters, 11 boats, 3 licenses, 15 dredges, 1 permit.

Page (14)

S.W.E.P.

RIP TIDE AND DELTA TIDE

CHECKED 97 BOATS

138 HOURS RUNNING TIME

TOTAL CASES-32

3-Take Commercial Fish Without Commercial License

3-Allow Another To Use Commercial License

17-Use Oversize Trawls

3-Permit Unlicensed Person To Operate Commercial Vessel

1-Misrepresent Booking Information

4-Permit Unlicensed Person To Use Commercial Gear

1-Fail To Have Shark Permit

CONFISCATIONS:

14 Trawls, 1,122 shrimp which sold for \$2,456.90, 50 lbs. of shark which sold for \$5.00, 60,926 lbs. of fish which sold for \$3,350.93.

Page (15)

TOTAL CASES ENFORCEMENT-1671

TOTAL CASES OTHER - 199

TOTAL CASES OSF - 74

TOTAL CASES SWEP - 32

GRAND TOTAL - 1976

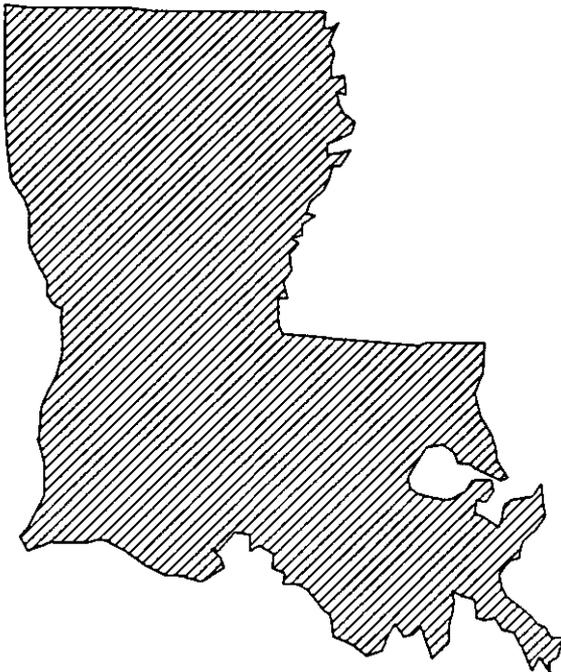


HIGHLIGHTS OF SPORT FISH RESTORATION IN:

LOUISIANA

U. S. Fish and Wildlife Service, Division of Federal Aid

March 1, 1991



Current Projects

1990 - 1991

(Statewide and by Congressional Districts)

TECHNICAL ADVICE TO OWNERS OF PONDS AND SMALL LAKES \$ 30,000.00

To provide technical guidance to private pond owners for proper management, sport fish production and fishing success and overcome biological limiting factors to increase catch success.

DISTRICT(s): Statewide

FISH MANAGEMENT COORDINATION \$ 127,500.00

To administer the Department's Federal Aid Sport Fish Program and to improve services to the recreational anglers and boaters.

DISTRICT(s): Statewide

PUBLIC ACCESS AND BOATING FACILITIES \$ 463,275.00

Construction and renovation of five boating access facilities to improve recreational boating and fishing access to public waters.

DISTRICT(s): Statewide

LOUISIANA'S ARTIFICIAL REEF PLAN \$ 126,037.00

To develop an artificial reef plan for Louisiana and increase marine sport fishing opportunities.

DISTRICT(s): Saltwater Projects

FISH POPULATION INVESTIGATIONS \$ 1,337,250.00

To obtain an accurate record of the fish population in eight fisheries districts; to monitor scuba fishermen; to access the paddlefish populations; control aquatic vegetation; evaluate Florida largemouth bass introductions; determine cause of stunted channel catfish in Lake Maurepas and Lac Des Allemands; to determine status of sport fish populations and develop management plans.

DISTRICT(s): Statewide

Aquatic Vegetation Investigations For Sport fish Management

To control aquatic vegetation utilizing water level manipulations.

This information is used to manage lakes for fish production and sport fishing.

Channel Catfish Investigations

To determine if channel catfish populations in Lake Maurepas and Lac Des Allemands are stunted.

Results obtained during this study will be used to formulate management plans which will result in the maximum utilization of this valuable fishery resource in these areas.

