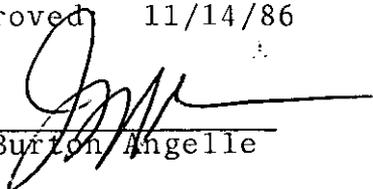


LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Approved 11/14/86



J. Burton Angelle

BOARD MEETING

November 7, 1986

JACK CAPPEL
CHAIRMAN

Grand Chenier, Louisiana

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION GRAND CHENIER, LOUISIANA

November 7, 1986

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

November 7, 1986

Chairman Jack Cappel presiding:

Lyle Crain
Don Hines
Joe Palmisano
Dale Vinet

Mr. J. Burton Angelle was also present.

The Minutes of the meeting of October 7, 1986 were approved with a motion from Mr. Vinet and seconded by Dr. Hines.

Winton Vidrine gave the Enforcement Report for the month of September 1986 at Thursday's meeting.

The Survey Report was given at Thursday's meeting by Harry Schafer for the period of September 29-October 31, 1986. During this period 152 surveys were scheduled, 38 surveys were unable to be done due to bad weather or fishermen unable to meet surveyor. Lease rental collected was \$172.50, survey fees collected were \$3,844.00, 25 applications were filed and 8 new leases were issued.

Johnnie Tarver presented a resolution to ratify the trapping season for 1986-87. Mr. Palmisano made a motion to accept this ratification, seconded by Mr. Vinet and passed unanimously.

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

WHEREAS, the fur industry of Louisiana represents a major resource of economy and income for many of the citizens of our state; and

WHEREAS, this resource is a renewable natural one, which has proven under wise management to increase in importance in our state; and

WHEREAS, an annual harvest of the surplus animals is in keeping with wise wildlife management techniques based on scientific management; and

WHEREAS, federal restrictions imposed by the CITES Scientific Authority concerning out-of-state shipment for otter and bobcat furs will again require placement of a possession tag by trappers or buyers to insure state origin; and

WHEREAS, the zonation concept has continued to be beneficial in reducing late caught unprime furs and has produced mainly favorable comments generated within the fur industry; now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby establish the 1986-87 furbearers trapping season for the northern zone as being November 20, 1986 through February 15, 1987 and the southern zone as being December 1, 1986 through February 28, 1987, and sets a bag limit for daytime and nighttime raccoon and opossum hunting outside the trapping season of one raccoon and/or opossum per hunter per day or night; and

BE IT FURTHER RESOLVED, that the attached regulations governing the buying, tagging and shipment of bobcat and otter pelts are adopted for the 1986-87 trapping season; now

BE IT FURTHER RESOLVED, that the Department Secretary shall be authorized to close or extend the trapping season as biologically justifiable.

Johnnie Tarver also presented a resolution to ratify the alligator season for 1986-87. This resolution was unanimously approved by the Commission.

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

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under State and Federal Statute to establish an alligator season, and

WHEREAS, the alligator population in Louisiana has been determined by biologists of the Department to be capable of sustaining an annual harvest of surplus animals, and

WHEREAS, the removal of the surplus animals is considered to be a wise use of this natural resource of the State of Louisiana, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules, regulations and guidelines for administering the 1986-87 alligator season.

Bennie Fontenot presented a rule to ratify Anacoco and Vernon Lakes Netting Regulations. Mr. Palmisano made a motion to accept the ratification, seconded by Mr. Vinet and passed unanimously.

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

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Anacoco Lake, Lake Vernon and that portion of Anacoco Bayou between the two lakes, Vernon Parish, Louisiana.

Phil Bowman presented two resolution to ratify the Fisheries Permit Program Rules and Regulations. Mr. Vinet made a motion to ratify these rules and regulations, seconded by Mr. Palmisano and unanimously approved.

(The full text of the resolutions
are made a part of the record)

WHEREAS, R. S. 56:571 states the Secretary of the Department may issue permits to persons who are interested in the development of new fisheries designed to harvest underutilized species and to persons who are interested in the development of new gear and equipment to harvest fish and other aquatic species inside all freshwater and saltwater areas of the state, and

WHEREAS, additional language directs the Secretary to promulgate rules and regulations according to the Louisiana Administrative Procedures Act, and

WHEREAS rules and regulations have been promulgated as directed, and

WHEREAS, those rules and regulations have adhered to all procedures as required by the Administrative Procedures Act and the Legislative Oversight Committee, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does adopt the attached rules and regulations pertaining to the issuance of permits in all fresh and saltwater areas of Louisiana as applicable to R. S. 56:571.

Experimental Fisheries Program Rules and Regulations are attached to these minutes.

WHEREAS, R. S. 56:571 states the Secretary of the Department may issue permits to persons who are interested in the development of new fisheries designed to harvest underutilized species and to persons who are interested in the development of new gear and equipment to harvest fish and other aquatic species inside all freshwater and saltwater areas of the state, and

WHEREAS, additional language directs the Secretary to promulgate rules and regulations according to the Louisiana Administrative Procedures Act, and

WHEREAS, R. S. 56:406 A(3) specifically states that any person fishing for pompano and black drum in the area commonly known as the Chandeleur and Breton Sound Sanctuary must possess a valid permit which shall be issued by the Secretary, and

WHEREAS, specific rules, regulations and descriptions dealing with this statute have been promulgated and approved as required by established procedures as directed by the Secretary, now

THEREFORE BE IT RESOLVED, the the Louisiana Wildlife and Fisheries Commission approved the attached rules, regulations and descriptions as pertaining to special pompano permit regulations.

Special Pompano Permit Regulations Rules and Regulations are attached to these minutes.

Ron Dugas presented a resolution to ratify rules for Canceled Oyster Leases bidding. Mr. Palmisano made a motion to ratify these rules, seconded by Mr. Crain and passed unanimously.

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

WHEREAS, there is a need to have procedures to comply with R.S. 56:429 concerning the holding of an auction to dispose of leases that are in default of annual rent, and

WHEREAS, there is a need to compile a single document containing the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to the Oyster Fisheries-Survey Section, now

THEREFORE BE IT RESOLVED, by the Wildlife and Fisheries Commission that the following regulations be adopted:

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
SEAFOOD DIVISION POLICIES
AS THEY PERTAIN TO OYSTER FISHERIES-SURVEY SECTION

A. Office Policies and Procedures:

1. Office hours will be from 8:30 AM to 4:30 PM, Monday through Friday excluding state holidays.
2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications:

1. a. There shall be a fifty foot (50 ft.) buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.
 - b. Where distances between oyster leases are two hundred feet (200 ft.) or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing lessees or applicants if properly applied for and leased in accordance with existing policies and practices.
 - c. No new applications will be taken or leases issued having widths less than three hundred feet (300 ft.) except as follow:
 - 1) for closing corners not to exceed a distance (length) of five hundred feet (550 ft.).
 - 2) in bayous (or similar configurations; connections or cuts between bays, lakes and ponds, etc.) not less than one hundred feet (100 ft.) or where less than that width it shall be the full width with a subservience clause prohibiting an impedance of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc. occurs resulting in an enlargement of the water bottoms for leasing adjacent areas for a period of five (5) years.
 - d. Any applications for an oyster lease may be contoured to follow the shoreline.
2. If an applicant cannot keep his appointment with the surveyor, and fails to notify the Survey Office by noon on the Thursday prior to the date of the scheduled survey, his application shall be cancelled. Applicant will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within fourteen days of cancellation notice, at which time the applicant shall advise the Survey Section on which day he or a representative will be available for rescheduling within 14 to 30 days. If the applicant fails to keep this second appointment, the application shall be cancelled without the option of reinstatement. If the applicant fails to meet the appointment but notifies the Survey Section of vessel breakdown or inclement weather prior to the appointment time, then he will advise the Survey Section Office on which day he or a representative will be available for rescheduling within 14 to 30 days.

If he fails to meet this second appointment, his application will be cancelled. When the Department Surveyor cannot keep his appointment, all effort will be made to notify the oyster farmer/applicant.

3. If any survey by the surveyor of the Department shows an overlap, the Department will abstract the leases involved and eliminate the overlap at its expense by giving the overlapped area to the longest continuously uninterrupted lease, notifying the lessees/applicants of the action. If any survey by a private surveyor shows an overlap, a lease shall not be issued until such time as overlap is corrected at no expense to the Department.
4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.
5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1. of each year.
6. A fee of \$10.00 per lease will be charged for transfer of oyster lease.
7. A fee for all extra maps, leases, plats or documents will be charged as follows:

All maps	-	\$10.00 per copy
Plats	-	\$ 5.00 per copy
Lease Documents	-	\$ 5.00 per copy
Other material	-	\$ 1.00 per copy

8. Survey Application Fees:

a. Survey application fees for new leases after the moratorium is lifted will be as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$100.00
11 - 20	\$150.00
21 - 200	\$2.50 additional for each acre after 20
201 - 1000	\$1.50 additional for each acre after 200

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$70.00
11 - 20	\$105.00
21 - 200	\$1.75 additional for each acre after 20
201 - 1000	\$1.15 additional for each acre after 200

c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25.00 PER SHOT POINT

d. Survey application fees for restakes of someone else's lease are established as follows:

\$90.00 for the first two shot points

\$50.00 for each additional shot point thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period.

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer:

1. All Surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.
2. Surveyor to be charged the basic rate for copies of documents needed.
3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.
4. All surveys must comply with R. S. 56:427, B which requires the lease not to exceed the initial application by more than 10% compliance by negotiation with the applicant. If unacceptable, application will be cancelled and all fees forfeited.

