

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

BOARD MEETING

MAY 3-4, 1990

WARREN POL

CHAIRMAN

NEW ORLEANS, LOUISIANA

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
MAY 3-4, 1990

	Page
1) Roll Call	1
2) Approval of Minutes, April 5-6, 1990	1
3) Update on Louisiana Duck Stamp Program	1
4) Notice of Intent on Hunting Seasons 1990-91, for Information Purposes	2
5) Opening Dates of Spring Inshore Shrimp Season	4
6) Sturgeon Closure Rule for Ratification	7
7) Rule for Ratification on Sanctuaries, Sabine and Calcasieu Lakes	8
8) Notice of Intent on Vermilion Bay Public Oyster Seed Ground	9
9) Update on Black Drum and Spotted Seatrout Quotas	10
10) Update on New Orleans Properties	11
11) Update on D. A. Disposition Report	11
12) Monthly Law Enforcement Report	12
13) Dates for August Commission Meeting	13
14) Senator Nunez Addresses the Commission	13
15) Executive Session (Cooper and DeMolle)	14
16) Proposed Supplemental Alligator Farm Stocking Program Adjustment	15
17) Secretary's Report to the Commission	17
18) Other Business	20
19) Adjournment of Meeting	24

MINUTES OF MEETING

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MAY 3-4, 1990

Chairman Warren Pol presiding:

Thursday, May 3, 1990

Don Hines
Jimmy Jenkins
Bert Jones
Norman McCall
Pete Vujnovich

Secretary Van Sickle was also present.

Mr. Joe Palmisano was absent from the meeting.

Friday, May 4, 1990

Don Hines
Jimmy Jenkins
Bert Jones
Norman McCall
Pete Vujnovich

Secretary Van Sickle was also present.

Mr. Joe Palmisano was absent from the meeting.

At Thursday's meeting a motion was made by Mr. Jenkins to accept the Minutes of the April 5-6, 1990, Commission meeting. The motion was seconded by Mr. Jones and passed unanimously.

At Thursday's meeting Mr. Hugh Bateman gave an Update on the Louisiana Duck Stamp Program for informational purposes. Mr. Bateman, Administrator, Game Division, reported that the first duck stamp program thus far has been a great success financially. Mr. Bateman gave figures and anticipated revenue that the department expects to have in the Louisiana Duck Stamp Fund to buy wetlands in Louisiana hopefully this coming year. At the present time the sale of duck stamps and art prints have totaled \$723,000. Estimates from the publisher is that an additional \$276,000 worth of stamps and prints have been ordered and are on call from which the department has not received revenues. Projected hunting license sales of about 65,000 from the waterfowl hunters who bought stamps this last year are \$292,000 and nearly \$50,000 worth of stamps were sold to collectors this first year. The grand total being projected for the fund when all the receipts are in will be 1.3 million dollars. If the sales prove what the department thinks they will this program will be the single largest state duck stamp

program ever advised Mr. Bateman. Eight hundred prints for the second year have already been sold and the department thinks that the projected revenues from the second year stamp will be right at a half million dollars. Mr. Bateman pointed out that in the legislative packet this year there are two bills that have been introduced that will be revenue negative and damaging to the duck stamp program. One of the bills requires persons over 60 years of age be exempt from buying the state duck stamp which will result in the loss of \$25,000-\$50,000. Another bill would extend the residency requirement for the contest for another two years and if this occurs the publisher who is handling the duck stamp print marketing all over the United States will not participate. The publisher is on contract for this year and one more year and if the residency requirement is extended he will not be interested in handling the print. What will happen is that the program will fold up and become one like many states have who have going through this advised Mr. Bateman. The art part of the contest will not generate any money and will be a break even situation for the department with the only money being made from the sale of stamps to hunters and a few to collectors. Mr. Bateman stated that this has been discussed with Secretary Van Sickle and Kell McInnis and the department is going to make its best efforts to keep the bills from damaging the program. Representative Martin from southwest Louisiana authored the bill to extend the residency requirements (HB 1705) and Senator Foster authored the bill for exemption of 60 years and older (SB 9). Secretary Van Sickle and Mr. Bateman both stated that neither of them have received any phone calls or complaints from persons 60 years of age or older about purchasing a duck stamp. Secretary Van Sickle commented that she did not know where the complaints were coming from and asked the Commissioners if they knew Representative Martin or Senator Foster that a phone call might help, otherwise they are going to cost the waterfowl \$300,000 with their bills. Mr. Bateman stated that this program is one of the few that can be done where the money is being generated at virtually no expense to the program itself. The money is going into the Louisiana Duck Stamp Fund and will be used to buy, protect and develop wetlands in Louisiana.

Dr. Hines commented that the department has done a great job on this program. Mr. Jones asked if the Governor's Edition was going to be done again and Mr. Bateman advised no it will not be available the second year.

At Thursday's meeting, Mr. Hugh Bateman presented the Notice of Intent for the Hunting Seasons 1990-91 for informational purposes. Mr. Bateman advised that at the last Commission a resolution was introduced and approved by the Commission which set forth a notice of intent for administrative procedure and rule making to establish the resident hunting seasons for 1990-91. The regulations have been published in the State Register as a proposed rule and also announced the May and June meetings were open for public comments regarding the proposed rules. Mr. Bateman advised that two letters

have been received from individuals representing groups of people who have concerns about two areas in the notice of intent, one involving the deer seasons and the other involving the turkey seasons. These people will address the Commission at its June meeting. Chairman Pol advised that he had three letters, one from Mr. Ellison requesting a hearing, one from Mr. Barton, Jr. requesting a hearing, and another one from Mr. Womack, President of the Louisiana Dog Hunters Association, who said he appreciated the days that were set for the dog hunters and he was very well satisfied. At this time comments from the public were asked for.

Mr. Morris Treadway, representative of the Plaquemines Parish Council, addressed the Commission. Mr. Treadway stated that some time ago the devastating hurricane season hit Plaquemines Parish and at the request of the Council to the Wildlife and Fisheries and with the cooperation of the Council and Wildlife and Fisheries deer season was virtually closed and when it was reopened it was not reopened for dogs. There is an area on the East Bank of the river from St. Bernard to the lower end of Plaquemines that the Council would like to see opened again. The Council has a letter from the Louisiana Department of Wildlife and Fisheries testifying that the deer population is a good one. In cooperation with the previous parish government the resolution was adopted to close the season and when the resolution was introduced and adopted the season was immediately closed advised Mr. Treadway. On May 11, 1989 the same Council government introduced resolution 89142 which was sent to the wildlife agency requesting the reopening of that area for the hunting of dogs. This has been a year ago and to date nothing has been done stated Mr. Treadway. It was the intent of the Council to work with Wildlife and Fisheries in obtaining special permits to hunt with dogs on the east bank of the river only. This was to be considered at a meeting that was held in Cameron Parish at the Rockefeller Refuge, July 6-7, 1989 and again nothing was established or done at that time. On behalf of the residents of the east bank and those people who hunt with dogs, Mr. Treadway is requesting that the Commission give consideration to opening that side of the river to dog hunting in the 1990-91 season.

Chairman Pol asked Mr. Treadway if he had an extra copy of his statement to please give it to Mr. Bateman so that this can be taken into consideration. Chairman Pol asked if there were any more comments on the hunting season. There being none the next item was brought before the Commission.

Mr. Corky Perret, at Thursday's meeting, presented the **Opening Dates of the Spring Inshore Shrimp Season**. Mr. Perret stated that at the shrimp meeting that morning the dates that were given for the three zones were based on Monday openings and the percentage was obviously well over 50 percent on certain dates. The department has gone back and calculated the specific dates where the 50 percent criteria would be reached. In Zone 1 the 50 percent criteria would be reached on May 12; Zone 2 on May 9; and Zone

3 on May 23. The 9th is a Wednesday, 12th is a Saturday and 23rd is a Wednesday also. Mr. Perret pointed out that there is a great deal of interest in a uniform opening for Zones 1 and 2. Mr. Perret stated that if the Commission wished to open Zones 1 and 2 on the 9th that would be correct recognizing that Zone 1 is slightly below the 50 percent criteria. Chairman Pol asked if it would be close enough to do this. Mr. Perret advised if there is not a lot of rain, a cool front coming, etc. that the one suggestion he can give to the Commission is that they could possibly do what was done last year. Last year a date was set for Zone 1 and Zone 2 and the Secretary was given the authority, if things did change in the next few days based on monitoring information, to change the date. Mr. Perret stated that he was not going to tell the Commission that the departments' statistics are 100 percent accurate but they are good and they worked in the past. This is hard to predict but Mr. Perret thinks with all the interest in a uniform opening May 9th may be a good compromise for the industry and for what the people indicated they were interested in at the hearing that morning. Mr. Perret pointed out that he has a resolution and the resolution does contain a paragraph giving the Secretary the authority if she was to get concurrence with the majority of the members of the Commission by phone to change a date if indeed something were to happen out of the ordinary. This is the same situation that happened last year and Secretary Van Sickle did exercise the authority because the situation changed dramatically in Zone 1 last year. Chairman Pol asked the members of the Commission if they had any other suggestions. Mr. Jenkins stated that since Zones 1 and 2 are pretty close together to make them on the same date. Chairman Pol advised that basically what the resolution says is that Zones 1 and 2 would open on the 9th unless Secretary Van Sickle finds out biologically that it needs to be changed. Zone 3 would open on May 23. Dr. Hines suggested that the openings for Zones 1 and 2 be delayed to the 12th for the simple reason that the 50 percent has been used as the biological reason for setting the season and if there are any factors that come into play that delay the shrimp reaching this point the extra three days would help some. Dr. Hines knows that everyone is interested in an early opening but he does not believe that three days is going to make a lot of difference and believes by waiting till the 12th they will have stuck by the scientific data that has been used in the past.

Dr. Hines moved that Zones 1 and 2 be opened at 6 a.m. on May 12, 1990 and Zone 3 at 6 a.m. on May 23, 1990 with the other stipulations authorizing the Secretary, with the concurrence of the majority of the Commission by phone, to change the opening date of the 1990 Spring Inshore Shrimp Season in the area or zone when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so and authorizes the Secretary of the Department of Wildlife and Fisheries to set season extensions in areas or zones when the Marine Fisheries Division certifies that the biological and technical data indicates the need

to do so provided that the Secretary gives a minimum of 72 hours notice of closing of the 1990 Spring Inshore Shrimp Season or the opening or closing of any special shrimp season or season extensions. The motion was seconded by Mr. Jenkins. Mr. Perret pointed out that the 12th was a Saturday and Sunday was the only day that by law the season cannot open. Chairman Pol asked for comments. Mr. Perret pointed out that weekend openings will possibly bring out a lot more people and does not know how the industry feels about this, but the criteria will be reached in Zone 1 by the 12th. Secretary Van Sickle stated that she knows the industry will not like a Saturday opening date at all.

Mr. Bill Chauvin addressed the Commission and stated that based upon what is being seen there is a possibility for a good shrimp season, a lot of shrimp, and if there is a Saturday opening by Monday morning there will be a lot of shrimp that will potentially be wasted because of the limited number of processing facilities. Mr. Jenkins stated that he agreed with Dr. Hines and that the Commission has got to stick with the minimum, 50 percent criteria, and either open the season on that day and go forward and not backwards so give them the 12th or the 14th. The rest of the Commissioners concurred with this. Mr. Jones stated that if the industry is in that bad of shape as it says it is he certainly thinks that everybody would want to work opening weekend and does not think it will cause any undue hardship on the industry to process the shrimp.

Chairman Pol called for a vote on Dr. Hines' motion. The motion passed unanimously.

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

RESOLUTION

Adopted by the Wildlife and Fisheries Commission at its regular meeting on May 3rd, 1990, in New Orleans, Louisiana, relative to the 1990 spring inshore shrimp season.

WHEREAS, R. S. 56:497 provides that the Wildlife and Fisheries Commission shall fix no less than two open shrimp seasons each year for all inside waters,

WHEREAS, R. S. 56:497 further states these shrimp seasons will be opened by Zone, and

WHEREAS, the Wildlife and Fisheries Commission has reviewed in public hearing the biological and technical data presented by the Department of Wildlife and Fisheries on shrimp populations and environmental conditions present in Louisiana's coastal waters during the spring of 1990, and

WHEREAS, the Wildlife and Fisheries Commission has received public testimony relative to this biological data as well as other factors relative to the 1990 spring inshore shrimp season, now,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission finds that biological and environmental information presented by the Department's technical staff indicates brown shrimp began entering Louisiana's estuaries during February and will meet the management criteria of 50% of the shrimp exceeding 100 count (heads-on) in Zone 1 by May 12th, in Zone 2 by May 12th, and Zone 3 by May 23rd, and

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does:

1. Hereby set the 1990 spring inshore shrimp season to open as follows:
 - a. In Zone 1, that portion of Louisiana's inside waters as described in R.S. 56:495, from the Louisiana/Mississippi state line to South Pass of the Mississippi River at 6:00 a.m. on May 12th, 1990, and
 - b. In Zone 2, that portion of Louisiana's inside waters, as described in R.S. 56:495, from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6:00 a.m. on May 12th, 1990, and
 - c. In Zone 3, that portion of Louisiana's inside waters, as described in R.S. 56:45, from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6:00 a.m. on May 23rd, 1990.
2. Authorize and empower the Secretary of the Department of Wildlife and Fisheries with the concurrence of a majority of the Wildlife and Fisheries Commission by phone to close the 1990 spring inshore shrimp season in any area or Zone when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so.
3. Authorize and empower the Secretary of the Department of Wildlife and Fisheries to set season extensions in areas or Zones when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so.

4. Provided that the Secretary of the Department of Wildlife and Fisheries shall give a minimum of 72 hours notice prior to the closing of the 1990 spring inshore shrimp season or the opening or closing of any special shrimp season or season extensions.

Warren Pol
Chairman

At Thursday's meeting Mr. Bennie Fontenot presented the **Sturgeon Closure Rule for ratification**. Mr. Fontenot advised that as he had mentioned to the Commission when the notice of intent was presented that the Fish and Wildlife Service was going to put the pallid sturgeon on the endangered species list in Louisiana and the gulf atlantic as a threatened. The third species of sturgeon in Louisiana is the shovelnose of which the department does not have much information. There is a very small commercial fishery on the gulf sturgeon in the state which is nothing but incidental catch. The department is asking for a three year closure so that base line data can be gathered to try and formulate a management plan and to comply with federal regulations on closures of these fish which are about to occur.

At Friday's meeting a motion was made by Dr. Hines to ratify the rule for sturgeon closure. The motion was seconded by Mr. Jones and passed unanimously.

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

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

TITLE 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

S. Sturgeon, Taking and Possession.

The taking and possession of the Gulf Atlantic Sturgeon, Acipenser oxyrhynchus; the Pallid Sturgeon, Scaphirhynchus albus; and the Shovelnose Sturgeon, S. platorynchus; or sturgeon body parts, including eggs (roe) is hereby prohibited for a three year period beginning May 1, 1990 and ending at sunset April 30, 1993.

CITATION NOTE: Promulgated in accordance with R.S. 56:22
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (May, 1990).

Warren Pol
Chairman

At Thursday's meeting Mr. Phil Bowman presented the Rule for Ratification on Sanctuaries, Sabine and Calcasieu Lakes. Mr. Bowman stated that at the last Commission meeting the rule to be ratified relative to the sanctuaries enclosed areas around the water control structures in the Calcasieu and Sabine Lake Refuge was ratified. At that time Legal Counsel had made some suggestions and in the process of implementing these suggestions there was a technical error made into the rule that was read into the record. What is before the Commission today is the corrected rule and the department is asking that they pass a motion to reconsider the rule. Mr. Bowman explained the basic change in the rule. In the previous rule three of the water control structures were omitted. Chairman Pol entertained a motion for reconsideration of the rule. Mr. McCall made the motion. The motion seconded by Mr. Jenkins was passed unanimously. Chairman Pol entertained a motion for ratification of the rule. Mr. McCall made the motion. The motion was seconded by Mr. Jenkins and was passed unanimously.

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

RULE
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING
SECTION 333. SANCTUARIES; CALCASIEU LAKE, SABINE LAKE

The areas within a one quarter mile radius on the lake side only of the Lambert, Grand Bayou, Mangrove and Peconi water control structures (otherwise identified as structures no. 5, 1, 8 and 4 respectively), and the area within a one eighth mile radius on the lake side only of the water control structure on No Name Bayou, all within the Calcasieu Lake system; the area within a one quarter mile radius on the lake side only of the mouths of West Cove Bayou, West Cove Canal and the Sabine Refuge Headquarters Canal where they empty into Calcasieu Lake; and the areas within a one quarter mile radius on the lake side only of the mouths of Three Bayous and Willow Bayou where they empty into Sabine Lake, are fish

sanctuaries and closed zones, and that all netting of fish by any means or method, including but not limited to trawls, butterfly nets, gill nets, seines, or trammel nets, is hereby prohibited, with the exception of hand cast nets, crab traps and crab drop nets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:315

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (May 1990).

Warren Pol
Chairman

At Thursday's meeting Secretary Van Sickle asked Chairman Pol if she could speak on the shrimp season and asked Colonel Vidrine to come up. Secretary Van Sickle stated that there will be a lot of outlawing going on because of the moon and the Saturday opening. Secretary Van Sickle asked Colonel Vidrine how many cases had been made the last week pertaining to shrimp. Colonel Vidrine answered 36 cases and does anticipate problems next week. Secretary Van Sickle directed Colonel Vidrine to tell his agents to confiscate boats and equipment for anybody who crosses the line and supply her with a list of every case that is made so that she can personally transmit it to the District Attorney in the parish where the case is made so that the department can be sure that the cases that are made will be prosecuted. Colonel Vidrine stated yes and he has already instructed Captain Matassa and Captain Daries that if anyone is caught prior to the opening of the season he wanted the boats confiscated, the nets confiscated and he was to be notified so that he can contact the District Attorney and the Judge in the area and will do his best to see that the boat is held until after the opening of the shrimp season. Secretary Van Sickle stated that if anyone wants to make a complaint she will ask for the name of the boat and location. Any member of the public or legal shrimper that sights a boat crossing the line to call her personally at 765-2803 in Baton Rouge and the department will get law enforcement immediately on it. Secretary Van Sickle asked that a press release go out on this immediately and advised Colonel Vidrine if he had to bring agents down from North Louisiana to do so.

Mr. Phil Bowman at Thursday's meeting presented the **Notice of Intent on Vermilion Bay Public Oyster Seed Ground**. Mr. Bowman advised that in each of the Commissioner's packets there was a resolution relative to the Vermilion, East and West Cote Blanche and Atchafalaya Bay Oyster Seed Reservation. Legal Counsel has advised that there were some technical problems and there is a need to pass the resolution and initiate a notice of intent relative to this. This will not change anything that is presently being done with this particular area. Mr. Bowman read the "WHEREFORE BE IT RESOLVED" part of the resolution. Chairman Pol entertained a motion. Dr. Hines made motion to adopt resolution for notice of intent. Mr. Jenkins seconded the motion and it passed unanimously.

Captain Vujnovich asked if there were any private oyster leases in this area. Mr. Bowman stated that they are automatically excluded from this and this is the same similar situation as in the seed grounds east of the Mississippi River.

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

RESOLUTION

Louisiana Wildlife and Fisheries Commission Public Oyster Seed Ground Vermilion, East and West Cote Blanche and Atchafalaya Bays

Adopted by the Louisiana Wildlife and Fisheries Commission on May 3, 1990 in New Orleans, Louisiana.