ECONOMIC BENEFITS OF LOUISIANA SPORT FISHING

Total Benefits = \$ 893.4 million

Produced by:

Angler Expenditures = \$ 538.5 million

Public Benefits:

License Revenue = \$ 1.7 million

Wallop - Breaux Revenue = \$ 3.0 million

Private Benefits:

Earnings = \$ 247.3 million

Full Time Jobs = 15,104

Caney Lake Investigations

To evaluate the stocking and harvest of Florida largemouth bass in a new 5,000 acre impoundment. The need to know the potential of stocking the Florida strain of largemouth bass in Louisiana waters for future management decisions.

DISTRICT(s): 03,08

Largemouth Bass Investigations On Chicot Lake

To determine the effects of a size restriction on largemouth bass in Chicot Lake. To enable the Department to more intensively manage individual lakes.

A Survey Of Factors Affecting Fish Production In The Larto-Saline Area

To document the improvements in water quality and sport fish production in the Larto-Saline area as a result of their construction and restoration activities. This information should provide a measure of the effectiveness of this type of water control structure for water and fisheries renovation and management and also provide information for assessing possible environmental damages caused from man-made alterations of backwater areas by flood control and navigation.

DISTRICT(s): 08

Fish Population Surveys

To obtain a record of fish populations in the eight fisheries districts. To obtain base line data that is used to formulate management plans.

FISH PRODUCTION \$ 187,500.00

To produce sport fish for put-grow-take stocking in public waters. This project will result in stocking of an estimated 1.5 million Striped Bass, 1.1 million Hybrid Striped Bass, 40,000 Flathead Catfish, and 224,000 Florida Bass annually.

DISTRICT(s): Statewide

STOCK IDENTIFICATION OF LOUISIANA'S FRESHWATER FISH \$ 45,000.00

To identify those protein systems most effective for classifying gene stocks and the degree of interbreeding within gene stocks of Florida largemouth bass and coppernose bluegill; to determine the specific production parameters associated with these populations; to combine electrophoretic analysis with stock production characteristics and to develop management protocols.

DISTRICT(s): Statewide

Stock Identification Of Louisiana's Freshwater Fishes

To determine both the genetic indicators and specific production parameters associated with Florida largemouth bass and coppernose bluegill stocks in Louisiana; to develop methods to use these indicators and production parameters in managing these stocks. Be used to assess research techniques to determine their effectiveness toward accomplishment of management goals.

LOUISIANA COOPERATIVE FISH DISEASE PROJECT \$ 15,000.00

Louisiana State University will provide in-State fish disease diagnosis, training, and technical guidance to reduce disease infections and mortality in cultured sport fish to be stocked in public waters.

DISTRICT(s): Statewide

AQUATIC EDUCATION \$ 254,000.00

To conduct an aquatic education project for the State of Louisiana. To develop a public and private school program, to conduct fishing clinics, to train volunteers, to assist handicapped individuals with learning programs

DISTRICT(s): Statewide

RENOVATION OF NEW ORLEANS' CITY PARK \$ 225,000.00

Renovation of New Orleans' city park lakes to improve the quality of water and habitat for fishing.

DISTRICT(s): 01

MAINTENANCE AND EXPANSION OF BEECHWOOD FISH HATCHERY \$ 1,150,182.00

To renovate and expand the freshwater fish hatchery to increase production of cultured sport fish for stocking public waters where reproduction is nonexistent or limited.

DISTRICT(s): 08

Standardized Field, Laboratory, And Statistics Methodology

To standardize field, laboratory and statistical methodologies for quantitative evaluation of fish communities in selected aquatic habitats.

This will be used as a tool for effective fishing management.

APPLICATION AND USE OF FLUORCHROMES IN SUPPLEMENTAL STOCKING PROGRAMS FOR RECREATIONAL FISHERIES ENHANCEMENT \$ 101,366.00

Validate marking performance and retention of four fluorochrome in calcified tissue, otoliths and scales of red drum and striped bass; identify daily incremental patterns; evaluate the use of fluorochrome in tagging fish in supplemental stocking program.

DISTRICT(s): Saltwater Projects

Applications And Use Of Fluorochrome In Supplemental Stocking Programs For Recreational Fisheries Enhancement

Validate marking performance and retention of four fluorochrome (tetracycline, calcein, calcein blue, and alizarin complexone) in calcified tissue, otoliths, and scales of red drum and striped bass; identify daily incremental patterns in otoliths to segregate hatchery from wild fish; evaluate the use of fluorochrome marked fish in supplemental stocking program.

Be used to assess research techniques to determine their effectiveness toward accomplishment of management goals.