5. Surveyors to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.
 6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.
 7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.
 8. Survey plats to be drawn on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.
 9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.
 10. Application number and ownership on all survey plats to be shown on original application.
 11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.
 12. Use standard signs and symbols.
 13. The Louisiana Department of Wildlife and Fisheries, Survey Section will provide all information needed to perform the Survey.
 14. Noncompliance with the above twelve (12) items (C, 1-12) after 30 day notification from the Department by certified mail, shall result in cancellation of the application and forfeiture of all fees to the Department.
- D. 1. Complaints in the field are to be handled in the following manner.
- a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.
 - b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

2. In an effort to comply with R. S. 56:425 D, which allows the Department to settle disputes and R. S. 56:427 C requiring compact leases, and policy B-1, the Department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.

E. Oyster Lease Posting Requirements

1. In an effort to comply with R. S. 56:430, Pr. B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements:

a. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

b. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to twelve feet above the water level.

c. At the main entrance to the property and at no less than at all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

d. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

e. In open water all signs are to be placed facing outward.

- F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.

2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.
- G.
1. Upon lifting of the moratorium a date will be set for the taking of appointments to make applications.
 2. Each appointment will be for a 30 minute period and will allow the applicant to make one (1) application.
 3. If all applicants have received appointments and there are still openings, an applicant can go to the end of the line and make another appointment for one (1) application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.
 4. In subsequent years the number of applications not surveyed by August 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On October 1 appointments will be taken and the rules in paragraphs G-3 and G-4 will apply.

H. Policy to comply with laws concerning default in payment of rent on oyster leases. (Non-compliance R. S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R. S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the State and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.
2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10%. Up to and including the last Monday in March the leases may be reinstated by payment of the rent due plus 10% and the advertising cost if applicable.
3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of

Wildlife and Fisheries. The acutioneer will be the chief of the Seafood Division or whomever he wishes to designate. The opening bid for each lease will be the rent due plus 10% and advertising cost. All sales must be paid for in cash or by certified check.

The auction will start with the lowest numbered lease and continue numerically until completed.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application at the yearly opening.

I. Procedures to comply with R. S. 56:432 and Council Memo dated December 2, 1983

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.
2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Ref. R. S. 56:432.
3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres under lease unless he qualifies for additional acres by the ownership of oyster canning plants.
4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the Department.

Blue Watson presented a Notice of Intent to amend Seismic Rules and Regulations. This was accepted.

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

The Wildlife and Fisheries Commission advertises its intent to amend Rule 24 of Seismic rules and regulations which concerns the daily rate charged crews working in the State of Louisiana. The Commission proposes the rule to read as follows: "A fee of \$135.00/per Seismic Agent/ per day will be charged to Seismic Operators. This fee will be reviewed each January. All payments will be made by the Seismic Operator directly to the Department on or before the 20th of each month. No payments are to be made to the Seismic Agents."

Blue Watson also presented a proposed rule concerning fill material permits. Dr. Hines made a motion, seconded by Mr. Crain to approve these rules.

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

The Louisiana Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following rule relative to the dredging of fill material, sand and gravel and royalties thereon.

WHEREAS, the Louisiana Department of Wildlife and Fisheries is charged with the responsibility of administering the dredging of fill material, sand and gravel; and

WHEREAS, the Commission, through its Secretary, is directed by Act 845 of the 1986 Legislature to promulgate rules for the regulation of the dredging of fill sand and fill material; now

THEREFORE BE IT RESOLVED, that the current fill material agreement is abolished and reinstated with appropriate changes as a fill material permit. The contents and terms of said permit as they were with the fill material agreement constitute rules of this commission.

FURTHER BE IT RESOLVED, that the royalty on fill material shall be twenty cents per cubic yard, the royalty on screened sand shall be twenty-two cents per cubic yard, the royalty on unscreened sand and gravel combined shall be forty cents per cubic yard and the royalty on screened and washed gravel shall be sixty cents per cubic yard;

FURTHER BE IT RESOLVED, that no person or firm shall dredge fill material, sand or gravel from the waterbottoms of this state without a permit from this Department, the fee for which shall be set at \$50.00, non-refundable. A performance bond in the amount of \$75,000.00 shall be executed by the permittee within thirty (30) days of the issuance of the permit. The Department shall act on the permit application either favorably or unfavorably within a period of thirty working days.

FURTHER BE IT RESOLVED, that a permit shall not be issued to an applicant who is not currently in good standing with the Department, whose fill material permit has been revoked or suspended within the past twelve (12) months, who has an outstanding, unresolved royalty debt to the Department, or who has habitually violated the provisions of previous permits or agreements.

FURTHER BE IT RESOLVED, that the quantity of sand, gravel and/or fill material removed by the permittee shall yield to the

Department of Wildlife and Fisheries a guaranteed sum of not less than \$5,000.00 annually for each permit obtained. If for any reason the permittee does not remove sufficient permitted material to aggregate in total the guaranteed yield to the Department of \$5,000.00, the permittee shall pay to the Department an amount sufficient to total \$5,000.00.

FURTHER BE IT RESOLVED, that the extent of a single permitted site in the Mississippi River, the Atchafalaya River, the Red River, the Calcasieu River below the saltwater barrier, the Ouachita/Black River south of the confluence of Bayou Bartholomew shall not exceed one linear mile and shall not extend across the center line of the stream.

FURTHER BE IT RESOLVED, that any person or firm found to be dredging without or in violation of a validly issued permit from this Department shall be subject to criminal or civil penalty. Additionally, any firm or person violating the provision shall be prohibited from conducting dredging operations and shall be refused a permit from this Department for a period of one year from the day of said violation.

Phil Bowman presented a resolution to ratify the prohibition of nets within one mile of Cypremort State Park. This was approved unanimously.

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

WHEREAS, conflicts have arisen between commercial and recreational interests in the area adjacent to the Cypremort Point State Park in St. Mary and Iberia Parishes, and

WHEREAS, fish remains and other debris from commercial fishing activities are continually being washed ashore in the Cypremort Point State Park, and

WHEREAS, this debris is causing health hazards to swimmers, recreational fishermen and other recreational users at the State Park, now

THEREFORE BE IT RESOLVED, the use of gill nets, trammel nets, seines and trawls in the Cove immediately adjacent to Cypremort Point State Park in St. Mary and Iberia Parishes shall be prohibited, and

BE IT FURTHER RESOLVED, said Cove in Vermilion Bay shall include all the area landward of a line drawn from the southernmost point of land known as Blue Point to the southernmost point of land known as Cypremort Point.

Bennie Fontenot stated that the Concordia Parish Police Jury will be on the agenda of the January meeting to discuss their request to prohibit fish seine use on the Louisiana side of the Mississippi River.

Corky Perret presented a Notice of Intent to establish a menhaden season. This was approved.

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

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to set the Menhaden season offshore territorial waters, which are those waters outside of the inside-outside waters as described in R. S. 56:495 and for the area of Breton and Chandeleur Sounds described in R. S. 56:322 A(6) to run from the third Monday in April through the Friday following the second Tuesday in October.

Ron Dugas presented a resolution to set the oyster season on the seed grounds. Mr. Vinet made a motion to accept the resolution, seconded by Dr. Hines, and was approved unanimously.

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

WHEREAS, R. S. 56:433 E. authorized the Commission at one of its regularly scheduled meeting and input from oyster industry members, to require size limitations and closures after January 1 of each year, and

WHEREAS, R. S. 56:433 F removes the size for the commercial harvesting of oysters on the "Public Grounds", and

WHEREAS, Department personnel have re-evaluated the grounds in October and utilizing the historical data develop managerial recommendations, and

WHEREAS, these recommendations were presented to the Louisiana Oyster Dealers and Growers Association, now

THEREFORE BE IT RESOLVED, that the three (3) inch size limitation as it pertains to the commercial harvesting of oysters on the Public Oyster Seed Grounds be reinstated, and

BE IT FURTHER RESOLVED, that the oyster seed ground areas of the "Bay Gardene Oyster Seed Reservation" and the area adjoining it in the area referred to as Bay Crabe be closed beginning 12:01 AM January 1, 1987 for the remainder of the season, and

BE IT FURTHER RESOLVED, that the Department Secretary be authorized to close the remaining ground if they are threatened with depletion, and

BE IT FURTHER RESOLVED, that this action be done under the emergency rules of the Administrative Procedures Act.

Dr. Cappel stated that after a discussion at Thursday's meeting, the Commission has instructed the Department attorney to proceed with a letter of notice to individuals who have livestock on the Saline Wildlife Management Area to have them removed by January 15, 1987.

Bennie Fontenot presented the resolution to ratify the list of fresh and saltwater species of fish. This was unanimously approved.

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

WHEREAS, specific language contained in Acts 844 and 904 adopted by the 1986 session of the Louisiana Legislature directed the Louisiana Department of Wildlife and Fisheries to develop a list of fish species which are commonly recognized as primarily inhabiting freshwater, but may occupy salt and/or brackish water at some time during their cycle, and

WHEREAS, Louisiana is divided into fresh and saltwater areas by a geographical boundary (the Gulf Intracoastal Waterway) by statute, and

WHEREAS, a saltwater angling license is required of those persons fishing south of this geographical boundary, regardless of the salt content of the surrounding water, and

WHEREAS, Acts 844 and 904 allows a person to fish for a harvest those freshwater species which may occur in legislatively established saltwater areas if they possess all other required licenses, now

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission adopts by rule, those species on the attached list as being freshwater fish which may occur and be harvested in saltwater areas by legally licensed anglers as provided by Acts 844 and 904 adopted by the Louisiana Legislature in the 1986 session, and

BE IT FURTHER RESOLVED, that those fish listed herein are included solely for enforcement purposes and that biological preference, distribution and requirements are in no way implied.