WHEREAS, R.S., 56:434 provides the Wildlife and Fisheries Commission at its discretion designate and set aside water bottoms of the state as public oyster seed grounds, and

WHEREAS, the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex provides for an area that is hydrologically different from the existing oyster seed grounds, and

WHEREAS, the hydrological characteristics of this area are such that it will produce oysters when the hydrological conditions of the historical oyster seed grounds have exceeded the optimum range for oyster production, and

WHEREAS, a public oyster seed ground in Vermilion, East and West Cote blanche and Atchafalaya Bay Complex would greatly benefit the state by providing a consistent supply of seed oysters.

THEREFORE, BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby designate and set aside the state water bottoms in all of Vermilion, East and West Cote Blanche and Atchafalaya Bays as a public oyster seed ground.

Warren Pol, Chairman
Wildlife and Fisheries
Commission

Dr. Jerry Clark at Thursday's meeting gave an Update on Black Drum and Spotted Seatrout Quotas. Dr. Clark reported that he was not going to ask the Commission to take any action today as there is none to be taken. The update on the black drum quota is that on April 12 the first quota period was completed which included a 300,000 fish quota and approximately 200,000 fish were landed. The second quota began on April 12 which is also for 300,000 fish and

it was only the first week of May and the reports for April are not in. As far as the quotas on the black drum go everything is in good shape stated Dr. Clark. The Commission has already done a notice of intent on a permanent rule and the public comment period is going on right now.

The process has been started to close the season on the spotted seatrout effective Sunday, May 6, 1990 at 12 midnight. The only caution that Dr. Clark has is that the projected closing date is based upon the computer model that the department has been using, based on previous years landings for the last couple of months, on phone calls trying to get the best information possible, and on information from fishery independent data but historical trends which were used to create the computer model and which have worked effectively the last two years have not existed in this years season. Dr. Clark has less confidence in this date than in previous years but it is the best that can be obtained at this current time. The season will remain closed until September 1, 1990. The Secretary has been granted the authority by the Commission to close the season so there is no action needed by the Commission stated Dr. Clark. Dr. Hines asked Dr. Clark if he felt like it was under estimated or over estimated. Dr. Clark advised that they think they have made the best estimate they can and it might come out over or it might come out below.

At Thursday's meeting Mr. Kell McInnis gave an Update on the New Orleans Properties. Mr. McInnis stated as the Commission was notified prior to the effective date of the sale that was scheduled the department was advised by a member of the public that there seemed to be a problem with the legal description of the property. The description had the wrong two lots joining each other instead of the old criminal court building going straight back opposite the Royal Street properties they had the parking lot as the large piece of property therefore causing the wrong pieces tied with the wrong appraisals. The City of New Orleans has been contacted, the property will be resurveyed and corrected on the books of the New Orleans Clerk of Court's office. As soon as this takes place the department will be notified and re-advertise and a new date for the sale will take place. Hopefully this will take place within the next 60 days stated Mr. McInnis.

Secretary Van Sickle advised that Ms. Baker did go to Sheriff's Office on the sale date and personally took down the names of everybody who came to bid on the buildings so that they could be notified when the auction will take place.

At Thursday's meeting Mr. Kell McInnis gave an Update on D.A. Disposition Report. Mr. McInnis reported that there have been additional meetings with the district attorneys on the disposition reports and was very pleased to advise that three additional copies of the reports have been received from district attorneys which brings it down to 12 outstanding reports at this time. The

department has the full support of the District Attorney's Association and they have requested of their members that they comply with the list and Mr. McInnis firmly believes this is why the department got the three that they received. Mr. McInnis met with the Executive Board of the D.A.'s Association about ten days ago and submitted suggested legislation to them that might assist both in the reporting of dispositions and handling of the wildlife and fisheries cases. They reviewed this with the complete Executive Board and made recommendations back to the department. They are fully supportive of a bill that will allow the department to issue, not only a bench warrant upon the failure to show up for the hearing set for the citation but also to evoke the suspension of the drivers' license of the individual who fails to show. This is the same procedure used by the State Police for traffic violations and is very effective. This will enable the department to get citations covered. The second bill suggested was to allow the department to decriminalize Class 1 violations and to have those treated as Civil Penalties that the department would collect. There was some concern about the giving up of the authority by some of the district attorneys so there was not full support for this bill. However, the chairman of the appropriations committee became very interested in the concept and has introduced a bill in this current session that will consider this particular method of handling these cost and penalties. Between these two bills it will enable the district attorneys to make a more simple report and to have the backup to make people actually come in and clear these tickets. The backlog will be cleared up as well concluded Mr. McInnis.

Colonel Winton Vidrine at Thursday's meeting gave the Monthly Law Enforcement Report for April. Colonel Vidrine reported the following number of cases in the regions for the month of April.

Minden - 178 cases
Monroe - 133 cases
Alexandria - 181 cases
Ferriday - 102 cases
Lake Charles - 183 cases
Opelousas - 233 cases
Baton Rouge - 252 cases
New Orleans - 300 cases
Gray/Thibodeaux - 601 cases

The new Oyster Strike Force had 95 cases. These citations involved taking and possession of oysters without a Harvester's License, unlawfully taking oysters from state waterbottoms, taking oysters from unapproved areas, and failure to cull oysters in proper location. Two vehicles were also confiscated.

S.W.E.P. the offshore boats had a total of 23 trawling cases which were made in the last 10 days. Eleven trawls and 1,464 pounds of

shrimp were confiscated. The boat that is being brought in today has 3,500 pounds of shrimp on it advised Colonel Vidrine.

The total number of cases for the month of April statewide is 2,282 cases. This is running close to the total of number of cases made last year concluded Colonel Vidrine.

Mr. Jenkins asked about the confiscations in Region 8 and reporting of the number of redfish that were confiscated. The report shows that 3,005 redfish and then 7 redfish. Colonel Vidrine stated that they are normally added together and was quite a few separate cases. Mr. Jenkins asked where the 32 alligators tags came from in Region 8. Colonel Vidrine stated that he believed some untagged alligator heads were picked up and the person had some tags in his possession and they were confiscated. Mr. McCall asked if these tags were issued last year for alligators that were harvested. Colonel Vidrine answered he was not positive but he believes so and will check on it and get back to the Commission. Secretary Van Sickle asked if Colonel Vidrine would find out who had the 3 small piranha in Region 9. Colonel Vidrine stated that they were in a pet shop in Houma, Louisiana. Colonel Vidrine announced as a point of information that eight boats were just picked up for illegal shrimping in the Grand Isle area.

After a short discussion as to the items for Friday's meeting Mr. Jenkins recommended that in the future agenda items should not be listed as given on a certain date only unless it is absolutely necessary and it is cleared with the Chairman or the Secretary. Secretary Van Sickle stated that the point is well taken and will restrain from putting Friday only on any future agenda without concurrence of the Chairman.

At this point in the meeting Chairman Pol recognized Senator Sammy Nunez and commented it was nice to have him at the meeting.

At Thursday's meeting the Date for the August Commission was set. Mr. McCall made a motion that the dates for the August Commission meeting be set for August 9-10, 1990 and be held at Rockefeller Refuge. The motion was seconded by Dr. Hines and passed unanimously. Secretary Van Sickle advised that she had scheduled her vacation for that week so Mr. McInnis will be covering for the department.

At Thursday's meeting Chairman Pol asked if anyone would like to address the Commission. Senator Nunez addressed the Commission and stated that he was at the University and heard that the Commission was meeting and have had a number of calls from a number of hunters in Plaquemines Parish and would like to go on record as asking the Commission to give a careful look at the people's request that dog hunting be allowed in Plaquemines Parish since the parish ordinance that would not allow it has been rescinded. Senator Nunez stated that he supports this as a landowner and a hunter. Chairman Pol

advised Senator Nunez that prior to his coming to the meeting there was a gentleman from Plaquemines Parish requesting this and a letter has been turned over to Mr. Bateman on this issue.

Mr. Jenkins made a motion that the Thursday's meeting be adjourned until 9 a.m. Friday morning. Mr. McCall seconded the motion and passed unanimously.

At Friday's meeting a motion was made by Mr. Jenkins and seconded by Mr. McCall that the rules be waived and the Commission adjourn and go into Executive Session on William Cooper et. al. vs. LDWF, 351,384 and DeMolle et. al. vs. LDWF, No. 33-786. The motion passed and Captain Vujnovich asked that he be excused from the Executive Session. Chairman Pol advised that the Executive Session should last about thirty minutes.

Chairman Pol announced that the Commission meeting was back in session and he asked Mr. Puckett, Legal Counsel, to address the Commission. Mr. Puckett stated that the two lawsuits were discussed that were listed on the agenda (Cooper and DeMolle) and it is the pleasure of the Commission to proceed to prepare a defense in both of the lawsuits. It has become apparent because of the potential of a conflict between the Commission and the department on the matter at least of strategy in defending the lawsuits that it is going to become necessary for ethical reasons for Mr. Puckett and the department's other attorney Mr. Landrum to recuse themselves from the defense. It would be appropriate for the department and the Commission to proceed with hiring of separate attorneys at this time if this would be the Commission's pleasure advised Mr. Puckett.

Mr. Jenkins made a motion that the Commission instruct Mr. Puckett and the department attorneys to go ahead and file a response to the two lawsuits that they are involved in. The motion was seconded by Mr. McCall and passed. Captain Vujnovich abstained from voting.

Mr. Puckett stated that there is a problem from an ethical standpoint but can pursue this with the hiring of separate attorneys if this would be the Commission's pleasure.

Dr. Hines stated to let the record show that Mr. Puckett and Mr. Landrum recuse themselves from representing the Commission.

Mr. Jenkins made a motion that the Commission with reference to the present two oyster suits retain or instruct the Secretary to retain the services of Leon Gerry, Jr. in Baton Rouge for the purpose of defending the Commission in these lawsuits. Seconded by Mr. McCall and passed. Captain Vujnovich abstained from voting. Mr. Leon Gerry, Jr. of Baton Rouge will be retained by the Commission for its defense in the two lawsuits.

At Friday's meeting Mr. Johnnie Tarver presented a Proposed Supplemental Alligator Farm Stocking Program Adjustment. Mr. Tarver reported that the Department of Wildlife and Fisheries' alligator research and management efforts through the years demonstrates what can be done with a species once thought to be on the brink of extinction. The research program has provided invaluable information concerning the life history of the animal which has enabled hunters to produce income to the state of approximately 10.6 million dollars in 1989. The new farming program is also contributing approximately 4.1 million dollars and is increasing annually.

The farming concept was initially established in an attempt to induce individuals to invest money into the program and the department would assist them in the form of providing sufficient alligator hatchlings to sustain their operations for a specified period of time. Some of the farmers began small and expanded through the years and additional hatchlings were provided when available from wild eggs collected on Rockefeller Refuge. At the time it was determined that this procedure could be beneficial to both the wild population and the farmers. Recently the number of hatchlings distributed to these farms has been reduced to the numbers listed on their respective contracts and has exposed the department to the threat of litigation from certain farmers who in prior years had requested and were receiving hatchlings in excess of the original contract numbers. They claim they received certain assurances from the department, implicit or explicit, that they could continue to receive hatchlings at the increased level and that they relied upon these assurances by increasing the size of their facilities, etc.

In an effort to find a solution that is in the best interest of the department and the state, the technical staff of the Fur and Refuge Division is recommending the reestablishment of the supplemental program back to its original level if additional hatchlings are annually available and providing certain stipulations are adhered to by the thirteen participants. The eggs are available on department-owned properties and could easily be collected with very little additional effort and cost. It is a documented fact that at least 83% of the eggs will be naturally lost if they are not collected, incubated and reared. It has also been demonstrated that the farm-raised alligator is superior in body condition to that of a wild alligator and can be reared to a four-foot length in approximately 12 or 13 months where a wild alligator will only attain this length after approximately five years.

By providing excess hatchlings to the farmers and having 17% of the number provided returned to the wild as healthy four-foot alligators at the end of twelve months, the department can provide for more wild alligators to the population in less time and a correspondingly greater income in future years for the wild harvest. Any problems involving potential litigation over the

issue of the number of hatchlings to be provided to the affected farmers would be avoided.

Mr. Tarver stated that he is bringing this to the attention of the Commission because they have demonstrated a great deal of interest in the alligator program. This has been discussed with the attorneys and the department is prepared to make certain adjustments with the Commission's concurrence at this time. Mr. Tarver asked if there were any questions or comments.

Mr. McCall asked how many contracts were still out at this time. There are 13 contracts in the supplemental program stated Mr. Tarver and there will not be any more supplemental alligators accepted into the program. Chairman Pol asked if there were any lawsuits that were threatened ever filed? Mr. Tarver advised that Mr. Perkins filed suit, LL&E filed a suit and at the time there is another threatened suit. Chairman Pol asked if it was settled and Mr. Tarver answered yes. At the current time there are no lawsuits against the Commission on alligators stated Chairman Pol. Mr. Tarver answered that is correct. Chairman Pol asked what would this mean to the Commission in the way of money? Mr. Tarver stated the initial pickup would cost around \$9,000 and they are worth about \$15 each on the market so it looks like \$45,000. Mr. McCall asked if the 13 contracts were signed contracts or verbal. They are signed contracts advised Mr. Tarver. Mr. McCall asked if they had been honored in their entirety. Mr. Tarver stated that this was the nature of the suits. Dr. Hines asked if these alligators were going to be distributed to only the 13 participants and what formula will they be distributed by. This is correct stated Mr. Tarver and the contract number will be honored then the extra will be divided equally among the participants. Mr. McCall asked if there will be signed contracts or verbal contracts on the extras alligators for the participants. Mr. Tarver advised that there is no signed document but it can be obtained. Chairman Pol stated that as Secretary Van Sickle says there will be no further participants in the program. Secretary Van Sickle stated that they are just trying to honor the ones the department has and they can pick up more alligators without costing the department more than \$2.00 for each egg, which is what they have been doing for 8 or 10 years. Mr. Tarver and others did meet with the Inspector General about this and he concurred with it and as long as there was not a legal problem he thought it was a good way to handle this. Mr. Puckett, Legal Counsel, stated that he had no problems with this from the legal perspective. Mr. McCall stated that he thinks if the department went ahead and followed along the lines of what Mr. Tarver presented he thinks it would accomplish several things. The department will be getting back 17% live four-foot alligators to be placed back in the wild; if the eggs are left in the marsh 83% of the hatchlings would be lost; the department will not be losing anything and at the worst it would be a break even situation because they will be getting the live alligators back; tags for the alligators have to be bought which will bring revenue into the

department; create jobs; and will go a long way in getting the creditability back between the farmers, ranchers and the department. Mr. McCall thinks this is a good idea and made a motion to give Mr. Tarver the authority to do this. Chairman Pol advised that a motion was not needed and all the Commission had to do was accept his proposal. Dr. Hines asked how the 4-foot alligators that are pen raised do in the wild. Mr. Tarver stated that an alligator reverts very quickly back to its original instincts. Mr. Jenkins asked how many alligators will it take to totally fulfill all the contracts. Mr. Tarver answered about 9,000 which includes the 3,000 which the Commission just graciously gave him permission for. Mr. Jenkins asked if Mr. Tarver was talking about a year or forever. Mr. Tarver explained that this is just a year and as it goes through time it will become less and less. There are eight years to go and the number of alligators will vary. Mr. Jenkins stated that he wanted to know how many, total, alligators will be given away. Mr. Tarver stated approximately 36,000. Mr. Jenkins asked about the value of the hatchlings at the time they are given away. Mr. Tarver stated that he did not know what the value will be in the future but they are going for about \$15 each now. Secretary Van Sickle advised that all of this started a long time ago when they were trying to get the industry started and in the past two years the department has not pursued any more of this and is trying to get out of this business because the alligator business is booming. The department is just trying to honor the contractual commitments that the department entered into 10 years ago. Mr. Jones asked how many of the 17% has the department regained since it was decided that the 17% would be reestablished to the wild. Mr. Tarver advised that he does not have that figure. Mr. Jones asked if these alligators that in the past years were due the department, the 17%, has this compounded the number or have we just deleted down 17% from the year prior. Mr. Tarver stated that there was a 17% requirement at the time the program was started so you cannot go back. The original contracts called for 5% and Mr. Jones asked if the 5% had been captured. Mr. Tarver stated yes and are in the process of doing this now. Mr. Jones stated that the department needs to regain the 5% from the previous years before any additional alligators are given away. Concluding Mr. Tarver stated that it is his recommendation that the people be required to pay back whatever they owe before they receive the next years batch.

At Friday's meeting Secretary Van Sickle presented the Secretary's Report to the Commission. Secretary Van Sickle reported that Mr. Buddy Goatcher has been hired as the Alligator Program Coordinator and will be coordinating the statewide alligator program. There are over 100 farms in Louisiana. Mr. Goatcher will be allowed to hire up to four specialists who will be located statewide to work with the alligator farmers to be sure that the endangered species requirements are met and that all of the departments needs are met for the 17% return to the wild. These individuals will actually assist in that effort.

A Scenic Rivers Program Leader has been hired. He has a Ph.D. in outdoor recreation and came on board last week. There are now two full time people dedicated to the Scenic Rivers Program. The mission is to have management plans developed for each of the scenic rivers and inventories of everything about them.

The Spring Bayou Channelization Project is now underway and it will be completed in two months. This should revitalize the fisheries in Spring Bayou. There has been some controversy surrounding this but Wallop-Breaux funds are being used to implement the project. Dr. Hines added that the Police Jury reversed themselves in Avoyelles Parish and allowed the drainage of Spring Bayou to be controlled by the biologists from the department rather than the Police Jury at their last meeting.

The stripped bass stocking program for this spring has been completed. This is done annually at the Toledo Bend stripped bass fish hatchery. There were 18.6 million stripped bass and hybrid stripped bass fry produced which was far beyond what was needed for Louisiana's stocking program and in addition about 11 million strippers fry and hybrid fry have been supplied to the Fish and Wildlife Service which are exchanged for one half million Florida largemouth bass fry. There were three bass records broken in the state last year and it was through this program that this was able to happen because Louisiana cannot produce the numbers of largemouth bass fingerlings that are needed. They have also been traded for 150,000 blue catfish fingerlings and 1 million different size stripper bass fingerlings. They have also been traded with the state of Mississippi for 150,000 Florida largemouth bass fingerlings. Basically Louisiana is producing stripped bass fry and trading with the Fish and Wildlife Service and Mississippi to produce the recreational fish that the state wants to stock but cannot produce at its hatchery. There were 300,000 Florida bass stocked this past month at False River. There were 170,000 Florida bass stocked at Chico Lake and the department recently received 100,000 Florida bass fingerlings that will be stocked at Concordia Lake in the near future.

In the Marine Fisheries Division, the oyster relay program in Vermilion Bay will continue through May 6 which is Sunday. In cooperation with the Health Department and the Oyster Strike Force there are four permittees and ten boats that are moving these oysters that are being weakened by the freshwater. The oysters are being taken from the area where they are dying and allowing them to be transported to lease grounds by the four permittees.

A special shrimp season was opened. There is a shrimp called hoppers (pink shrimp) that come into Chandeleur Sound every year right before the brown shrimp. There were enough pink shrimp in Chandeleur Sound to open a quick season before the brown shrimp season. This is a night shrimping operation only because this is

the only time these shrimp get up in the water column and start to migrate around. The season was opened for five days only and required every boat that went in there to check in with the department's agents. In the five days the people of Plaquemines and St. Bernard caught 110,000 pounds of hoppers worth \$259,000. The count on the shrimp was 21 to 25 and in general all of them were under 50 count. There was no problems with the harvest and each boat was checked.