STATEWIDE ENVIRONMENTAL INVESTIGATIONS \$ 34,650.00

To collect environmental data on fish and wildlife resources; to provide advice to governmental agencies in planning for fish and wildlife; and make mitigation recommendations on development activities.

DISTRICT(s): Statewide

STANDARDIZED FIELD, LABORATORY, & STATISTICAL METHODOLOGIES \$ 33,105.00

Contract with Louisiana State University to produce standardized statistical methodologies for sampling the freshwater fishery resources of the State.

DISTRICT(s): 08

Specific Development Projects from 1987 - 1989

STATEWIDE

PUBLIC ACCESS AND BOATING FACILITIES \$ 917,577.00
For construction and maintenance of motorboat access facilities.

SPRING BAYOU CHANNELIZATION \$ 187,500.00
Construct a channel in the Spring Bayou complex which will facilitate draw-downs and provide quality fish habitat during draw-down.

DISTRICT 01,02

RENOVATION OF NEW ORLEANS CITY PARK \$ 225,000.00
Renovation of New Orleans city Park lakes to improve the quality of water.

DISTRICT 03

BELLE RIVER RAMP CONSTRUCTION \$ 139,504.00
The purpose of this project was is to construct boating access near St. Martin's Parrish.

DISTRICT 04

THE CONSTRUCTION OF A MUNICIPAL BOAT RAMP \$ 149,550.00
The purpose of this project is to provide funding for a municipal boat ramp in Caddo Parrish.

DISTRICT 05

RECONSTRUCTION OF ACCESS FACILITIES ON THE BAYOU \$ 19,600.00
The purpose of this project is to reconstruct access areas on the Bayou on the Bonne Idée River area in Morrhouse Parrish.

DISTRICT 08

CONSTRUCTION OF KROTZ SPRING RAMP \$ 85,400.00
The purpose of this project is to aid in the construction of boating access facilities in St. Landry Parrish.

RENOVATION OF COTILE LAKE RAMP \$ 51,750.00
The purpose of this project is to aid in the reconstruction of access facilities in Rapides Parrish.

RECONSTRUCTION OF COTILE LAKE BUOYS \$ 20,000.00
The purpose of this project is to aide in the reconstruction of Buoys in the Cotile Lake area.

COTILE LAKE VEGATATION SPRAYING \$ 93,750.00
The purpose of this project is to aid in the spaying of unwanted vegetation in the Cotile Lake area in Evangeline Parrish.

RECONSTRUCTION OF SUTTON LAKE BOAT RAMP \$ 30,000.00
The purpose of this project is to aid in the reconstruction of the Sutton Lake Boat Ramp in Avoyelles Parrish.

NOTES:

1992 BIRTHSTONE: GARNET

JANUARY

FLOWER: CARNATION **1992**

My interest is in the future
because I'm going to spend the rest of my life there.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
NOTES:			1	2	3	4
			NEW YEAR'S DAY			
5	6	7 X	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
MARTIN LUTHER KING, JR.'S BIRTHDAY		28	29	30	31	NOTES:
26	27					

10/8/91 - Comm.

Discussion of Tunica Hills Habitat Conservation Area - JW Turner

Chg 1. Discussion of Department Lands -

Definition of Refuge, WMA & Habitat

Conservation Area.

State of Louisiana

Jimmy



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

MEMORANDUM

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

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

RE: Commission Meeting Agenda - October 8, 1991

23rd

Please write on the bottom of this memo and return to Sharyn Bateman by Monday, September 24th, any agenda items your office may have for the Tuesday, October 8, 1991, Commission meeting to be held in Baton Rouge, Louisiana, at the Wildlife and Fisheries Building, Quail Drive. This meeting will begin at 10 a.m. on October 8th. 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!

No agenda items for Fur + Refuge

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

TP

State of Louisiana

Houston



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

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Thank you for your cooperation!

"ENVIRONMENTAL GROUP OF AMERICA
HABITAT FOR DUCKS AND FISH"

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

HOUSTON FORET

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine 90

*1). Enforcement Division
Case Report!*

*Presentation of Shika-Safari Award
Spencer Clarys 1 year
Award 9 year*

*W.V.
9/10-91*

State of Louisiana RECEIVED



SEP 6

INFORMATION &
EDUCATION DIVISION

Buddy Roemer
Governor

A. Kell McInnis III
Acting Secretary

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

September 5, 1991

MEMORANDUM

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

*I & E will not have any
items for the agenda -*

Bittair

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

MEMORANDUM

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

none

Bittair

9/17/91

OFFICE OF FISHERIES
Routing Slip

Out: _____
Due: _____
In: _____

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

Action:

_____ Please see me about this matter _____.

_____ For your information.

_____ Take appropriate action.

X _____ For review and/or approval. *Inland Fish Div. Oct & Comm meet. Agenda.*

_____ Please look into this matter and prepare a written response for my or VVS signature and return a copy of your reply for filing.