Mr. Burt Angelle stated that we needed some direction from the Commission on rule making.

Mr. Vinet made a motion to pursue Rule 115 in the lawbook which is fixing of seasons, bag limits and possession of wild birds and quadrupeds, rules, regulations and penalties and to let us know what rights we have as the Commission concerning the opening and closing of seasons on certain animals and birds as it applies in the lawbook.

Dr. Hines stated that specifically to check the legality of the Oversight Committee concerning the creeping regulation with the Attorney General and the Oversight Committee not accepting the regulation on goose creeping. The Commission feels that we were within rights and had legal jurisdiction to make regulation which was overruled by the Oversight Committee. Everyone agreed that this should be looked into.

Dr. Cappel recognized Mr. Wilson Thibodeaux of the Louisiana Wildlife Federation. Mr. Thibodeaux commended the Commission on the good job they were doing and offered his help.

The Election of Officers was held. Mr. Dale Vinet was elected Chairman and Mr. Joe Palmisano, Vice-Chairman.

The February meeting was set for Thursday and Friday, February 5-6, 1987 at the Quail Drive Office in Baton Rouge.

The meeting was adjourned.

RULES AND REGULATIONS EXPERIMENTAL FISHERIES PROGRAM

Permits - Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require permits. These permits may be issued for the development of new fisheries, gear designed to harvest underutilized species and to persons who are interested in the development of experimental gear. The purpose of the permit system is to:

1. Allow the Department to closely supervise all fisheries not sanctioned by statutory law which may conflict with established fisheries or which may use gear prohibited by statutory law.
2. Allow the permittee to develop experimental gear for fisheries development, while providing information of this activity to the Department for scientific purposes.

The following points delineate criteria used in the issuance of permits:

Saltwater Area Underutilized Species Permit Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
3. All permits shall be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the Department by January 31 following expiration.
4. Each applicant for a permit under this program will be assessed an administrative fee of \$50 at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit of \$1,000 payable by cashier's check. All non-residents shall post a performance fee deposit of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.
5. Permit requests for experimental gear shall include complete descriptions of the gear and methods used, including drawings or pictures, and the specie(s) to be fished. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment and the person requesting a permit shall show proof that all applicable licenses have been applied for before a permit is issued. Proof of bona fide residency is also required at this time.

6. Permits will be issued only for such time to allow the Department to properly evaluate the gear or methods being used. The Department may withdraw any permit because it has a deleterious effect, may withdraw any permit in order to conduct its own evaluation of the gear or fishery, may effect management regulations which render any permit inoperative or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.
7. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis. A permit does not entitle the bearer the exclusive harvest of the resource.
8. Information gained by the Department through the issuance of a permit is not privileged and will be disseminated to the public.
9. The Department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the Department.
10. All permittees shall notify the Department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The Department shall be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, shall be exempted from this requirement.
11. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of other parameters which may be required by the Department.
12. A report shall be received by the Department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.
13. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6 inch high letters, on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.
14. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have head and caudal fin (tail) intact.

15. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the Department Secretary.
16. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.
17. If citation(s) are issued to any permittee regarding fisheries laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceedings, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program. If found guilty by legal or civil process the deposit is also forfeited.
18. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the Laws Pertaining to Wildlife and Fisheries. Multiple violators will not receive a permit.

Freshwater Area Underutilized Species Permit Regulations

1. Permits will be issued to use experimental gear for the harvest of underutilized specie(s) and to harvest said underutilized specie(s) in a manner that will not be deleterious to established fisheries or the fish community.
2. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
3. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
4. The holder of a permit shall have the permit in possession at all times when fishing underutilized species with permitted gear. No permit is transferrable without written permission from the Department Secretary.
5. The holder of a permit shall report monthly the catch taken as a result of the permit and any other information required by the Department.
6. Information gained by the Department through the issuance of a permit is not privileged and will be public information.

7. Permit requests for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie (s) to be fished and the area to be fished.
8. Requests for permits shall be accompanied by proof that all applicable licenses have been applied for.
9. Permits will be issued for such time as to allow the Department to properly evaluate the gear or methods being used. The Department may: (1) withdraw any permit because it has a deleterious effect; (2) withdraw any permit in order to conduct its own evaluation of the gear or fishery; or (3) impose management regulations which render any permit inoperative.
10. Only those species permitted can be harvested. All other species shall be returned to the water with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board shall have the head and caudal fin (tail) intact.
11. Each applicant for a permit under the program will be assessed an administrative fee of twenty dollars per permit.
12. When permitted gear is on board or in possession of the permittee, the permittee is assumed to be operating under condition of the permit. No gear other than permitted gear may be on board or in possession of the permittee.
13. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceeding, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program if found guilty by legal or civil process.
14. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater.
15. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come first served basis.
16. Permits will be issued on a calendar year basis and will expire on December 31 of the year issued.

J. Burton Angelle

RULES AND REGULATIONS
SPECIAL POMPANO PERMIT REGULATIONS

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
3. For permitting purposes, a pompano net shall be defined as a gill net not exceeding 1200' in length and not smaller than 2 1/2" bar or 5" stretched mesh.
4. All permits shall be applied for and/or granted from January 1 to April 30 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the Department by January 31 following expiration.
5. Information gained by the Department through the issuance of a permit is not privileged and will be disseminated to the public.
6. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment.
7. If a permit is approved for issuance, the person requesting a permit shall show proof that all applicable licenses have been applied for before the permit is issued. Proof of bona fide residency, as defined in R. S. 8:(12), is also required at this time.
8. The Department reserves the right to observe the operations taking place under a permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the Department.
9. All permittees shall notify the Department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The Department shall be notified by calling a designated phone number.
10. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of other parameters which may be required by the Department.
11. A report shall be received by the Department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended.
12. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "POMPANO" printed on it in at least 8 inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

13. When a permit is issued only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.
14. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the Department Secretary.
15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.
16. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be revoked until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceeding, may reissue or suspend the permit. The permittee may loose all rights and privileges to participate in the program, if found guilty by legal or civil process.
17. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the Laws Pertaining to Wildlife and Fisheries. Multiple violators will not receive a permit.

J. Benton Angelle

Language contained in H. B. 2009 (Bella) instructed the staff of Louisiana Department of Wildlife and Fisheries to designate by rule those fish which are considered to be saltwater fish and those fish which are considered to be freshwater fish.

To fulfill directives of H. B. 2009 (Bella), the following list of Families and examples of fish in those Families which occur in fresh and saltwater for all or part of their life cycles was developed. This list is intended for enforcement purposes only, as directed, and in no way implies biological preference, distribution, or requirements of those fish listed.

Family	Acipenseridae	Sturgeon Family	Atlantic Sturgeon
Family	Polyodontidae	Paddlefish Family	Paddlefish
Family	Lepisosteidae	Gar Family	Gars
Family	Amidae	Bowfin Family	Bowfin
Family	Cyprinidae	Minnow Family	Carp, etc.
Family	Catostomidae	Sucker Family	Smallmouth buffalo Bigmouth buffalo Black buffalo, etc.
Family	Ictaluridae	Freshwater Catfish Family	Blue catfish Channel catfish Flathead catfish etc.
Family	Percichthyidae	Temperate Bass Family	White bass Yellow bass Striped bass Hybrid striped bass
Family	Centrarchidae	Sunfish Family	Warmouth Bluegill Largemouth bass White crappie Black crappie, etc.
Family	Sciaenidae	Drum Family	* Freshwater drum

* Only member of family Sciaenidae considered freshwater fish.

The above fish may be taken by recreational fishermen in saltwater areas of Louisiana without possession of a saltwater angling license. Methods of recreational fishing shall include all legal means (hook and line, bow and arrow, SCUBA) as established in Louisiana by statute.



J. BURTON ANGELLE, SR.
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
DISTRICT VIII
400 ROYAL ST.
NEW ORLEANS, LA 70130
COASTAL & MARINE RESOURCES

EDWIN W. EDWARDS
GOVERNOR

SURVEY SECTION
03 - 43
ACTIVITY REPORT

SEPTEMBER 29, 1986 THRU OCTOBER 31, 1986

During this period field activity consisted of:

- 152 - Surveys that were scheduled.
- 38 - Surveys that were unable to be done due to bad weather or fishermen unable to meet surveyor.

Surveys that were completed consisted of:

- 48 - Leases that were tied into the monument control system.
- 11 - Applications for new area.
- 22 - Restake applications.
- 31 - 15 year limitations.

Total field activity:

<u>1984</u>	<u>1985</u>	<u>1986</u>	
1163	1277	1416	- Surveys scheduled
699	681	1079	- Surveys performed
390	558	308	- Surveys unable to be done due to bad weather or fishermen unable to meet surveyor
0	1	2	- Survey where fishermen refused to survey
3	0	0	- Disputes settled
70	37	24	- No shows
0	0	3	- Applications cancelled by request

Office activity during this period:

\$ 172.50	- Lease rental collected
\$3,844.00	- Survey fees collected
25	- Applications filed
8	- New leases issued

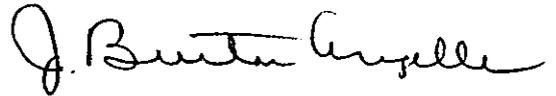


NOTICE OF INTENT

The Louisiana Wildlife and Fisheries Commission under its authority as provided in R. S. 56:6(24) announces its intent to update, reinstate and promulgate rules for the regulation of the dredging of fill sand and fill material from waters of the State of Louisiana. It is the intent of the Commission to initiate rule making at its regularly scheduled meeting in November, 1986.