The reef fish rule that the department is now implementing may be up for revision next year. The stock assessment panel for the Gulf Council has said that reef fish are in deeper trouble than what was predicted last year and a zero catch has been recommended on red snapper. The state will be working closely with the Gulf Council on this issue and the Marine Fisheries Division is examining data in an attempt to facilitate the discussion between the shrimpers and the snapper fishery to insure that whatever is done or recommended is the best that can be done. The department is not real comfortable with going from a seven bag limit to no catch stated Secretary Van Sickle.

Three public hearings will be held on the black drum management plan. The first meeting was held in this room last night advised Secretary Van Sickle. A small group of fishermen attended (8 people) and everyone who spoke last night was in support of the plan. On May 8 there will be a similar hearing in Lake Charles and on May 10 there will be a hearing in Houma.

The Governor made a commitment to the department in the budgetary process for a \$20 million land acquisition program and he did mention this again at a press conference with the General Motors Corporation two weeks ago when GM came in and donated land to the Nature Conservancy. The department staff is working on the \$20 million dollar shopping list. The Game Division and the Habitat Conservation Division together are going to come up with a land acquisition list that meets both needs of the department and the state.

The wild turkey season harvest report is being developed by the staff and will be completely presented to the Commission in detail at the June meeting. The Corps of Engineers this coming year will be adding 3,000-5,000 acres to the Sherburne/Atchafalaya National Wildlife Refuge. The department is working with management agreements with the Corps on this property.

Secretary Van Sickle asked Chairman Pol that if he did not mind that on the next month's agenda or July's agenda the department would like to invite the companies that have donated free leases to the department (275,000 acres in free leases) and sportsmen of the state to come to the Commission meeting to be recognized. Chairman Pol stated by all means, this is the least the department can do. This will be done at the July meeting.

Secretary Van Sickle asked if there were any questions pertaining to her report. Dr. Hines asked how much of the \$20 million was allocated to the fish hatchery. Secretary Van Sickle stated that it should be \$2 million for the fish hatchery assuming that the hatchery is funded through the legislature and the necessary approvals are received in the Capital Outlay process.

Mr. McCall asked when did Mr. Goatcher actually go to work for the department. Secretary Van Sickle answered about two weeks ago and he is the one that has the authority to hire the other people and a secretary if he needs one. Mr. McCall asked if there was a time frame for him to hire these people. Secretary Van Sickle stated that she and Johnnie had basically told him that it was his program and for him to start thinking about the kind of people he will need. He needs to become familiar with what the program needs and then determine where he wants to put these people. Mr. Goatcher attended the Fur and Alligator Council meeting and met the alligator program leaders that represent the industry on the council.

At Friday's meeting Secretary Van Sickle spoke to the Commission regarding shrimp season. Secretary Van Sickle commented that she has a feeling that because of the Saturday opening there will be a backlash with the fishermen. Secretary Van Sickle stated that she thinks there will be a problem with the Saturday opening from an industry perspective with the availability of ice, the conflicts that are coming and will be arising out of the Saturday opening and asked the Commission if they had any guidance for her. Secretary Van Sickle advised that she had called her office and the radio room this morning and people are calling in. Mr. McCall stated that a decision was made yesterday and it has been on t.v., in the paper and everybody knows about it and he personally thinks they ought to leave it alone. Mr. McCall stated that if we made a mistake we made it but he thinks personally we ought to leave it alone.

Chairman Pol asked if there was any Other Business. Mr. Jenkins stated that he wanted to ask Dr. Clark a few questions about the results or the affects of the December freeze on redfish in the estuary. Mr. Jenkins asked if the present redfish plan calls for a 30% escapement of juvenile redfish to make the plan work which is basically the young juvenile fish out of the marsh and bay areas. Dr. Clark answered yes to the 30% but explained that escapement means escapement from the fishery. Mr. Jenkins stated that he is concerned about the number of fish that died in the marsh and is concerned as to how this fish kill is going to be evaluated with respect to the escapement requirements for the red fish plan. Dr. Clark advised that what is being done right now is what they have been doing and that is the nets are in the water and trying to estimate whether or not the current population of fish is any different than it was on any previous year. If it is different, lower, that is an indication that the freeze had an

impact stated Dr. Clark. Mr. Jenkins asked if there was a time table for this. Dr. Clark answered no but the department is looking at it now. Mr. Jenkins asked if the game fish status on redfish expired next year. Dr. Clark answered yes. Mr. Jenkins asked if the department was going to be prepared to make recommendations prior to the expiration of these present conditions. Dr. Clark answered yes and the target date on the final evaluation of the status of the stock and the department's recommendations for the red drum fishery is December 31, 1990.

Chairman Pol asked if there was anything else to come before the Commission or any public comments.

Mr. Obry Collins, oyster fisherman, addressed the Commission. Mr. Collins stated that his interest in being at the meeting today was to ask the Commissioners to become more actively involved in the affairs of the oyster industry. This industry has money problems. An Oyster Task Force has been formed which is a group composed of state Health and Wildlife officers as well as industry representatives. There are several problems in the oyster industry such as reduced oyster supply caused by the environment, a person cannot obtain an application or lease from the Wildlife and Fisheries because of the moratorium and the only way a new fisherman can get into the business is if he buys a lease with someone who has been in the business, increase in pollution problems and closures, and state and federal regulations on both the fisherman and the dealers stated Mr. Collins. The Oyster Task Force is scheduled to meet in Baton Rouge once a month and would like for the Commissioners who can attend to do so to hear about the problems in the industry. Mr. Jenkins asked if they knew in advance when there meetings were. Mr. Collins answered that the task force did not meet on a regular date. Mr. Jenkins asked that whenever Mr. Collins knew the dates of the meeting to let Secretary Van Sickle know and she could send a notice to the Commission members. Secretary Van Sickle stated that she believed that a press release was sent out before each meeting. The Commissioners stated that they have never heard about the meetings. Secretary Van Sickle asked Ms. Karen Foote to help her take care of this and be sure that the Commissioners are notified of all task force meetings (crabs, shrimp, oysters and finfish). Chairman Pol advised that the Commission has an Oyster and Shrimp Committee that is appointed and the Chairman of that committee is Captain Vujnovich and he is sure that Captain Vujnovich and the members of that committee will be happy to attend some of the meetings. It is not the intention of the Commission to hurt any oysterman or anybody and will work with them in any way and appreciate Mr. Collins for addressing the Commission.

Mr. William A. Cast, IV, President of the Westside Oyster Farms operating in Jefferson Parish, addressed the Commission. Mr. Cast asked about plans for Ft. Livingston (Marine Lab) as it was used in the past and about the Hackberry Seed Ground Reservation as to

whether or not it has been assessed since the freeze. Over the past three or four years there has been no production in the Hackberry Seed Ground except the oil companies stated Mr. Cast. Secretary Van Sickle addressed the issue of the marine lab and stated that at this point there is basically a caretaker's status with two people taking care of it from being vandalized but due to financial problems most of the personnel have been moved to the Bourg office.

Secretary Van Sickle asked Mr. Bowman to address the Hackberry issue. Mr. Bowman explained that the effects of the freeze on the oyster populations have been looked at and each year the department does an assessment on all the public oyster seed grounds and Hackberry Bay is one of them. A very thorough population assessment will be conducted this summer advised Mr. Bowman.

Mr. Cast asked if anything was done about the freeze and the assessment since Hackberry Bay is a very shallow area and it would have been more affected than most oyster growing areas. Secretary Van Sickle explained that Mr. Ron Dugas and his field staff go out and do sampling, etc. so that over harvest is not done. Mr. Cast asked about the deadline for applying for federal funds. Mr. Perret addressed this issue. Mr. Perret stated that the public grounds have been evaluated which included Hackberry not only relative to the freeze and in the Secretary's Report on the effects of the freeze there is a section on oysters on the public grounds. There is a draft that has been prepared that is in the editorial stage that will be submitted to the top administration of the department and then forwarded to the proper federal agency. The state will be asking for federal funds of approximately three quarters of a million dollars minimum and probably higher stated Mr. Perret. This is for all the public grounds that were affected by the extreme flooding conditions in certain parts of the state, increased saltwater intrusions in the eastern part of the state and also some possible effects of the freeze. This will probably be completed in a couple of weeks concluded Mr. Perret.

Mr. Cast asked if the department has been collecting for damages by the oil companies in Hackberry in the past couple of years. Hackberry Bay is on the edge of saltwater intrusion and devastation and Mr. Cast would like to know if the department is planning on having some kind of program or public hearing on what can be done with this area. A lot of local people in Jefferson depend on this area and they are having serious problems. Mr. Cast believes that the department should be looking at something like a public hearing to find out what is going on in the area, why is the production down so much and if the department is not collecting damages on the seed grounds and they are being destroyed why not maybe look into the possibility of just leasing them out. Secretary Van Sickle advised that she and her staff will sit down and talk about this and stated that Captain Vujnovich has some insight into this as he had some leases in that area that were taken away when the seed

ground was created. Captain Vujnovich advised that the leases were taken away a number of years ago but right now on one of the leases that was taken away there is an oyster boat which caught a gas line, sunk and the two people on it ended up in the hospital. Captain Vujnovich stated that the Texaco Oil Company owes the state of Louisiana nothing under 25 million dollars for the damage it has done in that area. This area is so damaged by the oil company that Captain Vujnovich will not tow a dredge in the area and believes it should be looked at and restoration made to the state of Louisiana and to the oyster seed program. Captain Vujnovich asked Mr. Puckett which way should the Commission and department go about getting this. Mr. Puckett advised that seeking damages from the oil companies is something the department can look at. On other areas, but not on Hackberry Bay to Mr. Puckett's knowledge, where other oil companies have crossed other seed grounds the department has exacted a permit fee to approximate the cost of the damages to the area. There is no reason why Hackberry cannot be looked at from the same standpoint stated Mr. Puckett. Captain Vujnovich asked if there was any way that the department can ask the company to take the pipes out as it is dangerous to navigation and may be in violation of the law as they are not buried underground. Mr. Puckett advised that the department can confer with the Mineral Board, and DNR staff and see what the nature of their leases is and the requirements of those leases that they have with the state. Anything that would constitute a violation of those leases the department could seek redressed through perhaps the DNR staff or the Mineral Board staff from the standpoint of getting them to correct any violations of pipelines or other lease requirements and from the standpoint of damages to the state or to the department for damage to the seed grounds that is something that can be looked at and see where the department stands legally commented Mr. Puckett. Secretary Van Sickle suggested that the Marine Fisheries Division be asked to send out somebody and do an examination of the situation to see what is out there to confirm what is being discussed here and then talk with Mr. Puckett about going to DNR and seeing if the department can recoup some damages in that regard.

Mr. Danny Ruel, commercial fisherman and member of the East Bank Commercial Fisherman's Association, addressed the Commission on the shrimp season. Mr. Ruel stated that he believes Saturday was a terrible day to open the shrimp season like Ms. Van Sickle said and also when he read the paper this morning and saw Mr. Perret's statement about abundance of shrimp and high salinity this was not Zone 1 at all. Mr. Ruel asked that the Commission consider changing Zone 1 because of the terrible condition of the water.

Secretary Van Sickle explained that if there is another big wave of shrimp coming into the area the opening of that area will be postponed. Mr. Ruel stated that he understood this and the reports that have been heard through the grapevine is there is a very limited amount of shrimp in the Lake Borgne. Mr. Ruel realizes

Secretary Van Sickle explained that if there is another big wave of shrimp coming into the area the opening of that area will be postponed. Mr. Ruel stated that he understood this and the reports that have been heard through the grapevine is there is a very limited amount of shrimp in the Lake Borgne. Mr. Ruel realizes that the department is doing the best job that they can do but hopes the department will consider studying the area more before May 12th. Mr. Jones asked Mr. Ruel why in his opinion was Saturday a bad day. Mr. Ruel answered there are going to be a million boats out, ice problems, docking problems, etc. Mr. Jones stated that opening day is going to be opening day. Mr. Ruel stated that he understood this but figuring opening day on a Monday as opposed to a Saturday there is a big difference. The commercial fishermen are going to be out there opening day no matter what day it is and the sports fisherman with everybody off of work on a Saturday will be out there also and there will probably be three times the boats you usually have on opening day stated Mr. Ruel.

Mr. Perret commented on Mr. Ruel's comment about what was in the paper and that sometimes when we are quoted in the papers it is not always totally accurate and he believes that this is what happened as he tried to be very careful yesterday so that everyone would understand.

There being no other business Chairman Pol entertained a motion for adjournment of May's Commission meeting. Mr. Jenkins the motion motion that the May Commission be adjourned. The motion was seconded by Mr. McCall and passed unanimously.



Virginia Van Sickle
Secretary

VVS:sb

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
MAY 3-4, 1990

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of April 5-6, 1990
- ✓ 3. LA Duck Stamp Program Update (Information Only) - Hugh Bateman
- ✓ 4. Notice of Intent - Hunting Seasons 1990-91 (Information Only) - Hugh Bateman
- ✓ 5. Setting of Opening Date of Spring Inshore Shrimp Season - Corkey Perret
- Friday (?) ✓ 6. Ratification of Rule - Sturgeon Closure - Bennie Fontenot
- ✓ 7. Reconsideration Establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge - Phil Bowman
- ✓ 8. Notice of Intent - Vermilion Bay Public Oyster Seed Ground - Phil Bowman
- ✓ 9. Update on Black Drum and Spotted Seatrout Quotas - Jerry Clark
10. Proposed Supplemental Alligator Farm Stocking Program Adjustment (Friday Only) - Johnnie Tarver
11. Report on Sale of New Orleans Properties - Bettsie Baker
- ✓ 12. Update on D.A. Disposition Reports - Kell McInnis
13. Monthly Law Enforcement Report - Winton Vidrine
14. Secretary's Report to the Commission (Friday Only) - Virginia Van Sickle
15. Set August Meeting Dates
- ✓ 16. Executive Session: William Cooper et. al. vs. LDWF, 351,384 and DeMolle et. al. vs. LDWF, No. 33-786 (Friday Only)

OTHER BUSINESS:

PUBLIC COMMENTS:

EXECUTIVE SUMMARY

The Department of Wildlife and Fisheries' alligator research and management efforts through the years demonstrates what can be done with a species once thought to be on the brink of extinction. The research program has provided invaluable information concerning the life history of the animal which has enabled the Department to effectively manage the wild population and enable hunters to produce income to the state of approximately 10.6 million dollars in 1989. The new farming program is also contributing approximately 4.1 million dollars and is increasing annually.

The farming concept was initially established in an attempt to induce individuals to invest money into the program and the Department would assist them in the form of providing sufficient alligator hatchlings to sustain their operations for a specified period of time. Some of the farmers began small and expanded through the years and additional hatchlings were provided when available from wild eggs collected on Rockefeller Refuge. At the time it was determined that this procedure could be beneficial to both the wild population and the farmers. Recently the number of hatchlings distributed to these farmers has been reduced to the numbers listed on their respective contracts and has exposed the Department to the threat of litigation from certain farmers who in prior years had requested and were receiving hatchlings in excess of the original contract numbers. They claim they received certain assurances from the Department, implicit or explicit, that they could continue to receive hatchlings at the increased level and that they relied upon these assurances by increasing the size of their facilities, etc.

In an effort to find a solution that is in the best interest of the Department and the State, the technical staff of the Fur and Refuge Division is recommending the reestablishment of the supplemental program back to its original level if additional hatchlings are annually available and providing certain stipulations are adhered to by the thirteen participants. The eggs are available on Department owned properties and could easily be collected with very little additional effort and cost. It is a documented fact that at least 83% of the eggs will be naturally lost if they are not collected, incubated and reared. It has also been demonstrated that the farm-raised alligator is superior in body condition to that of a wild alligator and can be reared to a four foot length in approximately 12 months where a wild alligator will only attain this length after approximately five years.

By providing excess hatchlings to the farmers and having 17% of the number provided returned to the wild as healthy four foot alligators at the end of twelve months, the Department can provide for more wild alligators to the population in less time and a correspondingly greater income in future years for the wild harvest. Any problems involving potential litigation over the issue of the number of hatchlings to be provided to the affected farmers would be avoided.

RESOLUTION

Louisiana Wildlife and Fisheries Commission Public Oyster Seed Ground Vermilion, East and West Cote Blanche and Atchafalaya Bays

Adopted by the Louisiana Wildlife and Fisheries Commission on May 4, 1990 in New Orleans, Louisiana.

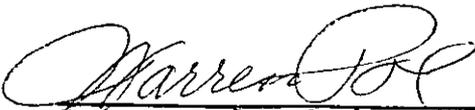
WHEREAS, R.S. 56:434 provides the Wildlife and Fisheries Commission at its discretion designate and set aside water bottoms of the state as public oyster seed grounds, and

WHEREAS, the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex provides an area that is hydrologically different from the existing oyster seed grounds, and

WHEREAS, the hydrological characteristics of this area are such that it will produce oysters when the hydrological conditions on the historical oyster seed grounds have exceeded the optimum range for oyster production, and

WHEREAS, a public oyster seed ground in the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex would greatly benefit the state by providing a consistent supply of seed oysters.

THEREFORE, BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby designate and set aside the state water bottoms in all of Vermilion, East and West Cote Blanche and Atchafalaya Bays as a public oyster seed ground.



Warren Pol, Chairman
Wildlife and Fisheries
Commission



Virginia Van Sickle
Secretary, LDWF

RESOLUTION

Adopted by the Wildlife and Fisheries Commission at its regular meeting on May 3th, 1990 in New Orleans, Louisiana, relative to the 1990 spring inshore shrimp season.

WHEREAS, R.S. 56:497 provides that the Wildlife and Fisheries Commission shall fix no less than two open shrimp seasons each year for all inside waters, and

WHEREAS, R.S. 56:497 further states these shrimp seasons shall be opened by Zone, and

WHEREAS, R.S. 56:497 further states these shrimp seasons shall be based upon biological and technical data, and

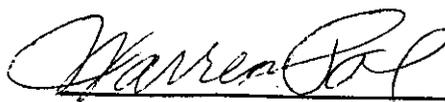
WHEREAS, the Wildlife and Fisheries Commission has reviewed in public hearing the biological and technical data presented by the Department of Wildlife and Fisheries on shrimp populations and environmental conditions present in Louisiana's coastal waters during the spring of 1990, and

WHEREAS, the Wildlife and Fisheries Commission has received public testimony relative to this biological and technical data as well as other factors relative to the 1990 spring inshore shrimp season, now.

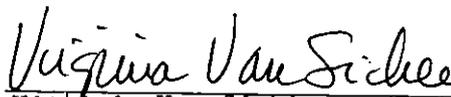
THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission finds that biological and environmental information presented by the Department's technical staff indicates brown shrimp began entering Louisiana's estuaries during February and will meet the management criteria of 50% of the shrimp exceeding 100 count (heads-on) in Zone 1 by May 12th, in Zone 2 by May 12th, and Zone 3 by May 23, and

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does:

1. Hereby set the 1990 spring inshore shrimp season to open as follows:
 - a. In Zone 1, that portion of Louisiana's inside waters, as described in R.S. 56:495, from the Louisiana/Mississippi state line to South Pass of the Mississippi River at 6:00 a.m. on May 12th, 1990, and
 - b. In Zone 2, that portion of Louisiana's inside waters, as described in R.S. 56:495, from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island at 6:00 a.m. on May 12th, 1990, and
 - c. In Zone 3, that portion of Louisiana's inside waters, as described in R.S. 56:495, from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6:00 a.m. on May 23rd, 1990.
2. Authorize and empower the Secretary of the Department of Wildlife and Fisheries with the concurrence of a majority of the Wildlife and Fisheries Commission by phone to close the 1990 spring inshore shrimp season in any area or Zone when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so.
3. Authorize and empower the Secretary of the Department of Wildlife and Fisheries to set season extensions in areas or Zones when the marine Fisheries Division certifies that the biological and technical data indicates the need to do so.
4. Provided that the Secretary of the Department of Wildlife and Fisheries shall give a minimum of 72 hours notice prior to the closing of the 1990 spring inshore shrimp season or the opening or closing of any special shrimp season or season extensions.