_____ within 72 hours
_____ within 5 days

_____ Comments?

Note:

Response:

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

SEP 19 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

State of Louisiana

Bennie



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

MEMORANDUM

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

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Thank you for your cooperation!

Culand Fish Division agenda: Bennie Fontenot

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

"Ratification - state's 22" minimum size limit on bowfin (Ameiurus calva) harvested for commercial purposes."
SEP - 5 1991

FISH DIVISION

Dear Jerry:
I would like permission for Don Lee & Art Williams to attend the Oct. 8 Comm. meeting.
J. Aubrey
Bennie

An Equal Opportunity Employer

State of Louisiana

Zero



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

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Thank you for your cooperation!

AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

- 1) CRAB TRAP MARKING
- 2) ~~River and Harbor of M...~~
- 3) ~~TOMPANO AND BLACK B...~~

State of Louisiana



Kerens
North land?
North - Barney
by Sept 18

A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

MEMORANDUM

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine

RECEIVED
LA. DEPARTMENT OF
WILDLIFE & FISHERIES

SEP 19 1991

ASSISTANT SECRETARY
OFFICE OF FISHERIES

An Equal Opportunity Employer

9-19-91
Jerry - At this time -
No commission
agenda items. I will
attend the meeting.
Xaver

State of Louisiana



A. Kell McInnis III
Acting Secretary

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

Buddy Roemer
Governor

September 5, 1991

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and Assistant Secretary-Office of Fisheries

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AKM/sb

C: Don Puckett
Bob Dennie
Winton Vidrine



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P. O. Box 3596

Baton Rouge, Louisiana

70821-3596

(504) 925 3770

October 4, 1991



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

OCT 07 91

OFFICE OF THE SECRETARY

Dear Mr. McInnis:

In response to our conversation on September 30, we are providing the following information to your agency: We have had approximately 28 fish kills that we have responded to, 12 of which we will address at this time. The 12 fish kills occurred in Louisiana the summer of 1991, prior to July 17, located in 5 parishes and in close proximity to where sugarcane is grown. In conjunction with and arising out of these investigations, the Louisiana Department of Agriculture and Forestry has taken the following action:

- 1) Suspended the sale and application of the pesticide, Azinphos-methyl;
- 2) Suspended the license of three aerial applicators;
- 3) Issued and delivered 53 stop orders;
- 4) Issued and delivered 3 protective orders;
- 5) Supervised the clean-up of two pesticide spills and identified 15 instances where pesticide use was violated for additional enforcement action.

We are continuing to compile the information and take statements for all the fish kills in order to ascertain further enforcement actions. This is much more complicated than first thought and we are working diligently to compile the data and present it to the Pesticide Advisory Commission members on November 19 and 20 for their deliberation. If you have any other questions, please feel free to contact our office.

Very truly yours,

Matthew Keppinger
Acting Assistant Commissioner

MK/csl



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P. O. Box 3596

Baton Rouge, Louisiana

70821-3596



(504) 925 3770

September 24, 1991

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

Dear Mr. McInnis:

Commissioner Odom has received your letter of August 23, 1991 and has asked me to respond to the information which you have requested.

Please be advised that this Department's investigation into the fish kills which have occurred this past summer are on-going. Investigative action with regard to violations or suspected violations that arose out of all which were found in connection with this Department's fish kill investigation are presently being considered. The Pesticide Advisory Commission has scheduled a hearing for adjudication of the suspected fish kill violations for November 19 and 20, 1991. Once this Department's investigation has concluded and an agenda for the November Commission meeting has been established, the same will be sent to you.

Should you have any questions regarding this, please contact me at your convenience.