The rules and regulations under consideration are as follows:

1. To reaffirm and reenact the currently imposed royalty rate:
Sand, screened.....\$0.22 per cubic yard
Gravel, screened and washed.....\$0.60 per cubic yard
Gravel and sand, unscreened.....\$0.40 per cubic yard
Fill materials and/or fill sand.....\$0.20 per cubic yard
2. To abolish the fill material agreement and establish a permit system.
3. To establish a permit fee of \$50.00.
4. To reaffirm the requirement of the \$75,000 performance bond and reduce the \$18,000 minimum guarantee to \$5,000.
5. To establish permit enforcement rules.
6. To establish rules for permit denial or revocation.
7. To define a permitted site.



STATE OF LOUISIANA
PARISH OF ORLEANS

SAND, GRAVEL, OR FILL MATERIAL PERMIT NO. _____

KNOW ALL MEN BY THESE PRESENTS: That the Department of Wildlife and Fisheries of the State of Louisiana, herein acting through its duly appointed Secretary, hereinafter referred to as DEPARTMENT, by the authority vested in said DEPARTMENT and in the Secretary hereof, and subject to the reservations, terms, and conditions hereinafter provided for, does hereby sell and grant unto

_____ resident(s) of the Parish of _____ duly authorized, herein referred to as PERMITTEE the right and privilege of taking and removing sand, gravel, and fill material (hereinafter referred to as the permitted material) from the beds or water bottoms of that portion of _____ described as:

The reservations, terms and conditions of this permit are as follows:

(1) The rights and privileges herein granted shall begin on the _____ day of _____, 19____, and end upon cancellation by the Department or within one (1) year from said date.

(2) The consideration for which this permit has been made is the payment by aforesaid PERMITTEE to the DEPARTMENT a minimum royalty at the following rates, to-wit:

- Sand, screened.....\$0.22 per cubic yard
- Gravel, screened and washed.....\$0.60 per cubic yard
- Gravel and sand, unscreened\$0.40 per cubic yard
- Fill materials and/or fill sand\$0.20 per cubic yard

removed by permittee from the beds of the above described water bottoms during the time this permit is in effect. The royalty on permitted material is as above unless changed by action of the Legislature of the State of Louisiana. If such change occurs, the new price will become effective on the effective date of the Legislative Act.

PERMITTEE agrees that the quantity of sand, gravel and/or fill material removed by PERMITTEE pursuant to this permit, shall yield to the DEPARTMENT not less than \$5,000 DOLLARS during the life of this permit. PERMITTEE further agrees that in the event that for any reason PERMITTEE does not remove sufficient sand, gravel and/or fill material to aggregate in total at the price per yard stipulated above, the guaranteed yield to the DEPARTMENT of \$5,000 DOLLARS, PERMITTEE shall pay to the DEPARTMENT an amount sufficient to total \$5,000 DOLLARS. In the event that this agreement is terminated for any reason by the DEPARTMENT prior to the expiration of its one-year term the above amount shall be prorated based upon the portion of the one-year term that this agreement has been in effect.

(3) It is understood the PERMITTEE shall, within thirty (30) days after the expiration of the monthly period expiring on the last day of each month, file with the DEPARTMENT a sworn statement of the amount of yardage of all permitted material removed from the leased premises herein, showing the kind and gross quantity of each so produced and/or removed and shall at the same time make payment of all royalty and royalties due the DEPARTMENT at the minimum rates above set forth or as may be increased by the Legislature or DEPARTMENT as foresaid. Monthly reports shall indicate the exact location or pit from which material was dredged. The monthly report shall be accompanied with full payment of all royalty and/or royalties then due and owing; said statement shall not be conclusive upon the DEPARTMENT. Upon failure to pay royalty when due, a penalty of one and one-half percent (1.5%) per month calculated upon the royalty due, shall be levied and collected by the DEPARTMENT in addition to the royalty due. This penalty shall become due without demand for payment by the DEPARTMENT. Any monthly report with false information will be cause for permit revocation or suspension.

(4) PERMITTEE further agrees, binds and obligates itself to supply and provide all of the boats, barges, scows, machinery, tools and implements of every kind of character, macherinery, tools and implements of every kind of character, which may be necessary to take and remove the permitted material from such water bottoms, without cost, expense, or liability of any kind to the DEPARTMENT.

(5) PERMITTEE agrees that it shall be liable and responsible for any and all damage or damages done, or which may be done by it, its agent, directors, or

employees of any kind, whether such damage or damages be done to the property of the State or the property of an individual, firm or corporation, or to any person or persons.

(6) PERMITTEE further agrees to provide legal defense and representation to the DEPARTMENT and/or Louisiana Wildlife and Fisheries Commission for any and all lawsuits and legal claims which may arise as a result of this permit or operations hereunder. Permittee further agrees to fully indemnify the DEPARTMENT for any and all claims for damages to property or bodily injury (including death) which may arise through the above said lawsuits and legal claims.

(7) PERMITTEE further agrees, binds and obligates itself to notify the DEPARTMENT through the Secretary of the Louisiana Department of Wildlife and Fisheries, in writing, at least ten (10) days prior to putting into actual service any and every dredge, barge, scow, boat or pit used in the removal of the permitted material, together with the capacity of each, and the DEPARTMENT may thereupon verify the measurements of said barges, scows, or pits.

(8) PERMITTEE further agrees, binds and obligates itself, before commencing operations in accordance with this agreement, to furnish the DEPARTMENT a map, plat, or chart of the area of the beds and water bottoms hereinabove described and from which PERMITTEE shall take and remove permitted material, which map, plat or chart shall have marked hereon the location(s) at which PERMITTEE shall commence its operations; and PERMITTEE shall notify the DEPARTMENT in writing of any and every change of location of its operations as well as each and every former operation location under this permit.

(9) PERMITTEE binds and obligates itself not to dredge within one hundred (100) yards of the dredging operations of any other operator holding a similar permit from the Department of Wildlife and Fisheries.

(10) DEPARTMENT reserves the right, and the said PERMITTEE so agrees, to permit the DEPARTMENT'S authorized representatives to examine any and all of PERMITTEE'S books, records and memoranda of whatever kind or nature, pertaining to or having any connection whatever with the removal or sale of said permitted material.

(11) The DEPARTMENT further reserves the right, and PERMITTEE so agrees, to have the DEPARTMENT'S agents or representatives inspect the dredges, barges, boats, scows or pits by which the said permitted material is removed, and to keep a check on the number thereof, and also to determine by whatever means it

may deem necessary, the number of cubic yards of permitted material which have been removed from the hereinabove described beds or water bottoms, and to require the payment thereof.

(12) PERMITTEE shall notify the DEPARTMENT in writing of any and every change of location of its operations which are subject to this agreement, within five (5) days of said change of location.

(13) It is distinctly understood and agreed the Secretary may immediately and without notice of any character, terminate, cancel and revoke or suspend this permit at any time during the operation of removing permitted material from the leased premises if, in the judgement of the Secretary, said operation results in the pollution of the river or stream or otherwise is harmful to fish and wildlife.

(14) In case PERMITTEE fails to make payment according to the reservations, terms and conditions hereinabove stipulated within the time provided in this agreement, or should PERMITTEE fail and refuse to comply herewith, the DEPARTMENT shall have the right to revoke, terminate and cancel this agreement by written notice of such revocation and termination to PERMITTEE. The DEPARTMENT shall send a copy of the said notice to the Clerk(s) of Court in the Parish(es) wherein the hereinabove described beds or water bottoms are located, by United States Mail, postage prepaid.

(15) Upon the termination of this agreement, either by expiration of its term or by forfeiture or revocation, or for any other cause, the said PERMITTEE agrees and binds itself immediately to turn over to the DEPARTMENT all maps, records or borings, and other data relative to said permitted material which it may have obtained and such maps, records and other data shall be and remain the property of the DEPARTMENT.

(16) The PERMITTEE cannot assign this permit without prior written consent of the DEPARTMENT.

(17) PERMITTEE further agrees and obligates itself to execute and furnish to the DEPARTMENT, within thirty (30) days from the date of the signing hereof, a bond in the manner prescribed by law, in the sum of \$75,000.00 DOLLARS designating the DEPARTMENT as payee or beneficiary with a surety company authorized to do business in Louisiana as surety thereon, assuring that it will faithfully, promptly, and diligently carry out and perform all of the conditions and obligations imposed, described and assumed in this permit, including but not limited

to the payment of all royalties and the \$5,000.00 minimum guarantee provided in paragraph (2) hereof, if applicable.

(18) PERMITTEE further agrees that an annual physical inventory by a certified engineer showing the amount of material in the stockpile and/or pit shall be submitted to the DEPARTMENT no later than thirty (30) days after the last day of PERMITTEE'S fiscal year.

(19) This permit is subject to renewal upon the same terms and conditions at the option of the DEPARTMENT.

(20) It is agreed that PERMITTEE, and not DEPARTMENT, shall be liable for any and all state, local, and Federal taxes and fees due for any and all materials taken pursuant to this agreement including state severance taxes. It is further understood and agreed that the royalties paid pursuant to this agreement shall be in addition to, and not in lieu of, any and all state, local and Federal taxes and fees, including state severance taxes.