Warren Pol, Chairman
Wildlife and Fisheries Commission



Virginia Van Sickle
Secretary, LDWF

E N F O R C E M E N T

CASE REPORT

APRIL, 1990

ENFORCEMENT CASE REPORT-APRIL, 1990

REGION I

TOTAL CASES-178

ENFORCEMENT-178

OTHER - 0

63-Boating

37-Angling W/O A License

54-Fish Without Resident Pole License

10-Take Game Fish Illegally

2-Fail To Have Commercial License In Possession

2-Take Commercial Fish W/O Commercial Gear License

2-Transport W/O Required License

2-Use Elevated Trotlines

2-Blocking Passage Of Fish

1-Possession Of Wild Quadrupeds Or Wild Birds Without Permit

1-Hunt Raccoons Or Opossums Illegally

1-Littering

1-Other Than Wildlife And Fisheries

1-Operate ATV Vehicle On Public Road

CONFISCATIONS:

1 gill net-4 inch mesh-approximately 50 yards, 11 crappie, 5 wire baskets, 5 bream, 2 poles w/hook on end, 1-Igloo ice chests, 32 yo-yo's.

REGION 2

TOTAL CASES-133

ENFORCEMENT-133

OTHER - 0

37-Boating

23-Angling W/O A License

55-Fish Without Resident Pole License

Page (2)

REGION 2 CONT'D.

- 1-Use Gear W/O Recreational Gear License
- 1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 1-Take Commercial Fish W/O Commercial Gear License
- 1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
- 3-Not Abiding By Rules And Regulations On WMA
- 3-Illegal Possession Of Drugs Or Marijuana
- 2-DWI
- 1-Littering
- 5-Other Than Wildlife And Fisheries

CONFISCATIONS:

9 oz. marijuana.

REGION 3

TOTAL CASES: 181

ENFORCEMENT-171

OTHER - 10

- 63-Boating
- 71-Angling W/O A License
- 24-Fish Without Resident Pole License
- 11-Take Game Fish Illegally
- 2-Take Commercial Fish W/O Commercial Gear License
- 2-Use Illegal Mesh Nets
- 1-Poss. Over Limit Of Wild Quadrupeds Or Wild Birds
- 3-Taking Or Possessing Alligators Closed Season
- 1-Not Abiding By Rules And Regulations On WMA
- 1-Littering
- 2-Other Than Wildlife And Fisheries

Page (3)

REGION 3 CONT'D.

CONFISCATIONS:

1 alligator, 1 raccoon, 1 cougar, 1 spoonbill, 2 striped bass, 1 bar fish, 2 bass, 1 white perch, 56 bream-released back to water, 2 gill nets, 1 bream trap.

REGION 4

TOTAL CASES=103

ENFORCEMENT-101

OTHER - 2

37-Boating

24-Angling W/O A License

29-Fish Without Resident Pole License

3-Use Gear W/O Recreational Gear License

2-Not Abiding By Commission Rules And Regulations

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

3-Take Commercial Fish W/O Commercial Gear License

1-Blocking Passage Of Fish

2-Hunt Turkey Closed Area

CONFISCATIONS:

26 spoonbill fish, 5 hoop nets with leads, 250 yards of gill net.

REGION 5

TOTAL CASES=183

ENFORCEMENT-172

OTHER - 11

68-Boating

48-Angling W/O A License

1-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

REGION 5 CONT'D.

- 1-Angling W/O Saltwater License
- 2-Take Undersize Black Bass
- 1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 3-Take Or Possess Commercial Fish Without A Vessel License
- 3-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License
- 1-Fail To Maintain Records
- 1-Transport W/O Required License
- 14-Take Or Possess Undersize Commercial Fish
- 1-Fail To Have Commercial Fish Intact
- 1-Fail To Remove Vessel Or Other Equipment
- 15-Take Undersize Oysters From Natural Reef
- 3-Harvest Oysters Without Oyster Harvester License
- 2-Poss. Of Live Wild Quadrupeds, Wild Birds, W/O Permit
- 1-Hunting Geese Closed Season
- 1-Littering

CONFISCATIONS:

1 squirrel, 113 sacks of oysters, 1 geese, 44 speckled trout, 300 lbs. crabs, 8 black drum, 174 lbs. gar fish.

REGION 6

TOTAL CASES=233

ENFORCEMENT-233

OTHER - 0

109-Boating

- 71-Angling W/O A License
- 40-Fish Without Resident Pole License
- 1-Take Game Fish Illegally

Page (5)

REGION 6 CONT'D.

- 1-Taking/Poss. Over Limit Or Undersized Gamefish
- 1-Not Abiding By Commission Rules & Regulations
- 1-Fail To Have Commercial License In Possession
- 1-Fail To Maintain Records
- 2-Transport W/O Required License
- 1-Take Undersize Oysters From Natural Reef
- 1-Failure To Display Proper Number On Vessel
- 2-Harvest Oysters Without Oyster Harvester License
- 1-Littering
- 1-Other Than Wildlife And Fisheries

CONFISCATIONS:

283 sacks of undersized oysters, 5 boxes fish, 71 crappie.

REGION 7

TOTAL CASES=252

ENFORCEMENT-241

OTHER - 11

- 74-Boating
- 116-Angling W/O A License
- 42-Fish Without Resident Pole License
 - 1-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
 - 1-Take Commercial Fish W/O Commercial Gear License
 - 1-Take Or Possess Commercial Fish Without A Vessel License
 - 1-Illegal Use Of Monofilament
 - 2-Hunting W/Unplugged Gun Or Silencer
 - 1-Hunt Turkey With Rifle
 - 1-Hunt Turkey Over Baited Area

Page (6)

REGION 7 CONT'D.

1-Not Abiding By Rules And Regulations On WMA

3-Criminal Trespass

1-DWI

1-Littering

5-Other Than Wildlife And Fisheries

CONFISCATIONS:

4500 feet of gill net, 2 turkeys, 3 shotguns, 1 rifle.

REGION 8

TOTAL CASES=300

ENFORCEMENT-266

OTHER - 34

34-Boating

11-Angling W/O A License

01-Fish Without Resident Pole License

02-Use Gear W/O Recreational Gear License

03-Angling W/O Saltwater License

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

01-Take Or Possess Undersized Spotted Sea Trout

01-Fail To Have Commercial License In Possession

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

10-Take Commercial Fish W/O Commercial Gear License

14-Take Or Possess Commercial Fish Without A Vessel License

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

2-Fail To Maintain Records

5-Transport W/O Required License

19-Take Or Possess Undersize Commercial Fish

Page (7)

REGION 8 CONT'D.

7-Sell And/Or Purchase Game Fish

1-Allow Another To Use Commercial License

20-Fail To Mark Crab Containers

12-Take/Possess Oysters Without Oyster Harvester License

1-Failure To Mark/Tag Nets

30-Possess Or Sell Undersized Crabs

16-Trawling In Closed Season

3-Trawling Inside Waters/Oversized Double Rigs

2-Use Illegal Mesh Trawl, Butterfly Nets Or Seines

1-Take Shrimp Illegal Methods

5-Failure To Have Written Permission

10-Unlawfully Take Oysters From State Water Bottoms

8-Taking Oysters From Unapproved Area

2-Take Oysters Illegal Hours

3-Failure To Display Proper Number On Vessel

1-Failure To Fill Out Oyster Tags Correctly

3-Possession Of Untagged Oysters

10-Harvest Oysters Without Oyster Harvester License

17-Fail To Cull Oysters In Proper Location

4-Lake Ponchartrain-Closed Or Restricted Area

2-Not Abiding By Rules And Regulations

4-Dealing In Alligator Parts W/O Proper License

1-Resisting Arrest

2-Littering

2-Other Than Wildlife And Fisheries

Page (8)

REGION 8 CONT'D.

2-Refuse/Misrepresent Booking Info

5-Unlawfully Take Oysters Off A Private Lease

CONFISCATIONS:

8 boats, outboard motor-70 hp, 26 crab traps tags, 3005 red fish, 7 red fish, 255 whole speckled trout, 5 sheephead, 81 oyster by sack-ret'd., alligator meat-42 lbs., 2-54 foot trawls, 1-12 foot trawl, 4-38 foot trawls, 2-16 foot trawls, 2-50 foot trawl, 4-25 foot trawls, 1 gill net, 32 alligator tags, 17 yellow fin tuna, 1 big eye tuna, 2 oil fish, 1448 lbs. crabs returned to water, 158 boxes crabs returned to water, 775 lbs. shrimp, 1 commercial license, 7 oyster tags, 2 alligators.

REGION 9

TOTAL CASES=601

ENFORCEMENT-580

OTHER - 21

135-Boating

145-Angling W/O A License

60-Fish Without Resident Pole License

1-Use Gear W/O Recreational Gear License

2-Angling W/O Saltwater License

1-Take Game Fish Illegally

33-Take Eel Illegal Methods

3-Take Commercial Fish W/O Commercial Gear License

4-Take Or Possess Commercial Fish Without A Vessel License

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

4-Fail To Maintain Records

2-Transport W/O Required License

REGION 9 CONT'D.

- 1-Possess Exotic Fish
- 3-Taking Fish Illegally
- 58-Take Or Possess Undersize Commercial Fish
- 108-Buy Commercial Fish From Un-Lic. Fisherman
- 2-Possess Crabs In Berry Stage
- 1-Butterflying In Closed Season
- 1-Taking Oysters From Unapproved Area (polluted)
- 1-Failure To Fill Out Oyster Tags Correctly
- 1-Failure To Hold Tags For 60 Days
- 1-Failure To Tag Sacked Or Containerized Oysters
- 3-Poss Of Live Wild Quadurpeds, Wild Birds, W/O Permit
- 1-Hunt Or Discharge Firearm From Public Road Or Road Highway
Right-Of-Way
- 2-Hunt Or Take Deer Or Bear C/S
- 2-Hunt Or Take Deer Or Bear Illegal Hours
- 2-Field Poss. Of Deer Meat W/O Tag
- 2-Fail To Maintain Sex Identification
- 3-Taking Or Possessing Alligators Closed Season
- 3-Possession Of Live Alligators W/O Permit
- 1-Possess Over Limit Of Ducks
- 6-Littering
- 4-Other Than Wildlife And Fisheries
- 3-Possession Of Firearms While Frogging

CONFISCATIONS:

6 1/2 crates crabs, 105 gallons of oysters, 146 sacks of oysters, 4 purchase

Page (10)

REGION 9

CONFISCATIONS CONT'D.

books, 146 oyster tags, 36 crappie, 16 bream, 1 Marlin 22 Magnum, 2 crawfish receipts, 17 crab receipts, 2 commercial gear license, vessel license, 2 boxes of receipts, 2 boat registration certificates, 2 deer, 1 operator license, 1 20 foot Wellcraft boat and Yamaha motor and contents, 1 1977 Chevrolet Pickup Truck, 1 ledger book, 14 ducks, 1 20 H.P. Mercury Motor, 1 alligator, 1 rail, 1 Ruger 22 caliber automatic, 1 shocking device, 3 small piranha, 692 lbs. of fish, 1-140 H.P. Mercury outboard motor, 1 G T 150 Glastron Boat and Trailer and various crab purchase records.

OYSTER STRIKE FORCE

TOTAL CASES=95

ENFORCEMENT-95

OTHER -0

- 5-Boats
- 3-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 3-Take Commercial Fish W/O Commercial Gear License
- 7-Take Or Possess Commercial Fish Without A Vessel License
- 8-Transport W/O Required License
- 1-Take Or Possess Undersize Commercial Fish
- 8-Take/Possess Oysters Without Oyster Harvester License
- 5-Failure To Have Written Permission
- 10-Unlawfully Take Oysters From State Water Bottoms
- 8-Taking Oysters From Unapproved Area
- 5-Unlawfully Take Oysters Off A Private Lease
- 2-Take Undersize Oysters From Natural Reef
- 3-Failure To Display Proper Number On Vessel
- 11-Harvest Oysters Without Oyster Harvester License
- 11-Fail To Cull Oysters In Proper Location
- 2-Resisting Arrest
- 1-Littering
- 2-Refuse/Misrepresent Booking Info

CONFISCATIONS:

52 sacks of oysters, 5 flatboats, 3 outboard motors, 1 box of crabs.

Page (12)

S.W.E.P.

RIP TIDE AND DELTA TIDE

257 HOURS OF RUNNING TIME

130 BOATS CHECKED

23-Trawling In Closed Season

1-No Commercial License

CONFISCATIONS:

11 trawls, 1464 lbs. shrimp

<u>TOTAL CASES ENFORCEMENT</u>	<u>-2075</u>
<u>TOTAL CASES OTHER DIVISIONS</u>	<u>- 89</u>
<u>TOTAL CASES S.W.E.P.</u>	<u>- 23</u>
<u>TOTAL CASES OYSTER STRIKE FORCE-</u>	<u>95</u>
<u>GRAND TOTAL</u>	<u>-2282</u>

RESOLUTION

Louisiana Wildlife and Fisheries Commission Public Oyster Seed Ground Vermilion, East and West Cote Blanche and Atchafalaya Bays

Adopted by the Louisiana Wildlife and Fisheries Commission on May 4, 1990 in New Orleans, Louisiana.

WHEREAS, R.S. 56:434 provides the Wildlife and Fisheries Commission at its discretion designate and set aside water bottoms of the state as public oyster seed grounds, and

WHEREAS, the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex provides an area that is hydrologically different from the existing oyster seed grounds, and

WHEREAS, the hydrological characteristics of this area are such that it will produce oysters when the hydrological conditions on the historical oyster seed grounds have exceeded the optimum range for oyster production, and

WHEREAS, a public oyster seed ground in the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex would greatly benefit the state by providing a consistent supply of seed oysters.

← THEREFORE, BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby designate and set aside the state water bottoms in all of Vermilion, East and West Cote Blanche and Atchafalaya Bays as a public oyster seed ground.

Warren Pol, Chairman
Wildlife and Fisheries
Commission

Regular Session, 1990

HOUSE BILL NO. 1997

BY REPRESENTATIVES KENNARD, DIMOS, ADLEY, LABORDE, ACCARDO, BELLA, DEWITT, DOWNER, JACKSON, AND LONG AND SENATORS KELLY, BARES, BANKSTON, EWING, HAINKEL, JOHNSON, LAURICELLA, NELSON, SWEARINGEN, AND WINDHORST

FISHING/OYSTERS: Provides for competitive public bidding for lease of state waterbottoms for oyster cultivation and harvesting

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AN ACT

To amend and reenact R.S. 56:423(E), 425(B), 426(D), 427, and 428; and to enact R.S. 56:423(F), relative to leasing state waterbottoms, to provide for state right of action, to provide for bid procedure, to provide for advertisement and notice, to provide for payment of rent, to provide for rules and regulations, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:423(E), 425(B), 426(D), 427, and 428 are hereby amended and reenacted and R.S. 56:423(F) is hereby enacted to read as follows:

§423. Property rights, larceny or other public offense concerning; leases heritable and transferable; adjudication of claims

* * *

E. All leases made in conformity with the provisions of this Subpart are heritable and ~~transferable~~ during the pendency of the lease. No subleases of leases shall be valid without the prior written approval of the department. They are subject to mortgage, pledge or hypothecation, and to seizure and sale for debt, as any other property right and credits in this state.

1 This provision also applies to all buildings, betterments, and
2 improvements thereon. No such inheritance or transfer is valid
3 or of any force or effect whatsoever unless evidenced by an
4 authentic act, judgment, or proper judicial deed registered in
5 the office of the department in a book provided for that
6 purpose. The department shall keep proper indexes, so that all
7 original leases and all subsequent changes and transfers can be
8 easily and accurately ascertained.

9 (F) The state, through the Department of Wildlife and
10 Fisheries, shall be entitled to join or intervene in any action
11 for damages pursuant to Subsection B of this Section or to
12 maintain an independent action to assert a claim for its
13 interests in and to the damaged grounds against the party
14 causing the injury or damage.

15 * * *

16 §425. Lease of waterbottoms; stipulations; boundary disputes

17 * * *

18 B. All leases and ~~renewals~~ of leases made under the
19 provisions of this Subpart shall stipulate as a matter of
20 contract that the lessee will operate both under the laws of
21 this state and the rules and regulations of the department.

22 * * *

23 §426. Filing and recordation of waterbottoms leases

24 * * *

25 D. All leases of waterbottoms for oyster culture previously
26 granted and not filed and recorded as provided for in this
27 Subpart, and all such leases hereafter granted, and not recorded
28 as provided herein, shall be subordinate to the rights of the
29 state of Louisiana, its agencies and lessees, with respect to
30 the granting of mineral and shell leases and the exercise of
31 rights thereunder. ~~The renewal or extension of the term of~~

1 existing oyster leases shall not be deemed new leases, but the
2 renewals or extensions shall be recorded as provided herein.

3 §427. ~~Initial~~ Application for lease; advertisement; bid
4 procedure

5 A. Any person who qualifies under this Subpart, evidencing
6 an intent and capability to engage in the cultivation and
7 harvesting of oysters in accordance with the criteria
8 established by the department, and who desires to lease a part
9 of the bottom or bed of any of the waters of this state as
10 provided in this Subpart, shall present to the secretary a
11 written application, with a cash deposit of such amount as is
12 determined by the department. This application shall contain
13 the name and address of the applicant and a designation of the
14 tract a reasonably definite description of the location and
15 amount of land covered by water desired by the applicant. The
16 applicant shall ask that the application be registered, that the
17 water bottom be surveyed, that a plan or map of survey thereof
18 be made, and that the water bottom described be leased to the
19 applicant under the provisions of this Subpart. The department
20 shall then register the application, shall order an examination
21 to determine whether the bottoms applied for are leaseable, and
22 shall determine the basis upon which the rental of the lease
23 shall be fixed. If the area is found to be leaseable, a survey
24 and plan shall be made at the expense of the applicant, at a fee
25 to be fixed by the commission. The expense shall be paid by the
26 applicant to the department in compensation for the services of
27 making the survey, at the time the survey is made. If the
28 application is favorably acted upon, the secretary may, at his
29 option, execute a lease for the waterbottoms to the applicant as
30 soon as the survey has been made, the plan or map thereof has
31 been filed with the department, and the costs have been paid by
32 the applicant. In the event the Department of Wildlife and

1 Fisheries determines that the tract or a portion thereof is
 2 suitable for leasing and such a lease would be in the best
 3 interests of the state, the department may then offer for lease,
 4 through public competitive bidding, all or any portion of the
 5 designated tract. The department shall cause to be published
 6 once a week for two consecutive weeks in the official journal of
 7 the state and of the parish or parishes wherein the tract is
 8 located, an advertisement requesting the submission of bids
 9 specifically setting forth therein: a description of the tract
 10 to be leased; the date, time and place when and where bids
 11 therefor will be received; the minimum acceptable bid; and such
 12 other information as the department may deem necessary. Prior
 13 to such advertisement, the department shall prepare a proposed
 14 form of lease and appropriate instructions which shall be
 15 furnished to prospective bidders under such conditions as the
 16 department may prescribe. Bidders shall be required to provide
 17 evidence of an intent and capability to engage in the
 18 cultivation and harvesting of oysters in accordance with the
 19 criteria established by the department. Sealed bids shall be
 20 submitted to the department, and each bid shall be accompanied
 21 by a bid bond in such form as the department may prescribe. All
 22 bids shall be opened in public on the date and at the time and
 23 place specified on the advertisement requesting submission of
 24 bids. The department shall formally determine and announce
 25 which bid and bidder it considers to be most advantageous to the
 26 state. The department shall have the right to reject any or all
 27 bids and bidders.