Very truly yours,

Matthew Keppinger
Acting Assistant Commissioner

MK:EJSIII:cs1



BOB ODOM
COMMISSIONER

Louisiana Department of Agriculture & Forestry

Office of Agricultural & Environmental Sciences

P. O. Box 3596

Baton Rouge, Louisiana

70821-3596



MATTHEW J. KEPPIINGER III
ASSISTANT COMMISSIONER

(504) 925-3770

June 18, 1992

MEMORANDUM

TO: Interested Parties

FROM: Matthew Keppinger, Assistant Commissioner
Pesticides and Environmental Programs

RE: Points of Discussion Concerning Fish Kills

On June the 10th at 9:00 A.M. a meeting was held at the Louisiana Department of Agriculture and Forestry Building on Florida Blvd. The meeting was put together for the discussion of the Fish Kills that occur in Louisiana.

The following agencies were represented:

Louisiana Department of Agriculture and Forestry
Louisiana Department of Environmental Quality
Louisiana Department of Wildlife and Fisheries
Louisiana Department of Health and Hospitals
Louisiana Cooperative Extension Service
Louisiana State University School of Veterinary Medicine

A list of the Louisiana Department of Agriculture and Forestry District Managers of each area of the state was distributed along with the 24 hour Fish Kill Hot Line number (504) 925-3763.

A guide to the Fish Kill investigation prepared by the Louisiana Department of Environmental Quality was distributed to the meeting attendants for review.

A copy of the Field Manual for the investigation of Fish Kills published by the United States Department of the Interior Fish and Wildlife Service/Resource Publication 177 was passed around for those who desired to order this manual from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

Communication between agencies and agencies working together collecting data on Fish Kills was a major topic at the meeting. Quality Assurance and Quality Control programs that are used in sampling procedures, equipment, sampling preservation, the chain of custody of samples and instrument calibration were discussed. Throughout this meeting agencies were encouraged to assist other agencies to investigate Fish Kill sites when at all possible, having a multi-media effort to insure a complete enforcement impact on any violations that may have caused the Fish Kill.

We also discussed the H₂O Monitoring Program that the Louisiana Department of Agriculture and Forestry established in the cropping areas of the State and collection of the H₂O from these cropping areas testing for Agricultural Pesticides in 45 sites, across the state with an additional 43 testing sites located in the sugar cane areas that will also be sampled when the Sugar Cane Bore Control Session begins.

Communicating with the Press was discussed among the agencies and keeping the media informed of the methods and procedures that are being used during a fish kill investigation was stressed.

The Louisiana State University School of Veterinary Medicine's Fish Toxicologists are making the final determinations as to the cause of a fish kill for the Louisiana Department of Agriculture and Forestry.

The meeting was informative with interagency interaction discussing some of the problems and solutions to the fish kills that have occurred and that may occur into the future.

MK:cd

GUIDE TO FISH KILL INVESTIGATIONS

Prepared For LDAF
By LDEQ
Water Quality Management Division

INTRODUCTION

A thorough fish kill investigation follows procedures designed to systematically make observations and collect evidence which will aid in the determination of the probable cause of the fish kill. Determining the cause of a fish kill can be challenging, and it is possible that an easily overlooked piece of evidence could be crucial in making a correct determination of cause. It is important to realize that the conditions that produced a fish kill are often not present at the time of the investigation, and instead must be deduced from the conditions that do exist. A reasonable knowledge of fish identification and behavior is important. It is critical that observations are documented carefully, since enforcement action could result from a fish kill investigation and the methods used in the investigation could be challenged.

Prepare equipment and supplies for conducting a fish kill investigation ahead of time as much as possible. This includes having hexane-rinsed aluminum foil stored in plastic bags, and hexane-rinsed gallon jars with teflon-lined (or hexane-rinsed aluminum foil) caps on hand. Electronic test equipment which will be used during the investigation need to be calibrated immediately before leaving for the fish kill site or calibrated on site at the start of the investigation. A calibration logbook is maintained on all electronic gear. An ice chest with plenty of ice is also required. Bring a camera with spare rolls of film.

TYPICAL INFORMATION/OBSERVATIONS REQUIRED

Prior to arrival at fish kill:

- 1) Name, address, and telephone number of person who reported fish kill.

Contacting the individual who reported the fish kill is often necessary to obtain precise directions and for background information that may be useful in interpreting field observations and laboratory results. Much of the information that you will need to make in the field can be obtained directly from the person reporting the fish kill.

- 2) Location of the fish kill, and the time and date it occurred or was noted.

Maps of the area involved should be obtained- these

will be used in the report for illustrating station location and location of mortalities.

- 3) Were fish dying or had they been dead for some time when noticed?
- 4) What species of fish were involved?