IN TESTIMONY WHEREOF, witness the signature of the parties hereto in triplicate originals, on the _____ day of _____, 19 ____ in the presence of the undersigned witnesses, after reading of the whole.

WITNESSES TO THE SIGNATURE
OF THE SECRETARY OF THE
LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES

WITNESSES TO SIGNATURE OF
PERMITTEE

LOUISIANA DEPARTMENT OF
WILDLIFE AND FISHERIES

BY _____

PERMITTEE

BY _____

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, on this day personally appeared J. Burton Angelle, Secretay, Department of Wildlife and Fisheries of Louisiana, known to me to be the identical person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expresses.

Given under my hand and seal of office this _____ day of _____, 19 ____.

NOTARY PUBLIC

STATE OF LOUISIANA

PARISH OF

On this _____ day of _____, 19 ____, before me appeared _____, to me personally known, who being sworn did say that he is the _____ and a duly authorized agent and representative of the _____, and that the foregoing instrument was signed and sealed by deponent, the said _____ acknowledged said instrument to be the free act and deed of said _____.

Given under my hand and seal of office this _____ day of _____, 19 ____.

NOTARY PUBLIC

RESOLUTION

- Whereas, R. S. 56:571 states the Secretary of the Department may issue permits to persons who are interested in the development of new fisheries designed to harvest underutilized species and to persons who are interested in the development of new gear and equipment to harvest fish and other aquatic species inside all freshwater and saltwater areas of the state and,
- Whereas, additional language directs the Secretary to promulgate rules and regulations according to the Louisiana Administrative Procedures Act and,
- Whereas, rules and regulations have been promulgated as directed and,
- Whereas, those rules and regulations have adhered to all procedures as required by the Administrative Procedures Act and the Legislative Oversight Committee, now,
- Let it be resolved, that the Louisiana Department of Wildlife and Fisheries Commission does adopt the attached rules and regulations pertaining to the issuance of permits in all fresh and saltwater areas of Louisiana as applicable to R. S. 56:571.

J. Bruce Ayelle

RULES AND REGULATIONS EXPERIMENTAL FISHERIES PROGRAM

Permits - Under Louisiana law, only gear which is legally sanctioned may be used in a fishery. All other types of gear require permits. These permits may be issued for the development of new fisheries, gear designed to harvest underutilized species and to persons who are interested in the development of experimental gear. The purpose of the permit system is to:

1. Allow the Department to closely supervise all fisheries not sanctioned by statutory law which may conflict with established fisheries or which may use gear prohibited by statutory law.
2. Allow the permittee to develop experimental gear for fisheries development, while providing information of this activity to the Department for scientific purposes.

The following points delineate criteria used in the issuance of permits:

Saltwater Area Underutilized Species Permit Regulations

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
3. All permits shall be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the Department by January 31 following expiration.
4. Each applicant for a permit under this program will be assessed an administrative fee of \$50 at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit of \$1,000 payable by cashier's check. All non-residents shall post a performance fee deposit of \$4,000, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.
5. Permit requests for experimental gear shall include complete descriptions of the gear and methods used, including drawings or pictures, and the specie(s) to be fished. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment and the person requesting a permit shall show proof that all applicable licenses have been applied for before a permit is issued. Proof of bona fide residency is also required at this time.

6. Permits will be issued only for such time to allow the Department to properly evaluate the gear or methods being used. The Department may withdraw any permit because it has a deleterious effect, may withdraw any permit in order to conduct its own evaluation of the gear or fishery, may effect management regulations which render any permit inoperative or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.
7. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis. A permit does not entitle the bearer the exclusive harvest of the resource.
8. Information gained by the Department through the issuance of a permit is not privileged and will be disseminated to the public.
9. The Department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the Department.
10. All permittees shall notify the Department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The Department shall be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, shall be exempted from this requirement.
11. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of other parameters which may be required by the Department.
12. A report shall be received by the Department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.
13. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6 inch high letters, on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.
14. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have head and caudal fin (tail) intact.

15. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the Department Secretary.
16. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.
17. If citation(s) are issued to any permittee regarding fisheries laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceedings, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program. If found guilty by legal or civil process the deposit is also forfeited.
18. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the Laws Pertaining to Wildlife and Fisheries. Multiple violators will not receive a permit.

Freshwater Area Underutilized Species Permit Regulations

1. Permits will be issued to use experimental gear for the harvest of underutilized specie(s) and to harvest said underutilized specie(s) in a manner that will not be deleterious to established fisheries or the fish community.
2. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
3. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
4. The holder of a permit shall have the permit in possession at all times when fishing underutilized species with permitted gear. No permit is transferrable without written permission from the Department Secretary.
5. The holder of a permit shall report monthly the catch taken as a result of the permit and any other information required by the Department.
6. Information gained by the Department through the issuance of a permit is not privileged and will be public information.

7. Permit requests for the development of new gear shall include complete descriptions of the gear and methods used, including drawings or pictures, the specie (s) to be fished and the area to be fished.
8. Requests for permits shall be accompanied by proof that all applicable licenses have been applied for.
9. Permits will be issued for such time as to allow the Department to properly evaluate the gear or methods being used. The Department may: (1) withdraw any permit because it has a deleterious effect; (2) withdraw any permit in order to conduct its own evaluation of the gear or fishery; or (3) impose management regulations which render any permit inoperative.
10. Only those species permitted can be harvested. All other species shall be returned to the water with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board shall have the head and caudal fin (tail) intact.
11. Each applicant for a permit under the program will be assessed an administrative fee of twenty dollars per permit.
12. When permitted gear is on board or in possession of the permittee, the permittee is assumed to be operating under condition of the permit. No gear other than permitted gear may be on board or in possession of the permittee.
13. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be suspended until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceeding, may reinstate or revoke the permit. The permittee may lose all rights and privileges to participate in the program if found guilty by legal or civil process.
14. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater.
15. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come first served basis.
16. Permits will be issued on a calendar year basis and will expire on December 31 of the year issued.

J. Burt Angelle

RESOLUTION

Whereas, R. S. 56:571 states the Secretary of the Department may issue permits to persons who are interested in the development of new fisheries designed to harvest underutilized species and to persons who are interested in the development of new gear and equipment to harvest fish and other aquatic species inside all freshwater and saltwater areas of the state, and

Whereas, additional language directs the Secretary to promulgate rules and regulations according to the Louisiana Administrative Procedures Act, and

Whereas, R. S. 56:406 A(3) specifically states that any person fishing for pompano and black drum in the area commonly known as the Chandeleur and Breton Sound Sanctuary must possess a valid permit which shall be issued by the Secretary, and

Whereas, specific rules, regulations and descriptions dealing with this statute have been promulgated and approved as required by established procedures as directed by the Secretary, now

Let it be resolved that the Louisiana Department of Wildlife and Fisheries Commission approves the attached rules, regulations and descriptions as pertaining to special pompano permit regulations.

J. Brenton Angelle

RULES AND REGULATIONS
SPECIAL POMPANO PERMIT REGULATIONS

1. Permits will not be issued for species which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.
2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.
3. For permitting purposes, a pompano net shall be defined as a gill net not exceeding 1200' in length and not smaller than 2 1/2" bar or 5" stretched mesh.
4. All permits shall be applied for and/or granted from January 1 to April 30 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the Department by January 31 following expiration.
5. Information gained by the Department through the issuance of a permit is not privileged and will be disseminated to the public.
6. All potential permittees shall request an appointment by contacting Seafood Division personnel at 400 Royal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) shall be provided at the time of appointment.
7. If a permit is approved for issuance, the person requesting a permit shall show proof that all applicable licenses have been applied for before the permit is issued. Proof of bona fide residency, as defined in R. S. 8:(12), is also required at this time.
8. The Department reserves the right to observe the operations taking place under a permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the Department.
9. All permittees shall notify the Department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The Department shall be notified by calling a designated phone number.
10. The bearer of a permit shall report monthly the catch taken as a result of the permit. This report shall contain a suitable measure of total catch, of effort, and of other parameters which may be required by the Department.
11. A report shall be received by the Department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended.
12. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the word "POMPANO" printed on it in at least 8 inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

13. When a permit is issued only the permitted specie(s) can be harvested. All other species shall be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.
14. Holder of a permit shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the Department Secretary.
15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.
16. If citation(s) are issued to any permittee regarding fishery laws or conditions regulated by the permit, all permittee's permits will be revoked until such time as the permittee appears before Department officials for the purpose of reviewing the citation issued. The Secretary, after reviewing the proceeding, may reissue or suspend the permit. The permittee may lose all rights and privileges to participate in the program, if found guilty by legal or civil process.
17. Permits may not be issued to any applicant found guilty of a fisheries Class II violation or greater, as defined in the Laws Pertaining to Wildlife and Fisheries. Multiple violators will not receive a permit.

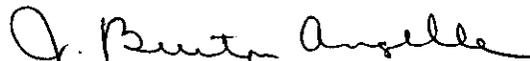
J. Brenton Angelle

RULE

Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

THE FOLLOWING RULE WAS ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION
AT ITS REGULAR MEETING HELD IN GRAND CHENIER, LOUISIANA, NOVEMBER 7, 1986.

The Louisiana Wildlife and Fisheries Commission hereby prohibits the use of fish nets (gill nets, trammel nets, hoop nets, fish seines) in Anacoco Lake, Lake Vernon and that portion of Anacoco Bayou between the two lakes, Vernon Parish, Louisiana.