28 §428. Commencement and duration of lease; ~~renewal~~; ~~fixing of~~
 29 ~~rental rates~~; payment of rent

30 A. All leases made under the provisions of this Subpart
 31 shall begin on the day the lease is signed and continue for a
 32 period of fifteen years. The owners of expiring leases have

1 first right of renewal of their leases. However, this right to
2 renewal shall be subject to the provisions of this Subpart.
3 leases carry the first right of renewal for successive periods
4 of fifteen years each, provided the lease is capable of
5 supporting oyster populations. Renewals shall be executed by
6 the secretary, and shall be made subject to both the provisions
7 of this Subpart and to the rules and regulations established by
8 the department.

9 B. The secretary has sixty days from the date of
10 expiration of a lease to execute a renewal lease. If a renewal
11 lease is not executed within this sixty-day period, the lease is
12 automatically renewed. In either situation, the fifteen-year
13 period of the renewal lease shall begin on the first day
14 following the expiration date of the prior lease. A resurvey
15 and plan of the water bottom included in a renewal lease, shall
16 be made by the department at the expense of the leaseholder and
17 at the fee set by the commission. This resurvey and plan may be
18 made subsequent to the beginning date of a renewal lease. The
19 expense of the resurvey and plan shall be paid by the
20 leaseholder in compensation for the services of making the
21 resurvey, at the time the resurvey is made. The leaseholder
22 shall be given ten days written notice of the scheduled resurvey
23 by the department and shall be present at the resurvey.

24 G. The commission shall fix the rate of rental for oyster
25 leases at two dollars per acre per year. The rate of rental
26 fixed by the commission shall apply to all leases executed by
27 the secretary. For the purpose of calculating the rental due
28 for a lease, the amount of acreage covered by the lease shall be
29 rounded off to the nearest full acre.

30 B. The rent must be paid no later than the thirty-first of
31 December following the signing of the lease, and annually
32 thereafter, in advance on or before the first day of January,

1 whether the lease be held by the original lessees or by an heir,
2 assignee, or transferee.

3 D. C. The commission shall promulgate rules and
4 regulations, in accordance with the Administrative Procedure
5 Act, designed to promote and ensure good stewardship of the
6 leases, and to provide incentives for leaseholders to
7 permanently place cultch and reef material on the leases for the
8 enhancement of oyster cultivation and to leave said improvements
9 in place at the termination of the lease.

ROLL CALL
May 3-4, 1990

	Thursday	Friday
<i>Don Hines</i> Don Hines	<u>✓</u>	<u>✓</u>
Jimmy Jenkins	<u>✓</u>	<u>✓</u>
Bert Jones	<u>✓</u>	<u>✓</u>
Norman McCall	<u>✓</u>	<u>✓</u>
Joe Palmisano	<u>absent</u>	<u>absent</u>
Warren Pol	<u>✓</u>	<u>✓</u>
Peter Vujnovich	<u>✓</u>	<u>✓</u>

Mr. Chairman:

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

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

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
MAY 3-4, 1990

1. Roll Call
2. Approval of Minutes of April 5-6, 1990
3. LA Duck Stamp Program Update (Information Only) - Hugh Bateman
4. Notice of Intent - Hunting Seasons 1990-91 (Information Only) - Hugh Bateman
5. Setting of Opening Date of Spring Inshore Shrimp Season - Corkey Perret
6. Ratification of Rule - Sturgeon Closure - Bennie Fontenot
7. Reconsideration Establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge - Phil Bowman
8. Notice of Intent - Vermilion Bay Public Oyster Seed Ground - Phil Bowman
9. Update on Black Drum and Spotted Seatrout Quotas - Jerry Clark
10. Proposed Supplemental Alligator Farm Stocking Program Adjustment (Friday Only) - Johnnie Tarver
11. Report on Sale of New Orleans Properties - Kell McInnis
12. Update on D.A. Disposition Reports - Kell McInnis
13. Monthly Law Enforcement Report - Winton Vidrine
14. Secretary's Report to the Commission (Friday Only) - Virginia Van Sickle
15. Set August Meeting Dates
16. Executive Session: William Cooper et. al. vs. LDWF, 351,384 and DeMolle et. al. vs. LDWF, No. 33-786 (Friday Only)

OTHER BUSINESS:

PUBLIC COMMENTS:



*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 0031

CONNECTION TEL 85045685619

CONNECTION ID

START TIME 04/30 11:03

USAGE TIME 00'57

PAGES 2

RESULT OK

*Fax Meeting Announcement
to Pally - N.O.*

RULE

Louisiana Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

TITLE 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishery

S 145. Sturgeon, Taking and Possession.

The taking and possession of the Gulf Atlantic Sturgeon, Acipenser oxyrhynchus; the Pallid Sturgeon, Scaphirhynchus albus; and the Shovelnose Sturgeon, S. platyrhynchus; or sturgeon body parts, including eggs (roe) is hereby prohibited for a three year period beginning May 1, 1990 and ending at sunset April 30, 1993.

CITATION NOTE: Promulgated in accordance with R.S. 56:22
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: ().

Warren Pol
Chairman

AUGUST 1990

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>JULY 1990</p> <p>S M T W T F S</p> <p>1 2 3 4 5 6 7</p> <p>8 9 10 11 12 13 14</p> <p>15 16 17 18 19 20 21</p> <p>22 23 24 25 26 27 28</p> <p>29 30 31</p>	<p>SEPTEMBER 1990</p> <p>S M T W T F S</p> <p>1</p> <p>2 3 4 5 6 7 8</p> <p>9 10 11 12 13 14 15</p> <p>16 17 18 19 20 21 22</p> <p>23 24 25 26 27 28 29</p> <p>30</p>					
5	6	7	8	9	10	11
Peak fawn drop in delta regions.	Full moon.	First migratory water-fowl begin appearing in coastal areas.	Bluegill begin to school again.	Sac-a-lait under the lights.	The showy nodding flowers of Carolina lily add their orange color to open August woodlands.	The pale blue flowers of the state-rare blue water-lily blossom in freshwater marshes of southwest Louisiana.
12	13	14	15	16	17	18
	Third quarter moon.		Begin bushhogging browntop millet dove fields.	Second litters of squirrels begin showing up.		
19	20	21	22	23	24	25
Family groups of swallow-tailed kites can be observed soaring over Pearl and Atchafalaya river basins.	New moon.				Open pine forests are ablaze with purple spikes of blazing star.	
26	27	28	29	30	31	
		First quarter moon.				

#7

RULE
WILDLIFE AND FISHERIES COMMISSION

TITLE 76
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING

SECTION 333. SANCTUARIES; CALCASIEU LAKE, SABINE LAKE

The areas within a one quarter mile radius on the lake side only of the Lambert, Grand Bayou, Mangrove, and Peconi water control structures (otherwise identified as structures no. 5, 1, 8 and 4 respectively), and the area within a one eighth mile radius on the lake side only of the water control structure on No Name Bayou, all within the Calcasieu Lake system; the area within a one quarter mile radius on the lake side only of the mouths of West Cove Bayou, West Cove Canal and the Sabine Refuge Headquarters Canal where they empty into Calcasieu Lake; and the area within a one quarter mile radius on the lake side only of the mouths of Three Bayous and Willow Bayou where they empty into Sabine Lake, are fish sanctuaries and closed zones, and that all netting of fish by any means or method, including but not limited to trawls, butterfly nets, gill nets, seines, or trammel nets, is hereby prohibited, with the exception of hand cast nets, crab traps and crab drop nets.

Warren Pol
Chairman

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:315
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,
Wildlife and Fisheries Commission LR 16 : (May,
1990).

April 30, 1990

AGENDA FOR COMMISSION MEETING

The Commission will meet at 10 a.m., Thursday, May 3rd, 1990, at the University Center on the University of New Orleans campus, Lake Shore Drive at Elysian Fields Avenue, New Orleans, LA for the annual public hearing on the upcoming spring inshore shrimp season.

At 2 p.m. on Thursday, May 3rd, 1990, the Commission will hold its regular public board meeting at the same location. The public board meeting will reconvene on Friday, May 4th, 1990, at the same location at 9 a.m.

The following items will be on the agenda at 1 p.m.:

1. Roll Call
2. Approval of Minutes of April 5-6, 1990
3. LA Duck Stamp Program Update (Information Only)
4. Notice of Intent - Hunting Seasons 1990-91 (Information Only)
5. Setting of Opening Date of Spring Inshore Shrimp Season
6. Ratification of Rule - Sturgeon Closure
7. Reconsideration Establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge
8. Notice of Intent - Vermillion Bay Public Oyster Seed Grounds
9. Update Black Drum and Spotted Seatrout Quotas
10. Proposed Supplemental Alligator Farm Stocking Program Adjustment (Friday Only)
11. Report on Sale of New Orleans Properties
12. Update on D.A. Disposition Reports
13. Monthly Law Enforcement Report
14. Secretary's Report to the Commission (Friday Only)
15. Set August Meeting Dates
16. Executive Session: William Cooper et. al. vs. LDWF, 351,384 and Demolle et. al vs. LDWF, No. 3-786 (Friday Only)

OTHER BUSINESS:

PUBLIC COMMENTS:

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
MAY 3-4, 1990

1. Roll Call
2. Approval of Minutes of April 5-6, 1990
3. LA Duck Stamp Program Update (Information Only) - Hugh Bateman
4. Notice of Intent - Hunting Seasons 1990-91 (Information Only) - Hugh Bateman
5. Setting of Opening Date of Spring Inshore Shrimp Season - Corkey Perret
6. Ratification of Rule - Sturgeon Closure - Bennie Fontenot
7. Reconsideration Establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge - Phil Bowman
8. Notice of Intent - Vermilion Bay Public Oyster Seed Ground - Phil Bowman
9. Update on Black Drum and Spotted Seatrout Quotas - Jerry Clark
10. Proposed Supplemental Alligator Farm Stocking Program Adjustment (Friday Only) - Johnnie Tarver
11. Report on Sale of New Orleans Properties - Bettsie Baker
12. Update on D.A. Disposition Reports - Kell McInnis
13. Monthly Law Enforcement Report - Winton Vidrine
14. Secretary's Report to the Commission (Friday Only) - Virginia Van Sickle
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OTHER BUSINESS:

PUBLIC COMMENTS:

AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
NEW ORLEANS, LOUISIANA
MAY 3-4, 1990

1. Roll Call
2. Approval of Minutes of April 5-6, 1990
3. LA Duck Stamp Program update (Information Only) - Hugh Bateman *2 minutes*
4. Notice of Intent - Hunting Seasons 1990-91 (Information Only) - Hugh Bateman *Public hearing request -*
5. Setting of Opening Date of Spring Inshore Shrimp Season - ~~Claude Boudreaux~~ *Only Permit*
6. Ratification of Rule - Sturgeon Closure - Bennie Fontenot *3 min*
7. Reconsideration establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge - *Phil 2 min*
8. Notice of Intent - Vermilion Bay Public Oyster Seed Ground - ~~Ron Duggan~~ *Phil Brinner*
9. Update on Black Drum and Spotted Seatrout Quotas - *Clark*
10. Proposed Supplemental Alligator Farm Stocking Program Adjustment (Friday Only) - Johnnie Tarver
11. Report on Sale of New Orleans Properties - Bettsie Baker
12. Update on D.A. Disposition Reports - Kell McInnis
13. Monthly Law Enforcement Report - Winton Vidrine
14. Secretary's Report to the Commission - Virginia Van Sickle *(Friday only)*
15. Set August Meeting Dates
16. Executive Session: William Cooper et. al. vs. LDWF, 351,384 and DeMolle et. al. vs. LDWF, No. 33-786 (Friday Only)

OTHER BUSINESS:

PUBLIC COMMENTS:

10:50 am

April 27, 1990

APPROVED _____

AGENDA FOR COMMISSION MEETING

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OTHER BUSINESS:

PUBLIC COMMENTS:

*Executive
Session
has been
added*

1990

APPROVED _____

VVS

AGENDA FOR COMMISSION MEETING

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PUBLIC COMMENTS:

April 27, 1990

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April 27, 1990

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OTHER BUSINESS:

PUBLIC COMMENTS:



VIRGINIA VAN SICKLE
SECRETARY

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

BUDDY ROEMER
GOVERNOR

April 24, 1990

M E M O R A N D U M

TO: Virginia Van Sickle, Secretary
FROM: Sharyn Bateman
RE: Ratification of Rules at May Commission Meeting

The ratification of the Sturgeon rule will be taken up at the May Commission meeting. The rule deals with the taking and possession of the Gulf Atlantic Sturgeon, the Pallid Sturgeon and the Shovelnose Sturgeon or sturgeon body parts, including eggs, is hereby prohibited for a three year period beginning May 1, 1990 and ending at sunset April 30, 1993.

The Sturgeon rule was not ratified at the April meeting because fifty (50) days have to lapse from printing of the notice of intent in the register before any action can be taken. The fifty days ended on April 10, whereas the Commission meeting was April 5-6, 1990.

The rule on the Calcasieu/Sabine Sanctuaries will have to be ratified again at the May meeting due to the fact that when they ratified it at the April meeting it was not done in its entirety. When the rule was retyped to add the wording "on the lake side only" a portion of the rule was left out and it was read at the Commission meeting and made a part of the record as such.

sb

*Sharon -
Be sure these items
are on the news release
for the May meeting
and the agenda.*



VIRGINIA VAN SICKLE
SECRETARY

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

BUDDY ROEMER
GOVERNOR

April 24, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: Virginia Van Sickle *VS*
RE: May Board Meeting and Public Hearing on Spring Inshore Shrimp Season

The Commission will meet at 10 a.m., Thursday, May 3rd, 1990, at the University Center on the University of New Orleans campus, Lakeshore Drive at Elysian Fields Avenue, New Orleans, LA for the annual public hearing on the upcoming spring inshore shrimp season.

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The following will be on the agenda:

1. Approval of Minutes of April 5-6, 1990

HUGH BATEMAN

2. LA Duck Stamp Program Update (Information Only)
3. Notice of Intent - Hunting Seasons 1990-91 (Information Only)

JERRY CLARK

4. Setting of Opening Date of Spring Inshore Shrimp Season
5. Ratification of Rule - Sturgeon Closure
6. Reconsideration establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge
7. Notice of Intent - Vermilion Bay Public Oyster Seed Ground
8. Update Black Drum and Spotted Seatrout Quotas

JOHNNIE TARVER

9. Proposed Supplemental Alligator Farm Stocking Program Adjustment

BETTSIE BAKER

10. Report on Sale of New Orleans Properties

KELL MCINNIS

11. Update on D. A. Disposition Reports

WINTON VIDRINE

12. Monthly Law Enforcement Report

VIRGINIA VAN SICKLE

13. Secretary's Report to the Commission

OTHER BUSINESS:

14. Set August Meeting Dates

PUBLIC COMMENT:

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

April 24, 1990

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FROM: Virginia Van Sickle
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The following will be on the agenda:

1. Approval of Minutes of April 5-6, 1990

~~WARREN POL~~

- ~~2. Scenic Rivers Issue (Tentatively)~~

HUGH BATEMAN

3. LA Duck Stamp Program Update (Information Only)
- 3 4. Notice of Intent - Hunting Seasons 1990-91 (Information Only)

JERRY CLARK

4. Setting of Opening Date of Spring Inshore Shrimp Season
5. Ratification of Rule - Sturgeon Closure
6. Reconsideration establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge
7. Notice of Intent - Vermilion Bay Public Oyster Seed Ground
8. Discussion of Restrictions on Trawling and Netting in Marsh Management Areas (Cameron - Creole Watershed)
9. Update Black Drum and Spotted Seatrout Quotas

*Revised 4-25-90
Strike out 4-25-90 per conversation w/ man as directed by Bettsie*

JOHNNIE TARVER

10. Proposed Supplemental Alligator Farm Stocking Program Adjustment

BETTSIE BAKER

11. Report on Sale of New Orleans Properties

KELL MCINNIS

12. Update on D. A. Disposition Reports

WINTON VIDRINE

13. Monthly Law Enforcement Report

VIRGINIA VAN SICKLE

14. Secretary's Report to the Commission

OTHER BUSINESS:

15. Set August Meeting Dates

PUBLIC COMMENT:

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

JERRY CLARK

- 4 ✓ 5. Setting of Opening Date of Spring Inshore Shrimp Season
5 ✓ 6. Ratification of Rule - Sturgeon Closure
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JOHNNIE TARVER

- 10 ✓ 11. Proposed Supplemental Alligator Farm Stocking Program Adjustment

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- 11 ✓ 12. Report on Sale of New Orleans Properties

KELL MCINNIS

- 12 ✓ 13. Update on D. A. Disposition Reports

WINTON VIDRINE

- 13 ✓ 14. Monthly Law Enforcement Report

VIRGINIA VAN SICKLE

- 14 ✓ 15. Secretary's Report to the Commission

OTHER BUSINESS:

- 15 ✓ 16. Set August Meeting Dates

PUBLIC COMMENT:

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

Blue



VIRGINIA VAN SICKLE
SECRETARY

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

BUDDY ROEMER
GOVERNOR

RECEIVED
Habitat Conservation

April 6, 1990

APR 10 1990

MEMORANDUM

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

FROM: Virginia Van Sickle *VVS*

RE: Commission Meeting Agenda - May 3-4, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Wednesday, April 18th, any agenda items your Office may have for the meeting in New Orleans, LA at the University of New Orleans, University Center on Thursday and Friday, May 3-4, 1990. If you do not have anything for the agenda, please return memo and indicate this 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.

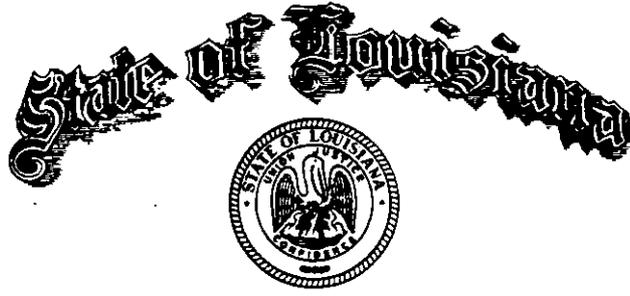
Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

Wethers
Blue

Bennie
U. U. S



VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
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BUDDY ROEMER
GOVERNOR

April 6, 1990

M E M O R A N D U M

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

FROM: Virginia Van Sickle *VVS*

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Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

Inland Fish Div: Bennie Fortenberry
RECEIVED
LA. DEPT. WILDLIFE & FISHERIES
"Ratification - Sturgeon Closure"
APR - 6 1990
OK 8/20
4/12/90

To: Sharyn

State of Louisiana



VIRGINIA VAN SICKLE
SECRETARY

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VVS/sb

C: Don Puckett
Bob Dennie

No items



VIRGINIA VAN SICKLE
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BUDDY ROEMER
GOVERNOR

M E M O R A N D U M

TO: Jerry Clark
Assistant Secretary
Office of Fisheries

FROM: Karen Foote *KF*
Acting Administrator
Marine Fisheries Division

RE: May Wildlife and Fisheries Commission Meeting Agenda

DATE: April 19, 1990

1. Setting of opening date of spring inshore shrimp season
2. Reconsider establishment of sanctuaries around water control structures and bayous on Sabine Refuge
3. Notice of Intent - Vermilion Bay Public Oyster Seed Ground
4. Discussion of restrictions on trawling and netting in *marsh management areas* (Cameron - Creole Watershed)
5. Update black drum and spotted seatrout quotas

KJF/lrm

4-19-90
Shawn -
Jerry has approved this.
Shawn

Kell



VIRGINIA VAN SICKLE
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BUDDY ROEMER
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April 6, 1990

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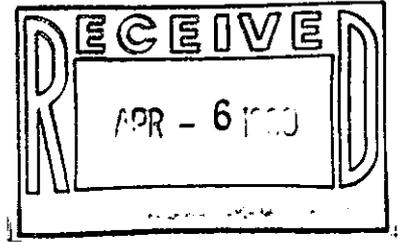
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VVS/sb

C: Don Puckett
Bob Dennie

4/09/90

update on D.A. Disposition Reports.