After arrival at fish kill site:

- 1) Spatial extent of fish kill (upstream and downstream limits) and in relation to intersecting canals, agricultural fields, industries, etc.
Fish carcasses may be located beginning immediately downstream of a canal draining a field or a discharge from a plant- providing circumstantial evidence that a toxic agent may have been introduced here.
- 2) Water quality characteristics:
 - a) Field water quality parameters measured at several locations (including upstream and downstream of any suspected sources of pollutants) and at various depth intervals. These parameters minimally include: pH, D.O., temperature, and conductivity (plus salinity in coastal areas).
 - b) Water color.
 - c) Odor of water.
 - d) Flow direction.
 - e) Secchi depth.
- 3) Behavior of live fish, and appearance of moribund and dead fish.
Piping at surface, darting erratically at surface, lesions, positions of fins, gill appearance, gashes in body, etc., are valuable observations that provide strong evidence concerning the cause of the fish kill.
- 4) Condition of other biota (flora and fauna).
- 5) Weather conditions at time of fish kill and previous several days.
- 6) Species of dead/dying fish (physostomic, ex. gar, or physoclistic, ex. shad) and size.
- 7) Interviews with citizens at scene, noting any recent events which may have contributed to kill.

CONDUCTING THE INVESTIGATION

Mental theories as to the cause of the kill should be developing as the investigation progresses. As new data are obtained or as additional observations are made, the hypothesis will be supported or there will be an indication that a new hypothesis is

needed. Take all of the necessary information which will allow you to reconstruct the events leading to the kill.

- 1) Initially make quick visual inspection of area affected and areas above and below the kill area. Make observations listed above.
- 2) Set up sample stations to demonstrate conditions above, within, and below affected area. Intersecting canals should be either isolated or implicated by location of sampling stations.
- 3) Field parameter measurements should be made at 1.0 meter intervals from top to bottom of the water column including readings 0.5 meters from surface and bottom .
An effort should be made to find the D.O. break-point depth.
- 4) Unless it is apparent that the fish kill has a natural cause, water samples and fish should be collected.
All samples need to be collected and handled carefully so as to avoid contamination, and brought to the laboratory as quickly as possible.

WATER SAMPLES: Samples for organic/pesticide analysis need to be collected in a hexane-rinsed amber glass jar with a teflon-lined (or hexane-rinsed aluminum foil) cap. Place the sample on ice immediately after collection.

FISH SAMPLES: Collect live fish (should appear to be in distress or swimming erratically), if possible, or not decomposed if live fish cannot be collected. Wrap fish in hexane-rinsed aluminum foil and put the foil-wrapped fish in a plastic bag. Place the fish samples on ice; avoid allowing ice water to contact the fish.

TYPES OF FISH KILLS

Naturally-Caused Fish Kills

Low Dissolved Oxygen: Low D.O. is the most common cause of fish kills in Louisiana. Low D.O. can result from prolonged light reduction due to several days of overcast skies. Low D.O. can develop overnight as a result of an algal bloom because of the respiration of the algae. Algal blooms are indicated by high pH (9-11) and oxygen levels (>10 ppm) during sunlight hours. The water may be greenish in appearance. Another common cause of low D.O. conditions is draining of swamps or marshes. Normal D.O. levels measured in the field during the investigation do not necessarily eliminate low D.O. as the cause, especially if the fish

kill occurred several days previously. Low D.O. kills are normally indicated when only oxygen sensitive species, and large-bodied individuals are affected. If the investigation is occurring during low D.O. conditions, live fish may be seen piping at the surface, or in a moribund state and barely moving.

Algae-Produced Toxins: Certain blue-green algae and dinoflagellates produce toxins which can result in fish kills. Microscopic exams are required to demonstrate this cause.

Infectious Agents: Pathogens rarely cause kills among healthy populations; crowded or environmentally-stressed conditions are typically required. An outward abnormality such as skin lesions, excessive mucous production, etc., is often apparent. Infectious agents may affect only a single species or a few closely-related species.

Pollution-Caused Fish Kills

Low Dissolved Oxygen: A discharge of high COD or BOD material can reduce oxygen levels and cause a fish kill.

Toxics: Toxics should be immediately suspected when mortalities occur among physostomic species, such as gar and bowfin, as well as physoclistic fishes like shad. Smaller individuals will tend to be affected before large ones. Live fish may be darting at the surface erratically. Organophosphate and carbamate pesticides typically cause forward positioning of pectoral fins in poisoned fish.