J. Burton Angelle
Secretary

RESOLUTION ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION
AT ITS REGULAR MONTHLY MEETING HELD IN ROCKEFELLER REFUGE, LOUISIANA ON
FRIDAY, NOVEMBER 7, 1986

WHEREAS, there is a need to have procedures to comply with RS 56:429 concerning the holding of an auction to dispose of leases that are in default of annual rent, and

WHEREAS, there is a need to compile a single document containing the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to the Oyster Fisheries - Survey Section,

NOW THEREFORE BE IT RESOLVED, by the Wildlife and Fisheries Commission that the following regulations be adopted:

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
SEAFOOD DIVISION POLICIES
AS THEY PERTAIN TO OYSTER FISHERIES-SURVEY SECTION

A. Office Policies and Procedures:

1. Office hours will be from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.
- ~~2. The sale of licenses required for fishing oysters shall be available for purchase in the Survey Section Office of the division during the prescribed office hours or by mail.~~
2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications:

1. a. There shall be a fifty foot (50 ft.) buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.
- b. Where distances between oyster leases are two hundred feet (200 ft.) or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing lessees or applicants if properly applied for and leased in accordance with existing policies and practices.
- c. No new applications will be taken or leases issued having widths less than three hundred feet (300 ft.) except as follows:
 - 1) for closing corners not to exceed a distance (length) of five hundred feet (500 ft.).

2) in bayous (or similar configurations; connections or cuts between bays, lakes and ponds, etc.) not less than one hundred feet (100 ft.) or where less than that width it shall be the full width with a subservience clause prohibiting an impedance of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc., occurs resulting in an enlargement of the water bottoms for leasing adjacent areas for a period of five (5) years.

d. Any applications for an oyster lease may be contoured to follow the shoreline.

2. If an applicant cannot keep his appointment with the surveyor, and fails to notify the Survey Office by noon on the Thursday prior to the date of the scheduled survey, his application shall be cancelled. Applicant will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within fourteen days of cancellation notice, at which time the applicant shall advise the Survey Section on which day he or a representative will be available for rescheduling within 14 to 30 days. If the applicant fails to keep this second appointment, the application shall be cancelled without the option of reinstatement. If the applicant fails to meet the appointment but notifies the Survey Section of vessel breakdown or inclement weather prior to the appointment time, then he will advise the Survey Section Office on which day he or a representative will be available for rescheduling within 14 to 30 days. If he fails to meet this second appointment, his application will be cancelled. When the Department Surveyor cannot keep his appointment. All effort will be made to notify the oyster farmer/applicant.
3. If any survey by the surveyor of the Department shows an overlap, the Department will abstract the leases involved and eliminate the overlap at its expense by giving the overlapped area to the longest continuously uninterrupted lease, notifying the lessees/applicants of the action. If any survey by a private surveyor shows an overlap, a lease shall not be issued until such time as overlap is corrected at no expense to the Department.
4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.
5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.
- ~~6. A time frame of 30 days after receipt of a certified letter from the Department will be allowed for reinstating leases which have been cancelled for failure to pay rental.~~
6. A fee of \$10.00 per lease will be charged for transfer of oyster lease.

7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	-	\$10.00 per copy
Plats	-	\$ 5.00 per copy
Lease Documents	-	\$ 5.00 per copy
Other material	-	\$ 1.00 per copy

8. Survey Application Fees:

- a. Survey application fees for new leases after the moratorium is lifted will be as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$100.00
11 - 20	\$150.00
21 - 200	\$2.50 additional for each acre after 20
201 - 1000	\$1.50 additional for each acre after 200

- b. Survey application fees on leases expiring by 15-year limitation are established as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$70.00
11 - 20	\$105.00
21 - 200	\$1.75 additional for each acre after 20
201 - 1000	\$1.15 additional for each acre after 200

- c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25.00 PER SHOT POINT

- d. Survey application fees for restakes of someone else's lease are established as follows:

\$90.00 for the first two shot points

\$50.00 for each additional shot point thereafter

- e. The Survey Section shall notify owner(s) of lease to be restaked.

9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period.

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer:

1. All Surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.
2. Surveyor to be charged the basic rate for copies of documents needed. ~~excluding those furnished by this agency.~~
3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.
4. All surveys must comply with RS 56:427, B which requires the lease not to exceed the initial application by more than 10% compliance by negotiation with the applicant. If unacceptable, application will be cancelled and all fees forfeited.
5. Surveyors to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.
6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.
7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.
8. Survey plats to be drawn on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.
9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.
10. Application number and ownership on all survey plats to be shown on original application.
11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.
 13. The Louisiana Department of Wildlife and Fisheries, Survey Section will provide all information needed to perform the Survey.
 14. Noncompliance with the above twelve (12) items (C, 1-12) after 30 day notification from the Department by certified mail, shall result in cancellation of the application and forfeiture of all fees to the Department.
- D. 1. Complaints in the field are to be handled in the following manner.
- a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.
 - b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.
 - c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.
 - d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.
2. In an effort to comply with RS 56:425 D, which allows the Department to settle disputes and RS 56:427 C requiring compact leases, and policy B-1, the Department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.
- E. Oyster Lease Posting Requirements
1. In an effort to comply with RS 56:430, Pr. B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements:
 - a. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.
 - b. The signs shall have letters at lease three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to twelve feet above the water level.

- c. At the main entrance to the property and at no less than at all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.
- d. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.
- e. In open water all signs are to be placed facing outward.
- F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.
2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.
- G. ~~1. A total of 350 applications for new area will be accepted in 1985.~~
1. Upon lifting of the moratorium a date will be set for the taking of appointments to make applications.
2. Each appointment will be for a 30 minute period and will allow the applicant to make one (1) application.
3. If all applicants have received appointments and there are still openings, an applicant can go to the end of the line and make another appointment for one (1) application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.
4. In subsequent years the number of applications not surveyed by August 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On October 1 appointments will be taken and the rules in paragraphs G-3 and G-4 will apply.
- H. Policy to comply with laws concerning default in payment of rent on oyster leases. (Non-compliance RS56:429)
1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (RS56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the State and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

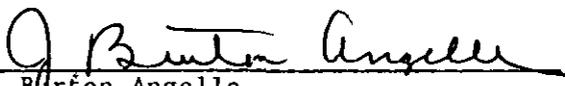
2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10%. Up to and including the last Monday in March the leases may be reinstated by payment of the rent due plus 10% and the advertising cost if applicable.
3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief of the Seafood Division or whoever he wishes to designate. The opening bid for each lease will be the rent due plus 10% and advertising cost. All sales must be paid for in cash or by certified check.

The auction will start with the lowest numbered lease and continue numerically until completed.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application at the yearly opening.

I. Procedures to comply with R.S. 56:432 and Council Memo dated Dec.2,1983

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.
2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application.
Ref. R.S.56:432.
3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres under lease unless he qualifies for additional acres by the ownership of oyster canning plants.
4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the Department.


J. Burton Angelle
Secretary



J. BURTON ANGELLE, SR.
SECRETARY
(504) 925-3617

DEPARTMENT OF WILDLIFE AND FISHERIES
POST OFFICE BOX 15570
BATON ROUGE, LA. 70895

EDWIN W. EDWARDS
GOVERNOR

NOTICE OF INTENT:

October 7, 1986

Wildlife and Fisheries Commission
Department of Wildlife and Fisheries

The Wildlife and Fisheries commission advertises its intent to amend Rule 24 of Seismic rules and regulations which concerns the daily rate charged crews working in the State of Louisiana. The commission proposes the rule to read as follows. "A fee of \$135.00 / per Seismic Agent / per day will be charged to Seismic Operators. This fee will be reviewed each January. All payments will be made by the Seismic Operator directly to the department on or before the 20th of each month. No payments are to be made to the Seismic Agents."

Interested parties are invited to comment on the proposed changes, by addressing comments to J. Burton Angelle, Secretary. P.O. Box 15570 . Baton Rouge, LA. 70895.

KJG;lfh

A handwritten signature in black ink, appearing to be 'JBA', is located in the bottom right corner of the page.

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment.

- (A) Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment).

(Underlined portion of comments represent the only changes.)

24.) A fee of \$135.00 per seismic agent per day will be charged seismic operators. This fee will be reviewed each January. All payments will be made by the seismic operator directly to the Department on or before the 20th of each month. No payments are to be made to the Seismic Agents.

- (B) Summarize the circumstances which require this action.

The basis for the fees charged originally covered the cost to field an agent, added cost of insurance and salaries and vehicle maintenance makes it necessary to increase the cost per day.

The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No additional cost to implement.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The increase in the daily rate will offset an expected deficit at the daily rate now charged.

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

The burden of the increase in the daily rate would be borne by the oil companies working in the state. The increase would forestall a possible deficit or additional layoff's.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

NONE

Signature of Agency Head or Designee

MARK C. DRENNEN
LEGISLATIVE FISCAL OFFICER

Date of Agency Submission

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

COSTS	FY 86-87	FY 87-88	FY 88-89
PERSONAL SERVICES OPERATING EXPENSES PROFESSIONAL SERVICES OTHER CHARGES EQUIPMENT	NONE	NONE	NONE
TOTAL			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			

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

N/A

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

SOURCE	FY 86-87	FY 87-88	FY 88-89
STATE GENERAL FUND AGENCY SELF-GENERATED FEDERAL FUNDS OTHER (Specify)	N/A	N/A	N/A
TOTAL			

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

YES

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

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

NONE

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

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

REVENUE INCREASE/DECREASE	FY 86-87	FY 87-88	FY 88-89
STATE GENERAL FUND			
AGENCY SELF-GENERATED	27,000, per agent per year	32,400 per agent per year	32,400 per agent per year
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL			

* Specify the particular fund being impacted

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

All Revenues gathered are expended in salaires and administrative cost.