Kell

State of Louisiana



Sharyn

VIRGINIA VAN SICKLE
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 98000
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April 6, 1990

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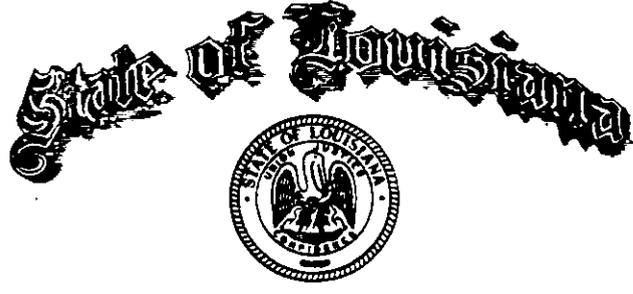
Thank you for your cooperation!

VVS/sb

C: Don Puckett
Bob Dennie

4-9-90
Phil, Cleud, John, Ron D. —
Please get me agenda items by April 16th.
Thanks,
Karen
Opening of onshore spring shrimp season - Emergency Procedure

Dennie



VIRGINIA VAN SICKLE
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C: Don Puckett
Bob Dennie

Inland Fish Div: Benine Fortland
"Ratification - Sturgeon Closure"

Johnnie



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PHONE (504) 765-2800

BUDDY ROEMER
GOVERNOR

April 6, 1990

M E M O R A N D U M

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

FROM: Virginia Van Sickle *VVS*

RE: Commission Meeting Agenda - May 3-4, 1990

Please write on the bottom of this memo and return to Sharyn Bateman by Wednesday, April 18th, any agenda items your Office may have for the meeting in New Orleans, LA at the University of New Orleans, University Center on Thursday and Friday, May 3-4, 1990. If you do not have anything for the agenda, please return memo and indicate this 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!

VVS/sb

C: Don Puckett
Bob Dennie

WILDLIFE
FISHERIES

APR 05 90
REFUGES
BATON ROUGE

*Proposed Supplemental Alligator Farm
Stocking Program Adjustment - J.W. Turner*

Butch



VIRGINIA VAN SICKLE
SECRETARY

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

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- ① La Duck Stamp ^{Program} Update - H. Bateman
- ② Notice of Intent - Hunting Seasons 1990-91

VVS/sb

C: Don Puckett
Bob Dennie

Both of these for information only - can be presented either Thursday or Friday

Bittsri



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C: Don Puckett
Bob Dennie

*Report on sale of
N.O. properties*

Bittsri



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VVS/sb

C: Don Puckett
Bob Dennie

Draft

April 19, 1990

M E M O R A N D U M

TO: Chairman and Members of Commission
FROM: Virginia Van Sickle
RE: May Board Meeting and Public Hearing on Spring Inshore Shrimp Season

The Commission will meet at 10 a.m., Thursday, May 3rd, 1990, at the University Center on the University of New Orleans campus, Lakeshore Drive at Elysian Fields Avenue, New Orleans, LA for the annual public hearing on the upcoming spring inshore shrimp season.

At 2 p.m. on Thursday, May 3rd, 1990, the Commission will hold its regular public board meeting at the same location.

The public board meeting will reconvene on Friday, May 4th, 1990 at the same location at 9 a.m.

The following will be on the agenda:

1. Approval of Minutes of April 5-6, 1990

WARREN POL

2. Scenic Rivers Issue (Tentatively)

HUGH BATEMAN

3. LA Duck Stamp Program Update (Information Only)
4. Notice of Intent - Hunting Seasons 1990-91 (Information Only)

JERRY CLARK

5. Setting of Opening Date of Spring Inshore Shrimp Season
6. Ratification of Rule - Sturgeon Closure
7. Reconsideration establishment of Sanctuaries around Water Control Structures and Bayous on Sabine Refuge
8. Notice of Intent - Vermilion Bay Public Oyster Seed Ground
9. Discussion of Restrictions on Trawling and Netting in Marsh Management Areas (Cameron - Creole Watershed)
10. Update Black Drum and Spotted Seatrout Quotas

JOHNNIE TARVER

11. Proposed Supplemental Alligator Farm Stocking Program Adjustment

BETTSIE BAKER

12. Report on Sale of New Orleans Properties

KELL MCINNIS

13. Update on D. A. Disposition Reports

WINTON VIDRINE

14. Monthly Law Enforcement Report

VIRGINIA VAN SICKLE

15. Oyster Task Force (?)
16. Secretary's Report to the Commission

OTHER BUSINESS:

17. Set August Meeting Dates

Page 3

PUBLIC COMMENT:

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

Draft

Sharyn said Better
called in scenic rivers
item for Mr. Pol.
And Mr. Pol, do you
mean Oyster Strike
force. Sharyn said Mr. Pol
said at last meeting to do
Oyster job force in June

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VIRGINIA VAN SICKLE

~~15. Oyster Park Report~~

16. Secretary's Report to the Commission

OTHER BUSINESS:

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PUBLIC COMMENT:

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

Rooming List for Thursday, May 3
Sheraton On the Lake
3838 North Causeway Blvd.
Metairie, LA 70002

Warren Pol
Jimmy Jenkins
Bert Jones
Don Hines
Joe Palmisano
Norman McCall

Virginia Van Sickle
Jerry Clark
Kell McInnis (King, Non-smoking)
Bettsie Baker

Hugh Bateman
Bennie Fontenot
Johnnie Tarver
Bob Dennie
Winton Vidrine
Karen Foote
Don Puckett

³⁻⁵
Patty wanted
me to pay
this to her
today!

Give to Patty —
OK.

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Hugh Bateman
Bennie Fontenot
Johnnie Tarver
Bob Dennie
Winton Vidrine
Karen Foote
Don Puckett

Check
Landmark —

MINUTES OF MEETING

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MAY 3-4, 1990

Chairman Warren Pol presiding:

Thursday, May 3, 1990

- Don Hines
- Jimmy Jenkins
- Bert Jones
- Norman McCall
- Pete Vujnovich

Secretary Van Sickle was also present.

Mr. Joe Palmisano was absent from the meeting.

Friday, May 4, 1990

- Don Hines
- Jimmy Jenkins
- Bert Jones
- Norman McCall
- Pete Vujnovich

Secretary Van Sickle was also present.

Mr. Joe Palmisano was absent from the meeting.

At Thursday's meeting a motion was made by Mr. Jenkins to accept the Minutes of the April 5-6, 1990, Commission meeting. The motion was seconded by Mr. Jones and passed unanimously.

At Thursday's meeting Mr. Hugh Bateman gave an Update on the Louisiana Duck Stamp Program for informational purposes. Mr. Bateman, Administrator, Game Division, reported that the first duck stamp program thus far has been a great success financially. Mr. Bateman gave figures and anticipated revenue that the department expects to have in the Louisiana Duck Stamp Fund to buy wetlands

in Louisiana hopefully this coming year. At the present time the sale of duck stamps and art prints have totaled \$723,000. Estimates from the publisher is that an additional \$276,000 worth of stamps and prints have been ordered and are on call from which the department has not received revenues. Projected hunting license sales of about 65,000 from the waterfowl hunters who bought stamps this last year are \$292,000 and nearly \$50,000 worth of stamps were sold to collectors this first year. The grand total being projected for the fund when all the receipts are in will be 1.3 million dollars. If the sales prove what the department thinks they will this program will be the single largest state duck stamp program ever advised Mr. Bateman. Eight hundred prints for the second year have already been sold and the department thinks that the projected revenues from the second year stamp will be right at a half of million dollars. Mr. Bateman pointed out that in the legislative packet this year there are two bills that have been introduced that will be revenue negative and damaging to the duck stamp program. One of the bills requires persons over 60 years of age to be exempt from buying the state duck stamp which will ~~be in~~ result in a loss of the realm of \$25,000-\$50,000, negative. Another bill that has been introduced would extend the residency requirement for the contest for another two years and if this occurs the publisher who is handling the duck stamp print marketing all over the United States will not participate. The publisher is on contract for this year and one more year and if the residency requirement is extended he will not be interested in handling the print. What will happen is that the program will fold up and become one like many states have

who have going through this advised Mr. Bateman. The art part of the contest will not generate any money and will be a break even situation for the department with the only money being made from the sale of stamps to hunters and a few to collectors. Mr. Bateman stated that this has been discussed with Secretary Van Sickle and Kell McInnis and the department is going to make its best efforts to keep the bills from damaging the program. Representative Martin from southwest Louisiana authored the bill to extend the residency requirements (HB 1705) and Senator Foster authored the bill for exemption of 60 years and older (SB 9). Secretary Van Sickle and Mr. Bateman both stated that neither of them have received any phone calls or complaints from persons 60 years of age or older about purchasing a duck stamp. Secretary Van Sickle commented that she did not know where the complaints were coming from and asked the Commissioners if they knew Representative Martin or Senator Foster that a phone call might help otherwise they are going to cost the waterfowl \$300,000 with their bills. Mr. Bateman stated that this program is one of the few that can be done where the money is being generated at virtually no expense to the program itself. The money is going into the Louisiana Duck Stamp Fund and will be used to buy, protect and develop wetlands in Louisiana.

Dr. Hines commented that the department has done a great job on this program. Mr. Jones asked if the Governor's Edition was going to be done again and Mr. Bateman advised no it will not be available the second year.

At Thursday's meeting, Mr. Hugh Bateman presented the **Notice of Intent for the Hunting Seasons 1990-91** for informational purposes. Mr. Bateman advised that at the last Commission a resolution was introduced and approved by the Commission which set forth a notice of intent for administrative procedure and rule making to establish the resident hunting seasons for 1990-91. The regulations have been published in the State Register as a proposed rule and also announced ~~that~~ the May and June meetings were open for public comments regarding the proposed rules. Mr. Bateman advised that two letters have been received from individuals representing groups of people who have concerns about two areas in the notice of intent, one involving the deer seasons and the other involving the turkey seasons. These people will address the Commission at its June meeting. Chairman Pol advised that he had three letters, one from Mr. Ellison requesting a hearing, one from Mr. Barton, Jr. requesting a hearing, and another one from Mr. Womack, President of the Louisiana Dog Hunters Association, who said he appreciated the days that were set for the dog hunters and he was very well satisfied. At this time comments from the public were asked for.

Mr. Morris Treadway, representative of the Plaquemines Parish Council, addressed the Commission. Mr. Treadway stated that some time ago the devastating hurricane season hit Plaquemines Parish and at the request of the Council to the Wildlife and Fisheries and with the cooperation of the Council and Wildlife and Fisheries deer season was virtually closed and when it was reopened it was not reopened for dogs. There is an area on the East Bank of the river

from St. Bernard to the lower end of Plaquemines that the Council would like to see opened again. The Council has a letter from the Louisiana Department of Wildlife and Fisheries testifying that the deer population is a good one. In cooperation with the previous parish government the resolution was adopted to close the season and when the resolution was introduced and adopted the season was immediately closed advised Mr. Treadway. On May 11, 1989 the same Council government introduced resolution 89142 which was sent to the wildlife agency requesting the reopening of that area for the hunting of dogs. This has been a year ago and to date nothing has been done stated Mr. Treadway. It was the intent of the Council to work with Wildlife and Fisheries in obtaining special permits to hunt with dogs on the east bank of the river only. This was to be considered at a meeting that was held in Cameron parish at the Rockefeller Refuge, July 6-7, 1989 and again nothing was established or done at that time. On behalf of the residents of the east bank and those people who hunt with dogs, Mr. Treadway is requesting that the Commission give consideration to opening that side of the river to dog hunting in the 1990-91 season.

Chairman Pol asked Mr. Treadway if he had an extra copy of his statement to please give it to Mr. Bateman so that this can be taken into consideration. Chairman Pol asked if there were any more comments on the hunting season. There being none the next item was brought before the Commission.

Mr. Corkey Perret, at Thursday's meeting, presenting the **Opening**

^{that}
Dates of Spring Inshore Shrimp Season. Mr. Perret stated that at the shrimp meeting ~~this~~ morning the dates that were given for the three zones were based on Monday openings and the percentage was obviously well over 50 percent on certain dates. The department has gone back and calculated the specific dates where the 50 percent criteria would be reached. In Zone 1 the 50 percent criteria would be reached on May 12; Zone 2 on May 9; and Zone 3 on May 23. The 9th is a Wednesday, 12th is a Saturday and 23rd is a Wednesday also. ~~So officially and as far as 50 percent or~~

~~greater percentage they would cross on these dates.~~ Mr. Perret pointed out that there is a great deal of interest in a uniform opening for Zones 1 and 2. ~~On the 9th it would be the 51 percent, the 12th would be 50 percent in Zone 1. On the 9th in Zone 1 the shrimp based on the past weeks information would be about 42 percent which is slightly under. Chairman Pol stated that in other words what is being said is that zone 1 would be at 6 a.m. on May~~

9th Mr. Perret stated that if the Commission wished to open Zones 1 and 2 on the 9th that would be correct recognizing that Zone 1 is slightly below the 50 percent criteria. Chairman Pol asked if it would be close enough to do this. Mr. Perret advised if there is not a lot of rain, a cool front coming, etc. that the one suggestion he can give to the Commission is that they could possibly do what was done last year. Last year a date was set for Zone 1 and Zone 2 and the Secretary was given the authority, if things did change in the next few days based on monitoring information, to change the date. Mr. Perret stated that he was not going to tell the Commission that the departments' statistics are

at the hearing that morning.

100 percent accurate but they are good and they worked in the past. This is hard to predict but Mr. Perret thinks with all the interest in a uniform opening May 9th may be a good compromise for the industry and for what the people indicated they were interested in ~~this morning~~. Mr. Perret pointed out that he has a resolution and the resolution does contain a paragraph giving the Secretary the authority if she was to get concurrence with the majority of the members of the Commission by phone to change a date if indeed something were to happen out of the ordinary. This is the same situation that happened last year and Secretary Van Sickle did exercise the authority because the situation changed dramatically in Zone 1 last year. Chairman Pol asked the members of the Commission if they had any other suggestions. Mr. Jenkins stated that since Zones 1 and 2 are pretty close together to make them on the same date. Chairman Pol advised that basically what the resolution says is that Zones 1 and 2 would open on the 9th unless Secretary Van Sickle finds out biological that it needs to be changed. Zone 3 would open on May 23. Dr. Hines suggested that the openings for Zones 1 and 2 be delayed to the 12th for the simple reason that the 50 percent has been used as the biological reason for setting the season and if there are any factors that come into play that delay the shrimp reaching this point the extra three days would help some. Dr. Hines knows that everyone is interested in an early opening but he does not believe that three days is going to make a lot of difference and believes by waiting till the 12th they will have stuck by the scientific data that has been used in the past.

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Dr. Hines moved that Zones 1 and 2 be opened at 6 a.m. on May 12, 1990 and Zone 3 at 6 a.m. on May 23, 1990 with the other stipulations authorizing the Secretary, with the concurrence of the majority of the Commission by phone, to change the opening date of the 1990 Spring Inshore Shrimp Season in the area or zone when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so and authorizes the Secretary of the Department of Wildlife and Fisheries to set season extensions in areas or zones when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so provided that the Secretary gives a minimum of 72 hours notice of closing of the 1990 Spring Inshore Shrimp Season or the opening or closing of any special shrimp season or season extensions. The motion was seconded by Mr. Jenkins. Mr. Perret pointed out that The 12th was a Saturday and Sunday was the only day that by law the season cannot open. Chairman Pol asked for comments. Mr. Perret pointed out that weekend openings will possibly bring out a lot more people and does not know how the industry feels about this, but the criteria will be reached in Zone 1 by the 12th. Secretary Van Sickle stated that she knows the industry will not like a Saturday opening date at all.

Mr. Bill Chauvin addressed the Commission and stated that based upon what is being seen there is a possibility for a good shrimp season, a lot of shrimp, and if there is a Saturday opening by Monday morning there will be a lot of shrimp that will potentially be wasted because of the limited number of processing facilities.

Mr. Jenkins stated that he agreed with Dr. Hines and that the Commission has got to stick with the minimum, 50 percent criteria, and either open the season on that day and go forward and not backwards so give them the 12th or the 14th. The rest of the Commissioners concurred with this. Mr. Jones stated that if the industry is in that bad of shape as it says it is he certainly thinks that everybody would want to work opening weekend and does not think it will cause any undue hardship on the industry to process the shrimp.

Chairman Pol called for a vote on Dr. Hines' motion. The motion passed unanimously.

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

RESOLUTION

Adopted by the Wildlife and Fisheries Commission at its regular meeting on May 3rd, 1990, in New Orleans, Louisiana, relative to the 1990 spring inshore shrimp season.

WHEREAS, R. S. 56:497 provides that the Wildlife and Fisheries Commission shall fix no less than two open shrimp seasons each year for all inside waters,

WHEREAS, R. S. 56:497 further states these shrimp seasons will be

opened by Zone, and

WHEREAS, the Wildlife and Fisheries Commission has reviewed in public hearing the biological and technical data presented by the Department of Wildlife and Fisheries on shrimp populations and environmental conditions present in Louisiana's coastal waters during the spring of 1990, and

WHEREAS, the Wildlife and Fisheries Commission has received public testimony relative to this biological data as well as other factors relative to the 1990 spring inshore shrimp season, now,

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission finds that biological and environmental information presented by the Department's technical staff indicates brown shrimp began entering Louisiana's estuaries during February and will meet the management criteria of 50% of the shrimp exceeding 100 count (heads-on) in Zone 1 by May 12th, in Zone 2 by May 12th, and Zone 3 by May 23rd, and

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does:

1. Hereby set the 1990 spring inshore shrimp season to open as follows:

a. In Zone 1, that portion of Louisiana's inside waters as described in R.S. 56:495, from the Louisiana/Mississippi state line to South Pass of the Mississippi River at 6:00 a.m. on May 12th, 1990, and

b. In Zone 2, that portion of Louisiana's inside waters, as described in R.S. 56:495, from South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6:00 a.m. on May 12th, 1990, and

c. In Zone 3, that portion (fo) Louisiana's inside waters, as described in R.S. 56:45, from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana/Texas state line at 6:00 a.m. on May 23rd, 1990.

2. Authorize and empower the Secretary of the Department of Wildlife and Fisheries with the concurrence of a majority of the Wildlife and Fisheries Commission by phone to close the 1990 spring inshore shrimp season in ~~an~~ any area or Zone when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so.

3. Authorize and empower the Secretary of the Department of Wildlife and Fisheries to set season extensions in areas or Zones when the Marine Fisheries Division certifies that the biological and technical data indicates the need to do so.
4. Provided that the Secretary of the Department of Wildlife and Fisheries shall give a minimum of 72 hours notice prior to the closing of the 1990 spring inshore shrimp season or the opening ~~of~~ closing of any special shrimp season or season extensions.

Warren Pol
Chairman

At Thursday's meeting Mr. Bennie Fontenot presented the **Sturgeon Closure Rule for ratification**. Mr. Fontenot advised that as he had mentioned to the Commission when the notice of intent was presented that the Fish and Wildlife Service was going to put the pallid sturgeon on the endangered species list in Louisiana and the gulf atlantic as a threatened. The third species of sturgeon in Louisiana is the shovelnose of which the department does not have much information. There is a very small commercial fishery on the gulf sturgeon in the state ~~of~~ which is nothing but incidental catch. The department is asking for a three year closure so that

base line data can be gathered to try and formulate a management plan and to comply with federal regulations on closures of these fish which are about to occur.

At Friday's meeting a motion was made by Dr. Hines to ratify the rule for sturgeon closure. The motion was seconded by Mr. Jones and passed unanimously.

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

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES
WILDLIFE AND FISHERIES COMMISSION

TITLE 76

Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

S. Sturgeon, Taking and Possession.

The taking and possession of the Gulf Atlantic Sturgeon, Acipenser oxyrhynchus; the Pallid Sturgeon, Scaphirhynchus albus; and the Shovelnose Sturgeon, S. platyrhynchus; or sturgeon body parts, including eggs (roe) is hereby prohibited for a three year period beginning May 1, 1990 and ending at sunset April 30, 1993.

CITATION NOTE: Promulgated in accordance with R.S. 56:22

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (May, 1990).

Warren Pol

Chairman

At Thursday's meeting Mr. Phil Bowman presented the **Rule for Ratification on Sanctuaries, Sabine and Calcasieu Lakes**. Mr. Bowman stated that at the last Commission meeting the rule to be ratified relative to the sanctuaries enclosed areas around the water control structures in the Calcasieu and Sabine Lake Refuge ^(a) ~~was brought before the Commission.~~ At that time Legal Counsel had made some suggestions and in the process of implementing these ^{error} suggestions there was a technical ~~area~~ made into the rule that was read into the record. What is before the Commission today is the corrected rule and the department is asking that they pass a motion to reconsider the rule. Mr. Bowman explained the basic change in

the rule. In the previous rule three of the water control structures were omitted. Chairman Pol entertained a motion for reconsideration of the rule. Mr. McCall made the motion. The motion seconded by Mr. Jenkins and was passed unanimously. Chairman Pol entertained a motion for ratification of the rule. Mr. McCall made the motion. The motion was seconded by Mr. Jenkins and was passed unanimously.

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

RULE

WILDLIFE AND FISHERIES COMMISSION

TITLE 76

WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER 3. SALTWATER SPORT AND COMMERCIAL FISHING

SECTION 333. SANCTUARIES; CALCASIEU LAKE, SABINE LAKE

The areas within a one quarter mile radius on the lake side only of the Lambert, Grand Bayou, Mangrove and Peconi water control structures (otherwise identified as structures no. 5, 1, 8 and 4 respectively), and the area within a one eighth mile radius on the lake side only of the water control structure on No Name Bayou, all

within the Calcasieu Lake system; the area within a one quarter mile radius on the lake side only of the mouths of West Cove Bayou, West Cove Canal and the Sabine Refuge Headquarters Canal where they empty into Calcasieu Lake; and the areas within a one quarter mile radius on the lake side only of the mouths of Three Bayous and Willow Bayou where they empty into Sabine Lake, are fish sanctuaries and closed zones, and that all netting of fish by any means or method, including but not limited to trawls, butterfly nets, gill nets, seines, or trammel nets, is hereby prohibited, with the exception of hand cast nets, crab traps and crab drop nets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:315

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (May 1990).

Warren Pol

Chairman

At Thursday's meeting Secretary Van Sickle asked Chairman Pol if she could speak on the shrimp season and asked Colonel Vidrine to come up. Secretary Van Sickle stated that there will be a lot of outlawing going on because of the moon and the Saturday opening. Secretary Van Sickle asked Colonel Vidrine how many cases had been made the last week pertaining to shrimp. Colonel Vidrine answered 36 cases and does anticipate problems next week. Secretary Van

contact

Sickle directed Colonel Vidrine to tell his agents to confiscate boats and equipment for anybody who crosses the line and supply her with a list of every case that is made so that she can personally transmit it to the District Attorney in the parish where the case is made so that the department can be sure that the cases that are made will be prosecuted. Colonel Vidrine stated yes and he has already instructed Captain Matassa and Captain Daries that if anyone is caught prior to the opening of the season he wanted the boats confiscated, the nets confiscated and he was to be notified so that he can ~~get a hold of~~ the District Attorney and the Judge in the area and will do his best to see that the boat is held till

anti

S ~~say~~ after the opening of the shrimp season. Secretary Van Sickle stated that if anyone wants to make a complaint she will ask for the name of the boat and location. Any member of the public or legal shrimper that fights a boat crossing the line to call her personally at 765-2803 in Baton Rouge and the department will get law enforcement immediately on it. Secretary Van Sickle asked that a press release go out on this immediately and advised Colonel Vidrine if he had to bring agents down from North Louisiana to do so.

Mr. Phil Bowman at Thursday's meeting presented the **Notice of Intent on Vermilion Bay Public Oyster Seed Ground**. Mr. Bowman advised that in each of the Commissioner's packets there was a resolution relative to the Vermilion, East and West Cote Blanche and Atchafalaya Bay Oyster Seed Reservation. Legal Counsel has

advised that there were some technical problems and there is a need to pass the resolution and initiate a notice of intent relative to this. This will not change anything that is presently being done with this particular area. Mr. Bowman read the "WHEREFORE BE IT RESOLVED" part of the resolution. Chairman Pol entertained a motion. Dr. Hines made motion to adopt resolution for notice of intent. Mr. Jenkins seconded the motion and it passed unanimously. Captain Vujnovich asked if there were any private oyster leases in this area. Mr. Bowman stated that they are automatically excluded from this and this is the same similar situation as in the seed grounds east of the Mississippi River.

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

RESOLUTION

Louisiana Wildlife and Fisheries Commission Public Oyster Seed
Ground Vermilion, East and West Cote blanche and Atchafalaya Bays

Adopted by the Louisiana Wildlife and Fisheries Commission on May
3, 1990 in New Orleans, Louisiana.

WHEREAS, R.S., 56:434 provides the Wildlife and Fisheries
Commission at its discretion designate and set aside
water bottoms of the state as public oyster seed grounds,

and

WHEREAS, the Vermilion, East and West Cote Blanche and Atchafalaya Bay Complex provides for an area that is hydrologically different from the existing oyster seed grounds, and

WHEREAS, the hydrological characteristics of this area are such that it will produce oysters when the hydrological conditions of the historical oyster seed grounds have exceeded the optimum range for oyster production, and

WHEREAS, a public oyster seed ground in Vermilion, East and West Cote blanche and Atchafalaya Bay Complex would greatly benefit the state by providing a consistent supply of seed oysters.

THEREFORE, BE IT RESOLVED, that the Wildlife and Fisheries Commission does hereby designate and set aside the state water bottoms in all of Vermilion, East and West Cote Blanche and Atchafalaya Bays as a public oyster seed ground.

Warren Pol, Chairman
Wildlife and Fisheries
Commission

Dr. Jerry Clark at Thursday's meeting gave an **Update on Black Drum and Spotted Seatrout Quotas**. ^{it was} Dr. Clark reported that he was not going to ask the Commission to take any action today as there is none to be taken. The update on the black drum quota is that on April 12 the first quota period was completed which included a 300,000 fish quota and approximately 200,000 fish were landed. The second quota began on April 12 which is also for 300,000 fish and only ~~into~~ the first week of May and the reports for April are not in. As far as the quotas on the black drum go everything is in good shape stated Dr. Clark. The Commission has already done a notice of intent on a permanent rule and the public comment period is going on right now.

The process has been started to close the season on the spotted seatrout effective Sunday, May 6, 1990 at 12 midnight. The only caution that Dr. Clark has is that the projected closing date is based upon the computer model that the department has been using, based on previous years landings for the last couple of months, on phone calls trying to get the best information possible, and on information from fishery independent data but historical trends which were used to create the computer model and which have worked effectively the last two years have not existed in this years season. Dr. Clark has less confidence in this date than in previous years but it is the best that can be obtained at this current time. The season will remain closed until September 1, 1990. The Secretary has been granted the authority by the

Commission to close the season so there is no action needed by the Commission stated Dr. Clark. Dr. Hines asked Dr. Clark if he felt like it was under estimated or over estimated. Dr. Clark advised that they think they have made the best estimate they can and it might come out over or it might come out below.

At Thursday's meeting Mr. Kell McInnis gave an **Update on the New Orleans Properties**. Mr. McInnis stated as the Commission was notified prior to the effective date of the sale that was scheduled the department was advised by a member of the public that there seem to be a problem with the legal description of the property. The description had the wrong two lots joining each other instead of the old criminal court building going straight back opposite the Royal Street properties they had the parking lot as the large piece of property therefore causing the wrong pieces tied with the wrong appraisals. The City of New Orleans has been contacted, the property will be resurveyed and corrected on the books of the New Orleans Clerk of Court's office. As soon as this takes place the department will be notified and readvertise and a new date for the sale will take place. Hopefully this will take place within the next 60 days stated Mr. McInnis.

Secretary Van Sickle advised that Ms. Baker did go to Sheriff's Office on the sale date and personally took down the names of everybody who came to bid on the buildings so that they could be notified when the auction will take place.

At Thursday's meeting Mr. Kell McInnis gave an **Update on D.A. Disposition Report.** Mr. McInnis reported that there have been additional meetings with the district attorneys on the disposition reports and very pleased to advise that three additional copies of the reports have been received from district attorneys which brings it down to 12 outstanding reports at this time. The department has the full support of the District Attorney's Association and they have requested of their members that they comply with the list and Mr. McInnis firmly believes this is why the department got the three that they received. Mr. McInnis met with the Executive Board of the D.A.'s Association about ten days ago and submitted suggested legislation to them that might assist both in the reporting of dispositions and handling of the wildlife and fisheries cases. They reviewed this with the complete Executive Board and made recommendations back to the department. They are fully supportive of a bill that will allow the department to issue, not only a bench warrant upon the failure to show up for the hearing set for the citation but also to invoke the suspension of the drivers' license of the individual who fails to show. This is the same procedure used by the State Police for traffic violations and is very effective. This will enable the department to get citations covered. The second bill suggested was to allow the department to decriminalize Class 1 violations and to have those treated as Civil Penalties that the department would collect. There was some concern about the giving up of the authority by some

of the district attorneys so there was not full support for this bill. However, the chairman of the appropriations committee became very interested in the concept and has introduced a bill in this current session that will consider this particular method of handling these cost and penalties. Between these two bills it will enable the district attorneys to make a more simple report and to have the backup to make people actually come in and clear these tickets. The backlog will be cleared up as well concluded Mr. McInnis.

Colonel Winton Vidrine at Thursday's meeting gave the **Monthly Law Enforcement Report for April**. Colonel Vidrine reported the following number of cases in the regions for the month of April.

Minden - 178 cases

Monroe - 133 cases

Alexandria - 181 cases

Ferriday - 102 cases

Lake Charles - 183 cases

Opelousas - 233 cases

Baton Rouge - 252 cases

New Orleans - 300 cases

Gray/Thibodeaux - 601 cases

The new Oyster Strike Force had 95 cases. These citations involved taking and possession of oysters without a Harvester's License,

unlawfully taking oysters from state waterbottoms, taking oysters from unapproved areas, and failure to cull oysters in proper location. Two vehicles were also confiscated.

S.W.E.P. the offshore boats had a total of 23 trawling cases which were made in the last 10 days. Eleven trawls and 1,464 pounds were confiscated. The boat that is being brought in today has 3,500 pounds on shrimp on it advised Colonel Vidrine.

The total number of cases for the month of April statewide is 2,282 cases. This is running close to the total of number of cases made last year concluded Colonel Vidrine.

Mr. Jenkins asked about the confiscations in Region 8 and reporting of the number of red fish that were confiscated. The report shows that 3,005 red fish and then 7 red fish. Colonel Vidrine stated that they are normally added together and was quite a few separate cases. Mr. Jenkins asked where the 32 alligators tags came from in Region 8. Colonel Vidrine stated that he believed some untagged alligator heads were picked up and the person had some tags in his possession and they were confiscated. Mr. McCall asked if these tags were issued last year for alligators that were harvested. Colonel Vidrine answered he was not positive but he believes so and will check on it and get back to the Commission. Secretary Van Sickle asked if Colonel Vidrine would find out who had the 3 small piranha in Region 9. Colonel Vidrine stated that they were in a

Redfish
Redfish is one word

pet shop in Houma, Louisiana. Colonel Vidrine announced as a point of information that eight boats were just picked up for illegal shrimping in the Grand Isle area.

After a short discussion as to the items for Friday's meeting Mr. Jenkins recommended that in the future ~~an~~ ^{all} agenda items should not be listed as given on a certain date only unless it is absolutely necessary and it is cleared with the Chairman or the Secretary. Secretary Van Sickle stated that the point is well taken and will restrain from putting Friday only on any future agenda without concurrence of the Chairman.

At this point in the meeting Chairman Pol recognized Senator Sammy Nunez and commented it was nice to have him at the meeting.

At Thursday's meeting the **Date for the August Commission was set.** Mr. McCall made a motion that the dates for the August Commission meeting be set for August 9-10, 1990 and be held at Rockefeller Refuge. The motion was seconded by Dr. Hines and passed unaimously. Secretary Van Sickle advised that she had scheduled her vacation for that week so Mr. McInnis will be covering for the department.

At Thursday's meeting Chairman Pol asked if anyone would like to address the Commission. Senator Nunez addressed the Commission and stated that he was at the University and heard that the Commission

was meeting and have had a number of calls from a number of hunters in Plaquemines Parish and would like to go on record as asking the Commission to give a careful look at the people's request that dog hunting be allowed in Plaquemines Parish since the parish ordinance that would not allow it has been rescinded. Senator Nunez stated that he supports this as a landowner and a hunter. Chairman Pol advised Senator Nunez that prior to his coming to the meeting there was a gentleman from Plaquemines Parish requesting this and a letter has been turned over to Mr. Bateman on this issue.

Mr. Jenkins made a motion that the Thursday's meeting be adjourned until 9 a.m. Friday morning. Mr. McCall seconded the motion and passed unanimously.

At Friday's meeting a motion was made by Mr. Jenkins and seconded by Mr. McCall that the rules be waived and the Commission adjourn and go into Executive Session on William Cooper et. al. vs. LDWF, 351,384 and DeMolle et. al. vs. LDWF, No. 33-786. The motion passed and Captain Vujnovich asked that he be excused from the Executive Session. Chairman Pol advised that the Executive Session should last about thirty minutes. ir

Chairman Pol announced that the Commission meeting was back in session and he asked Mr. Puckett, Legal Counsel, to address the Commission. Mr. Puckett stated that the two lawsuits were discussed that were listed on the agenda (Cooper and DeMolle) and

it is the pleasure of the Commission to proceed to prepare a defense in both of the lawsuits. It has become apparent because of the potential of a conflict between the Commission and the department on the matter at least of strategy in defending the lawsuits that it is going to become necessary for ethical reasons for Mr. Puckett and the department's other attorney Mr. Landrum to recuse themselves from the defense. It would be appropriate for the department and the Commission to proceed with hiring of separate attorneys at this time if this would be the Commission's pleasure advised Mr. Puckett.

Mr. Jenkins made a motion that the Commission instruct Mr. Puckett and the department attorneys to go ahead and file a response to the two lawsuits that they are involved in. The motion was seconded by Mr. McCall and passed. Captain Vujnovich abstained from voting.

Mr. Puckett stated that there is a problem from an ethical standpoint but can pursue this with the hiring of separate attorneys if this would be the Commission's ~~please~~ *pleasure*.

Dr. Hines stated to let the record show that Mr. Puckett and Mr. Landrum recuse themselves from representing the Commission.

Mr. Jenkins made a motion that the Commission with reference to the present two oyster suits retain or instruct the Secretary to retain

the services of Leon Gerry, Jr. in Baton Rouge for the purpose of defending the Commission in these lawsuits. Seconded by Mr. McCall and passed. Captain Vujnovich abstained from voting. Mr. Leon Gerry, Jr. of Baton Rouge will be retained by the Commission for its defense in the two lawsuits.

At Friday's meeting Mr. Johnnie Tarver present a **Proposed Supplemental Alligator Farm Stocking Program Adjustment**. Mr. Tarver reported that the Department of Wildlife and Fisheries' alligator research and management efforts through the years demonstrates what can be done with a species once thought to be on the brink of extinction. The research program has provided invaluable information concerning the life history of the animal which has enable hunters to produce income to the state of approximately 10.6 million dollars in 1989. The new farming program is also contributing approximately 4.1 million dollars and is increasing annually.

The farming concept was initially established in an attempt to induce individuals to invest money into the program and the department would assist them in the form of providing sufficient alligator hatchlings to sustain their operations for a specified period of time. Some of the farmers began small and expanded through the years and additional hatchlings were provided when available from wild eggs collected on Rockefeller Refuge. At the time it was determined that this procedure could be beneficial to

both the wild population and the farmers. Recently the number of hatchlings distributed to these farms has been reduced to the numbers listed on their respective contracts and has exposed the department to the threat of litigation from certain farmers who in prior years had requested and were receiving hatchlings in excess of the original contract numbers. They claim they received certain assurances from the department, implicit or explicit, that they could continue to receive hatchlings at the increased level and that they relied upon these assurances by increasing the size of their facilities, etc.

In an effort to find a solution that is in the best interest of the department and the state, the technical staff of the Fur and Refuge Division is recommending the reestablishment of the supplemental program back to its original level if additional hatchlings are annually available and providing certain stipulations are adhered to by the thirteen participants. The eggs are available on department-owned properties and could easily be collected with very little additional effort and cost. It is a documented fact that at least 83% of the eggs will be naturally lost if they are not collected, incubated and reared. It has also been demonstrated that the farm-raised alligator is superior in body condition to that of a wild alligator and can be reared to a four foot length in approximately 12 or 13 months where a wild alligator will only attain this length after approximately five years.

By providing excess hatchlings to the farmers and having 17% of the number provided returned to the wild as healthy four foot alligators at the end of twelve months, the department can provide for more wild alligators to the population in less time and a correspondingly greater income in future years for the wild harvest. Any problems involving potential litigation over the issue of the number of hatchlings to be provided to the affected farmers would be avoided.

Mr. Tarver stated that he is bringing this to the attention of the Commission because they have demonstrated a great deal of interest in the alligator program. This has been discussed with the attorneys and the department is prepared to make certain adjustments with the Commission's concurrence at this time.

Mr. Tarver asked if there were any questions or comments.