Total Cost per Month:

$\$23,869.00 \div 9 \text{ employees} \div 20 \text{ work days per month} = \133.00
per working day to field each Seismic Agent.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

The oil and Seismic companies performing the work to which agent is assigned, the impact would be very light.

- B. Also provide an estimate of any revenue impact resulting from this rule or rule change to these groups.

The daily increase of collected revenue would have very little impact on the companies.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

NONE

R E S O L U T I O N

WHEREAS, conflicts have arisen between commercial and recreational interests in the area adjacent to the Cypremort Point State Park in St. Mary and Iberia Parishes and,

WHEREAS, fish remains and other debris from commercial fishing activities are continually being washed ashore in the Cypremort Point State Park and

WHEREAS, this debris is causing health hazards to swimmers, recreational fishermen and other recreational users at the State Park, now

THEREFORE BE IT RESOLVED, the use of gill nets, trammel nets, seines and trawls in the Cove immediately adjacent to Cypremort Point State Park in St. Mary and Iberia Parishes shall be prohibited and

BE IT FURTHER RESOLVED, said Cove in Vermilion Bay shall include all the area landward of a line drawn from the southern most point of land known as Blue Point to the southern most point of land known as Cypremort Point.

J. B. Austin Angelle

Notice of Intent

Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission hereby expresses its intent to set the Menhaden season for Louisiana offshore territorial waters, which are those waters outside of the inside-outside waters as described in R. S. 56:495 and for the area of Breton and Chandeleur Sounds described in R. S. 56:322 A(6) to run from the third Monday in April through the Friday following the second Tuesday in October.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., Monday, December 3, 1986 at the following address: J. Burton Angelle, Secretary, Louisiana Department of Wildlife and Fisheries, P. O. Box 15570, Baton Rouge, Louisiana 70895.



J. Burton Angelle
Secretary

WHEREAS, RS 56:433 E authorized the Commission at one of its regularly scheduled meetings and fater hearing input from oyster industry members, to require size limitations and closures after January 1 of each year, and

WHEREAS, RS 56:433 F removes the size for the commercial harvesting of oysters on the "Public Grounds", and

WHEREAS, Department personnel have re-evaluated the grounds in October and utilizing the historical data develop managerial recommendations, and

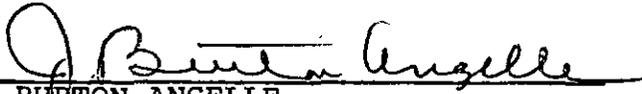
WHEREAS, these recommendations were presented to the Louisiana Oyster Dealers and Growers Association now

THEREFORE BE IT RESOLVED, that the three (3) inch size limitation as it pertains to the commercial harvesting of oysters on the Public Oyster Seed Grounds be reinstated, and

BE IT FURTHER RESOLVED, that the oyster seed ground areas of the "Bay Gardene Oyster Seed Reservation" and the area adjoining it in the area referred to as Bay Crabe be closed beginning 12:01 AM January 1, 1987 for the remainder of the season, and

BE IT FURTHER RESOLVED, that the Department Secretary be authorized to close the remaining ground if they are threatened with depletion, and

BE IT FURTHER RESOLVED, that this action be done under the emergency rules of the Administrative Procedures Act.



J. BURTON ANGELLE
Secretary

CLOSURE PROPOSED FOR JANUARY 1, 1987 THROUGH
THE REMAINDER OF THE 1987 SEASON

ACHIAS
LAKE
FORTUNA

PUBLIC OYSTER SEED GROUNDS

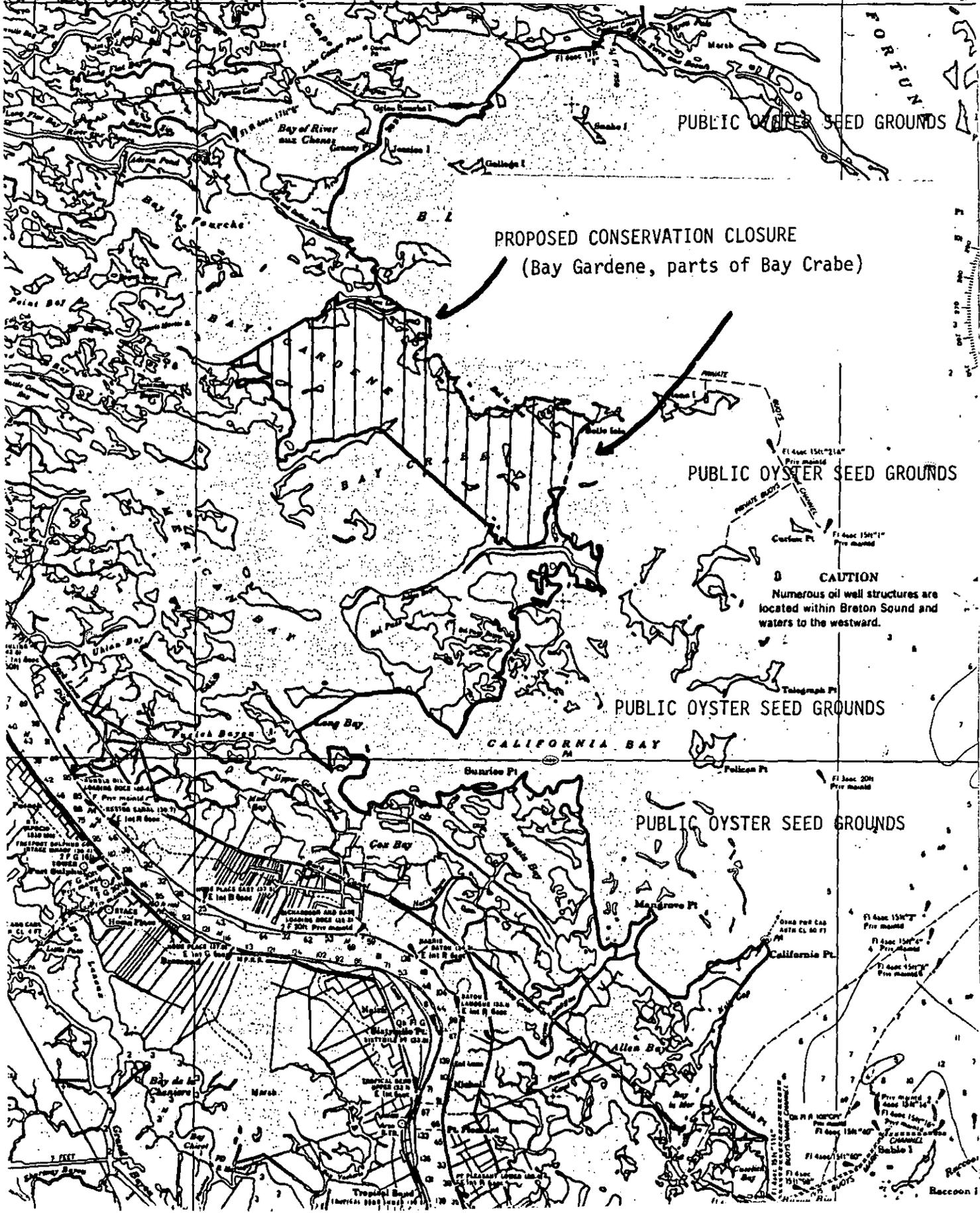
PROPOSED CONSERVATION CLOSURE
(Bay Gardene, parts of Bay Crabe)

PUBLIC OYSTER SEED GROUNDS

CAUTION
Numerous oil well structures are
located within Breton Sound and
waters to the westward.

PUBLIC OYSTER SEED GROUNDS

PUBLIC OYSTER SEED GROUNDS



RESOLUTION

Whereas, specific language contained in Acts 844 and 904 adopted by the 1986 session of the Louisiana Legislature directed the Louisiana Department of Wildlife and Fisheries to develop a list of fish species which are commonly recognized as primarily inhabiting freshwater, but may occupy salt and/or brackish water at some time during their life cycle, and

Whereas, Louisiana is divided into fresh and saltwater areas by a geographical boundary (the Gulf Intracoastal Waterway) by statute, and

Whereas, a saltwater angling license is required of those persons fishing south of this geographical boundary, regardless of the salt content of the surrounding water, and

Whereas, Acts 844 and 904 allows a person to fish for and harvest those freshwater species which may occur in legislatively established saltwater areas if they possess all other required licenses, now

Let it be resolved that the Wildlife and Fisheries Commission adopts by rule, those species on the attached list as being freshwater fish which may occur and be harvested in saltwater areas by legally licensed anglers as provided by Acts 844 and 904 adopted by the Louisiana Legislature in the 1986 session, and

Let it further be resolved, that those fish listed herein are included solely for enforcement purposes and that biological preference, distribution and requirements are in no way implied.

J. Brent Anzelle

Language contained in H. B. 2009 (Bella) instructed the staff of Louisiana Department of Wildlife and Fisheries to designate by rule those fish which are considered to be saltwater fish and those fish which are considered to be freshwater fish.

To fulfill directives of H. B. 2009 (Bella), the following list of Families and examples of fish in those Families which occur in fresh and saltwater for all or part of their life cycles was developed. This list is intended for enforcement purposes only, as directed, and in no way implies biological preference, distribution, or requirements of those fish listed.