Mr. McCall asked how many contracts were still out at this time. There are 13 contracts in the supplemental program stated Mr. Tarver and there will not be any more supplemental alligators accepted into the program. Chairman Pol asked if there were any lawsuits that were threatened ever filed? Mr. Tarver advised that Mr. Perkins filed suit, LL&E filed a suit and at the time there is another threatened suit. Chairman Pol asked if it was settled and Mr. Tarver answered yes. At the ~~present~~ ^{current} time there are no lawsuits against the Commission on alligators stated Chairman Pol. Mr. Tarver answered that is correct. Chairman Pol asked what would

this mean to the Commission in the way of money? Mr. Tarver stated the initial pickup would cost around \$9,000 and they are worth about \$15 each on the market so it looks like \$45,000. Mr. McCall asked if the 13 contracts were signed contracts or verbal. They are signed contracts advised Mr. Tarver. Mr. McCall asked if they had been honored in their entirety. Mr. Tarver stated that this was the nature of the suits. Dr. Hines asked asked if these alligators were going to be distributed to only the 13 participants and what formular will they be distributed by. This is correct stated Mr. Tarver and the contract number will be honored then the extras will be divided equally among the participants. Mr. McCall asked if there will be signed contracts or verbal contracts on the extras alligators for the participants. Mr. Tarver advised that there is no signed document but it can be obtained. Chairman Pol stated that as Secretary Van Sickle says there will be no further participants in the program. Secretary Van Sickle stated that they are just trying to honor the ones the department has and they can pickup more alligators without costing the department more than \$2.00 for each eggs, which is what they have been doing for 8 or 10 years. Mr. Tarver and ~~them~~ did meet with the Inspector General about this ~~who was interested and said~~ he concurred with it and as long as there was not a legal problem he thought it was a good way to handle this. Mr. Puckett, Legal Counsel, stated that he had no problems with this from the legal perspect. Mr. McCall stated that he thinks if the department went ahead and followed along the lines of what Mr. Tarver presented he thinks it would accomplish several

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things. The department will be getting back 17% live four foot alligators to be placed back in the wild; if the eggs are left in the marsh 83% of the hatchlings would be lost; the department will not be losing anything and at the worst it would be a break even situation because they will be getting the live alligators back; tags for the alligators have to be bought which will bring revenue into the department; creates jobs; and will go a long ways in getting the creditability back between the farmers, ranchers and the department. Mr. McCall thinks this is a good idea and made a motion to give Mr. Tarver the authority to do this. Chairman Pol advised that a motion was not needed and all the Commission had to do was accept his proposal. Dr. Hines asked how the 4-foot alligators that are pen raised do in the wild. Mr. Tarver stated that an alligator reverts very quickly back to its original instincts. Mr. Jenkins asked how many alligators will it take to totally fulfill all the contracts. Mr. Tarver answered about 9,000 which includes the 3,000 which the Commission just graciously gave him permission for. Mr. Jenkins asked if Mr. Tarver was talking about a year or forever. Mr. Tarver explained that this is just a year and as it goes through time it will become less and less. There are eight years to go and the number of alligators will vary. Mr. Jenkins stated that he wanted to know how many, total, alligators will be given away. Mr. Tarver stated approximately 36,000. Mr. Jenkins asked about the value of the hatchlings at the time they are given away. Mr. Tarver stated that he did not know what the value will be in the future but they are going for about

15
\$15 each now. Secretary Van Sickle advised that all of this started a long time ago when they were trying to get the industry started and in the past two years the department has not pursued any more of this and trying to get out of this business because the alligator business is booming. The department is just trying to honor the contractual commitments that the department entered into 10 years ago. Mr. Jones asked how many of the 17% has the department regained since it was decided that the 17% would be reestablished to the wild. Mr. Tarver advised that he does not have that figure. Mr. Jones asked if these alligators that in the past years were due the department, the 17%, has this compounded the number or have we just deleted down 17% from the year prior. Mr. Tarver stated that there was a 17% requirement at the time the program was started so you cannot go back. The original contracts called for 5% and Mr. Jones asked if the 5% had been captured. Mr. Tarver stated yes and are in the process of doing this now. Mr. Jones states that the department needs to regain the 5% from the previous years before any additional alligators are given away. Concluding Mr. Tarver stated that it is his recommendation that the people be required to pay back whatever they owe before they receive the next years batch.

At Friday's meeting Secretary Van Sickle presented the **Secretary's Report to the Commission**. Secretary Van Sickle reported that Mr. Buddy Goatcher has been hired as the Alligator Program Coordinator and will be coordinating the statewide alligator program. There

are over 100 farms in Louisiana. Mr. Goatcher will be allowed to hire up to four specialists who will be located statewide to work with the alligator farmers to be sure that the endangered species requirements are met and that all of the departments needs are met for the 17% return to the wild. These individuals will actually assist in that effort.

A Scenic Rivers Program Leader has been hired. He has a Ph.D. in outdoor recreation and came on board last week. There are now two full time people dedicated to the Scenic Rivers Program. The mission is to have management plans developed for each of the scenic rivers and inventories of everything about them.

The Spring Bayou Channelization Project is now underway and it will be completed in two months. This should revitalize the fisheries in Spring Bayou. There has been some controversy surrounding this but Wallop-Breaux funds are being used to implement the project. Dr. Hines added that the Police Jury reversed themselves in Avoyelles Parish and allowed the drainage of Spring Bayou to be controlled by the biologists from the department rather than the Police Jury at their last meeting.

The stripped bass stocking program for this spring has been completed. This is done annually at the Toledo Bend stripped bass fish hatchery. There were 18.6 million stripped bass and hybrid stripped bass fry produced which was far beyond what was needed

for Louisiana's stocking program and in addition about 11 million strippers fry and hybrid fry have been supplied to the Fish and Wildlife Service which are exchanged for one half million Florida largemouth bass fry. There were three bass records broken in the state last year and it was through this program that this was able to happen because Louisiana cannot produce the numbers of largemouth bass fingerlings that are needed. They have also been traded for 150,000 blue catfish fingerlings and 1 million different size stripper bass fingerlings. Traded with the state of Mississippi for 150,000 Florida largemouth bass fingerlings. Basically Louisiana is producing stripped bass fry and trading with the Fish and Wildlife Service and Mississippi to produce the recreational fish that the state wants to stock but cannot produce at its hatchery. There were 300,000 Florida bass stocked this past month at False River. There were 170,000 Florida bass stocked at Chico Lake and recently received 100,000 Florida bass fingerlings that will be stocked at Concordia Lake in the near future.

They have also been

the department

In the Marine Fisheries Division the oyster relay program in Vermilion Bay will continue through May 6 which is Sunday. In cooperation with the Health Department and the Oyster Strike Force there are four permittees and ten boats that are moving these oysters that are being weakened by the freshwater. The oysters are being taken from the area where they are dying and allowing them to be transported to lease grounds by the four permittees.

(Pink Shrimp)

A special shrimp season was opened. There is a shrimp called hoppers that come into Chandeleur Sound every year right before the brown shrimp. There were enough pink shrimp in Chandeleur Sound to open a quick season before the brown shrimp season. This is a night shrimping operation only because this is the only time these shrimp get up in the water column and start to migrate around. The season was opened for five days only and required every boat that went in there to check in with the department's agents. In the five days the people of Plaquemines and St. Bernard caught 110,000 pounds of hoppers worth \$259,000. The count on the shrimp was 21 to 25 and in general all of them were under 50 count. There was no problems with the harvest and each boat was checked.

The reef fish rule that the department is now implementing may be up for revision next year. The stock assessment panel for the Gulf Council has said that reef fish are in deeper trouble than what was predicted last year and a zero catch has been recommended on red snapper. The state will be working closely with the Gulf Council on this issue and the Marine Fisheries Division is examining data in an attempt to facilitate the discussion between the shrimpers and the snapper fishery to insure that whatever is done or recommended is the best that can be done. The department is not real comfortable with going from a seven bag limit to no catch stated Secretary Van Sickle.

Three public hearings will be held on the black drum management

plan. The first meeting was held in this room last night advised Secretary Van Sickle. A small group of fishermen attended (8 people) and everyone who spoke last night was in support of the plan. On May 8 there will be a similar hearing in Lake Charles and on May 10 there will be a hearing in Houma.

The Governor made a commitment to the department in the budgetary process for a \$20 million land acquisition program and he did mention this again at a press conference with the General Motors Corporation two weeks ago when GM came in and donated land to the Nature Conservancy. The department staff is working on the \$20 million dollar shopping list. The Game Division and the Habitat Conservation Division together are going to come up with a land acquisition list that meets both needs of the department and the state.

The wild turkey season harvest report is being developed by the staff and will be completely presented to the Commission in detail at the June meeting. The Corps of Engineers this coming year will be adding 3,000-5,000 acres to the Sherburne/Atchafalaya National Wildlife Refuge. The department is working with management agreements with the Corps on this property.

Secretary Van Sickle asked Chairman Pol that if he did not mind that on the next month's agenda or July's agenda the department would like to invite the companies that have donated free leases

to the department (275,000 acres in free leases) and sportsmen of the state to come to the Commission meeting to be recognized. Chairman Pol stated by all means, this is the least the department can do. This will be done at the July meeting.

Secretary Van Sickle asked if there were any questions pertaining to her report. Dr. Hines asked how much of the \$20 million was allocated to the fish hatchery. Secretary Van Scikle stated that it should be \$2 million for the fish hatchery assuming that the hatchery is funded through the legislature and the necessary approvals are received in the Capital Outlay process.

Mr. McCall asked when did Mr. Goatcher actually go to work for the department. Secretary Van Sickle answered about two weeks ago and he is the one that has the authority to hire the other people and a secretary if he needs one. Mr. McCall asked if there was a time frame for him to hire these people. Secretary Van Sickle stated that she and Johnnie had basically told him that it was his program and for him to start thinking about the kind of people he will need. He needs to become familiar with the program needs and then determine where he wants to put these people. Mr. Goatcher attended the Fur and Alligator Council meeting and met the alligator program leaders that represent the industry on the council.

At Friday's meeting Secretary Van Sickle spoke to the Commission

regarding shrimp season. Secretary Van Sickle commented that she has a feeling that because of the Saturday opening there will be a backlash with the fishermen. Secretary Van Sickle stated that she thinks there will be a problem with the Saturday opening from an industry perspective with the availability of ice, the conflicts that are coming and will be arising out of the Saturday opening and asked the Commission if they had any guidance for her. Secretary Van Sickle advised that she had called her office and the radio room this morning and people are calling in. Mr. McCall stated that a decision was made yesterday and it has been on t.v., in the paper and everybody knows about it and he personally thinks they ought to leave it alone. Mr. McCall stated that if we made a mistake we made it but he thinks personally we ought to leave it alone.

Chairman Pol asked if there was any other business. Mr. Jenkins stated that he wanted to ask Dr. Clark a few questions about the results or the affects of the December freeze on red fish in the estuary. Mr. Jenkins asked if the present red fish plan calls for a 30% escapement of juvenile red fish to make the plan work which is basically the young juvenile fish out of the marsh and bay areas. Dr. Clark answered yes to the 30% but explained that escapement means escapement from the fishery. Mr. Jenkins stated that he is concerned about the number of fish that died in the marsh and is concerned as to how this fish kill is going to be evaluated with respect to the escapement requirements for the red

redfish

fish plan. Dr. Clark advised that what ^{was} is being done right now is what they have been doing and that ~~is~~ the nets are in the water and trying to estimate whether or not the current population of fish is any different than it ~~is~~ on any previous year. If it is different, lower, that is an indication that the freeze had an impact stated Dr. Clark. Mr. Jenkins asked if there was a time table for this. Dr. Clark answered no but the department is looking at it now. Mr. Jenkins asked if the game fish status on red fish expired next year. Dr. Clark answered yes. Mr. Jenkins asked if the department was going to be prepared to make recommendations prior to the expiration of these present conditions. Dr. Clark answered yes and the target date on the final evaluation of the status of the stock and the department's recommendations for the red drum fishery is December 31, 1990.

Chairman Pol asked if there was anything else to come before the Commission or any public comments.

Mr. Obry Collins, oyster fisherman, addressed the Commission. Mr. Collins stated that his interest in being at the meeting today was to ask the Commissioners to become more actively involved in the affairs of the oyster industry. This industry has money problems. An Oyster Task Force has been formed which is a group composed of state Health and Wildlife officers as well as industry representatives. There are several problems in the oyster industry such as reduce oyster supply caused by the environment, a person

cannot obtain an application or lease from the Wildlife and Fisheries because of the moratorium and the only way a new fisherman can get into the business is if he buys a lease with someone who has been in the business, increase in pollution problems and closures, and state and federal regulations on both the fisherman and the dealers stated Mr. Collins. The Oyster Task Force is scheduled to meet in Baton Rouge once a month and would like for the Commissioners who can attend to do so to hear about the problems in the industry. Mr. Jenkins asked if they knew in advance when there meetings were. Mr. Collins answered that the task force did not meet on a regular date. Mr. Jenkins asked that whenever Mr. Collins knew the dates of the meeting to let Secretary Van Sickle and she could send a notice to the Commission members. Secretary Van Sickle stated that she believed that a press release was sent out before each meeting. The Commissioners stated that they have never heard about the meetings. Secretary Van Sickle asked Ms. Karen Foote to help her take care of this and be sure that the Commissioners are notified of all task force meetings (crabs, shrimp, oysters and finfish). Chairman Pol advised that the Commission has an Oyster and Shrimp Committee that is appointed and the Chairman of that committee is Captain Vujnovich and he is sure that Captain Vujnovich and the members of that committee will be happy to attend some of the meetings. It is not the intention of the Commission to hurt any oysterman or anybody and will work with them in anyway and appreciate Mr. Collins for addressing the Commission.

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Two words

Mr. William A. Cast, IV, President of the Westside Oyster Farms operating in Jefferson Parish, addressed the Commission. Mr. Cast asked about plans for Ft. Livingston (Marine Lab) as it was used in the past and about the Hackberry Seed Ground Reservation as to whether or not it has been ~~assess~~ ^{assessed} since the freeze. Over the past three or four years there has been no production in the Hackberry Seed Ground except the oil companies stated Mr. Cast. Secretary Van Sickle addressed the issue of the marine lab and stated that at this point there is basically a caretaker's status with two people taking care of it from being vandalized but due to financial problems most of the personnel have been moved to the Bourg office. Secretary Van Sickle asked Mr. Bowman to address the Hackberry issue. Mr. Bowman explained that the effects of the freeze on the oyster populations have been looked at and each year the department does an assessment on all the public oyster seed grounds and Hackberry Bay is one of them. A very thorough population assessment will be conducted this summer advised Mr. Bowman.

Mr. Cast asked if anything was done about the freeze and the assessment since Hackberry Bay is a very shallow area and it would have been more affected than most oyster growing areas. Secretary Van Sickle explained that Mr. Ron Dugas and his field staff go out and do sampling, etc. so that over harvest is not done. Mr. Cast asked about the deadline for applying for federal funds. Mr. Perret addressed this issue. Mr. Perret stated that the public

grounds have been evaluated which included Hackberry not only relative to the freeze and in the Secretary's Report on the effects of the freeze there is a section on oysters on the public grounds. There is a draft that has been prepared that is in the editorial stage that will be submitted to the top administration of the department and then forwarded to the proper federal agency. The state will be asking for federal funds of approximately a three quarters million dollar minimum and probably higher stated Mr. Perret. This is for all the public grounds that were affected by the extreme flooding conditions in certain parts of the state, increase saltwater intrusions in the eastern part of the state and also some possible effects of the freeze. This will probably be completed in a couple of week concluded Mr. Perret.

Mr. Cast asked if the department has been collecting for damages by the oil companies in Hackberry in the past couple of years. Hackberry Bay is on the edge of saltwater intrusion and devastation and Mr. Cast would like to know if the department is planning on having some kind of program or public hearing on what can be done with this area. A lot of local people in Jefferson depend on this area and they are having serious problems. Mr. Cast believes that the department should be looking at something like a public hearing to find out what is going on in the area, why is the production down so much and if the department is not collecting damages on the seed grounds and they are being destroyed why not maybe look into the possibility of just leasing them out. Secretary Van Sickle

advised that she and her staff will sit down and talk about this and stated that Captain Vujnovich has some insight into this as he had some leases in that area that were taken away when the seed ground was created. Captain Vujnovich advised that the leases were taken away a number of years ago but right now on one of the leases that was taken away there is an oyster boat which caught a gas line, sunk and the two people on it ended up in the hospital. Captain Vujnovich stated that the Texaco Oil Company owes the state of Louisiana nothing under 25 million dollars for the damage it has done in that area. This area is so damaged by the oil company that Captain Vujnovich will not tow a dredge in the area and believes it should be looked at and restoration made to the state of Louisiana and to the oyster seed program. Captain Vujnovich asked Mr. Puckett which way should the Commission and department go about getting this. Mr. Puckett advised that seeking damages from the oil companies is something the department can look at. On other areas, but not on Hackberry Bay to Mr. Puckett's knowledge, where other oil companies have crossed other seed grounds the department has exacted a permit fee to approximate the cost of the damages to the area. There is no reason why Hackberry cannot be looked at from the same standpoint stated Mr. Puckett. Captain Vujnovich asked if there was any way that the department can ask the company to take the pipes out as it is dangerous to navigation and may be in violation of the law as they are not buried underground. Mr. Puckett advised that the department can confer with the Mineral Board, and DNR staff and see what the nature of their leases is and

the requirements of those leases that they have with the state. Anything that would constitute a violation of those leases the department could seek redressed through perhaps the DNR staff or the Mineral Board staff from the standpoint of getting them to correct any violations of pipelines or other lease requirements and from the standpoint of damages to the state or to the department for damage to the seed grounds that is something that can be looked at and see where the department stands legally commented Mr. Puckett. Secretary Van Sickle suggested that the Marine Fisheries Division be asked to send out somebody and do an examination of the situation to see what is out there to confirm what is being discussed here and then talk with Mr. Puckett about going to DNR and seeing if the department can recoup some damages in that regard.

Mr. Danny Ruel, commercial fisherman and member of the East Bank Commercial Fisherman's Association, addressed the Commission on the shrimp season. Mr. Ruel stated that he believes Saturday was a terrible day to open the shrimp season like Ms. Van Sickle said and also when he read the paper this morning and saw Mr. Perret's statement about abundance of shrimp and high salinity this was not Zone 1 at all. Mr. Ruel asked that the Commission consider changing Zone 1 because of the terrible condition of the water.

Secretary Van Sickle explained that if there is another big wave of shrimp coming into the area the opening of that area will be

postponed. Mr. Ruel stated that he understood this and the reports that have been heard through the grapevine is there is a very limited amount of shrimp in the Lake Bourgne. Mr. Ruel realizes that the department is doing the best job that they can do but hopes the department will consider studying the area more before May 12th. Mr. Jones asked Mr. Ruel why in his opinion was Saturday a bad day. Mr. Ruel answered there are going to be a million boats out, ice problems, docking problems, etc. Mr. Jones stated that opening day is going to be opening day. Mr. Ruel stated that he understood this but figuring opening day on a Monday as opposed to a Saturday there is a big difference. The commercial fishermen are going to be out there opening day no matter what day it is and the sports fisherman with everybody off of work on a Saturday will be out there also and there will probably be three times the boat you usually have on opening day stated Mr. Ruel. Secretary Van Sickle advised that the department had a Saturday opening in 1980 and it was bad. There are now 10,000 more shirmpers which will make it worst.

Mr. Perret commented on Mr. Ruel's comment about what was in the paper and that sometimes when we are quoted in the papers it is not always totally accurate and he believes that this is what happened as he tried to be very careful yesterday so that everyone would understand.

There being no other business Chairman Pol entertained a motion for

adjournment of May's Commission meeting. Mr. Jenkins made ^{the} motion that the May Commission be adjourned. The motion was seconded by Mr. McCall and passed unanimously.

Virginia Van Sickle
Secretary

VVS:sb