Family	Acipenseridae	Sturgeon Family	Atlantic Sturgeon
Family	Polyodontidae	Paddlefish Family	Paddlefish
Family	Lepisosteidae	Gar Family	Cars
Family	Amidae	Bowfin Family	Bowfin
Family	Cyprinidae	Minnow Family	Carp, etc.
Family	Catostomidae	Sucker Family	Smallmouth buffalo Bigmouth buffalo Black buffalo, etc.
Family	Ictaluridae	Freshwater Catfish Family	Blue catfish Channel catfish Flathead catfish etc.
Family	Percichthyidae	Temperate Bass Family	White bass Yellow bass Striped bass Hybrid striped bass
Family	Centrarchidae	Sunfish Family	Warmouth Bluegill Largemouth bass White crappie Black crappie, etc.
Family	Sciaenidae	Drum Family	* Freshwater drum

* Only member of family Sciaenidae considered freshwater fish.

The above fish may be taken by recreational fishermen in saltwater areas of Louisiana without possession of a saltwater angling license. Methods of recreational fishing shall include all legal means (hook and line, bow and arrow, SCUBA) as established in Louisiana by statute.

EXPERIMENTAL FISHERIES PERMIT REGULATIONS

1. Permits will not be issued for species, which are threatened or endangered or for fisheries or gear types which are specifically prohibited by law.

2. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit.

3. Holder of a permit must have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder must be on board permitted vessel when operating under conditions of permit. No permit is transferable without written permission from the Department Secretary.

4. The Department reserves the right to observe the operations taking place under a permit at any time and permittee may be required to provide food and lodging on the permitted vessel for an observer at the request of the Department.

5. The bearer of a permit must report monthly the catch taken as a result of the permit. This report must contain a suitable measure of total catch, of effort, and of other parameters which may be required by the Department.

6. A permit does not entitle the bearer the exclusive harvest of the resource although, at the discretion of the Department, a permit may entitle the

bearer to exclusive harvest of a certain area but this privilege may be of limited duration and may be lost once management regulations specific to the fishery or gear are promulgated.

7. Information gained by the Department through the issuance of a permit is not privileged and will be disseminated to the public.

8. Permit requests for experimental gear must include complete descriptions of the gear and methods used, including drawings or pictures, the specie(s) to be fished, and the area to be fished. All potential permittees must request an appointment. Proof of ownership of the proposed permitted vessel(s) must be provided at the time of appointment, and the person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

9. Permits will be issued for only such time to allow the Department to properly evaluate the gear or methods being used. The Department may withdraw any permit because it has a deleterious effect; may withdraw any permit in order to conduct its own evaluation of the gear, or fishery; may effect management regulations which render any permit

inoperative; or may extend any permit as a means of regulating the fishery until such time the fishery comes under statutory laws.

10. The person requesting a permit must show proof that all applicable licenses have been applied for before a permit is issued. Proof of bonafide residency is also required at this time.

11. When a permit is issued for an underutilized specie(s) or for the development of a new fishery, only the permitted specie(s) can be harvested. All other species must be returned to unrestricted waters with a minimum of handling. No other fish may be in the possession of the permittee, and all fish on board the permitted vessel must have the head and caudal fin (tail) intact.

12. All permits must be applied for and/or granted from January 1 to July 31 of each year. All permits expire December 31 following the date of issuance. All permits must be returned to the Department by January 31 following expiration.

13. Each applicant for a permit under this program will be assessed an administrative fee of fifty dollars per permit at the time of appointment. Each applicant who is a resident of Louisiana will be required to post a performance fee deposit, bond, or cashier's check in

the amount of one thousand dollars, payable by cashier's check. All non-residents must post a performance fee deposit, bond, or cashier's check in the amount of four thousand dollars, also payable by cashier's check. These deposits are required upon application and are valid until December 31 of each year.

14. The permitted boat used in the program must have a distinguishing sign so that it may be identified. The sign shall have the word "EXPERIMENTAL" printed on it in at least 6" high letters, on a contrasting background, so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

15. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee under provisions of the permit.

16. A report must be received by the Department no later than 30 days following the last day of each month. If any permittee does not report monthly as required, his permit shall be suspended. If no report is received by January 31 following suspension, the deposit is forfeited.

17. All permittees must notify Department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The Department must be notified by calling a designated phone number. Commonly accepted passive gear, i.e. eel pots, may be exempt from this requirement.

18. If citation(s) are issued to any permittee regarding conditions regulated by the permit, all permittee's permits will be revoked, and the permittee may lose all rights and privileges to participate in the program. If found guilty, the deposit is also forfeited.

19. The Secretary reserves the right to limit the number of permits issued each year. When the number is limited, permits will be granted on a first come, first served basis.

PROPOSED RULE ADDITIONS TO COMPLY WITH RS.429

All except sections H & I on pages 6 & 7 have been previously adopted by Commission action

WHEREAS, there is a need to have procedures to comply with RS 56:429 concerning the holding of an auction to dispose of leases that are in default of annual rent, and

WHEREAS, there is a need to compile a single document containing the Louisiana Department of Wildlife and Fisheries Seafood Division Policies as they pertain to the Oyster Fisheries - Survey Section,

NOW THEREFORE BE IT RESOLVED, by the Wildlife and Fisheries Commission that the following regulations be adopted:

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
SEAFOOD DIVISION POLICIES
AS THEY PERTAIN TO OYSTER FISHERIES-SURVEY SECTION

A. Office Policies and Procedures:

1. Office hours will be from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.
2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications:

1. a. There shall be a fifty foot (50 ft.) buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.
- b. Where distances between oyster leases are two hundred feet (200 ft.) or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing lessees or applicants if properly applied for and leased in accordance with existing policies and practices.
- c. No new applications will be taken or leases issued having widths less than three hundred feet (300 ft.) except as follows:
 - 1) for closing corners not to exceed a distance (length) of five hundred feet (500 ft.).
 - 2) in bayous (or similar configurations; connections or cuts between bays, lakes and ponds, etc.) not less than one hundred feet

(100 ft.) or where less than that width it shall be the full width with a subservience clause prohibiting an impedance of reasonable navigation, lessees in these areas shall receive preference where erosion, subsidence, etc., occurs resulting in an enlargement of the water bottoms for leasing adjacent areas for a period of five (5) years.

d. Any applications for an oyster lease may be contoured to follow the shoreline.

2. If an applicant cannot keep his appointment with the surveyor, and fails to notify the Survey Office by noon on the Thursday prior to the date of the scheduled survey, his application shall be cancelled. Applicant will be notified of action taken, and given an opportunity to reinstate application with an additional payment of survey fee within fourteen days of cancellation notice, at which time the applicant shall advise the Survey Section on which day he or a representative will be available for rescheduling within 14 to 30 days. If the applicant fails to keep this second appointment, the application shall be cancelled without the option of reinstatement. If the applicant fails to meet the appointment but notifies the Survey Section of vessel breakdown or inclement weather prior to the appointment time, then he will advise the Survey Section Office on which day he or a representative will be available for rescheduling within 14 to 30 days. If he fails to meet this second appointment, his application will be cancelled. When the Department Surveyor cannot keep his appointment. All effort will be made to notify the oyster farmer/applicant.
3. If any survey by the surveyor of the Department shows an overlap, the Department will abstract the leases involved and eliminate the overlap at its expense by giving the overlapped area to the longest continuously uninterrupted lease, notifying the lessees/applicants of the action. If any survey by a private surveyor shows an overlap, a lease shall not be issued until such time as overlap is corrected at no expense to the Department.
4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.
5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.
6. A fee of \$10.00 per lease will be charged for transfer of oyster lease.
7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps - \$10.00 per copy

Plats	-	\$ 5.00 per copy
Lease Documents	-	\$ 5.00 per copy
Other material	-	\$ 1.00 per copy

8. Survey Application Fees:

a. Survey application fees for new leases after the moratorium is lifted will be as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$100.00
11 - 20	\$150.00
21 - 200	\$2.50 additional for each acre after 20
201 - 1000	\$1.50 additional for each acre after 200

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

<u>Acres</u>	<u>Dollars</u>
10 or less	\$70.00
11 - 20	\$105.00
21 - 200	\$1.75 additional for each acre after 20
201 - 1000	\$1.15 additional for each acre after 200

c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25.00 PER SHOT POINT

d. Survey application fees for restakes of someone else's lease are established as follows:

\$90.00 for the first two shot points

\$50.00 for each additional shot point thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application; that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period.

C. Private Surveyors Surveying Oyster Leases for Oyster Farmer:

1. All Surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.
2. Surveyor to be charged the basic rate for copies of documents needed.
3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.
4. All surveys must comply with RS 56:427, B which requires the lease not to exceed the initial application by more than 10% compliance by negotiation with the applicant. If unacceptable, application will be cancelled and all fees forfeited.
5. Surveyors to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.
6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.
7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.
8. Survey plats to be drawn on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.
9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.
10. Application number and ownership on all survey plats to be shown on original application.
11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.
12. Use standard signs and symbols.
13. The Louisiana Department of Wildlife and Fisheries, Survey Section will provide all information needed to perform the Survey.

14. Noncompliance with the above twelve (12) items (C, 1-12) after 30 day notification from the Department by certified mail, shall result in cancellation of the application and forfeiture of all fees to the Department.

D. 1. Complaints in the field are to be handled in the following manner.

a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

2. In an effort to comply with RS 56:425 D, which allows the Department to settle disputes and RS 56:427 C requiring compact leases, and policy B-1, the Department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.

E. Oyster Lease Posting Requirements

1. In an effort to comply with RS 56:430, Pr. B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements:

a. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

b. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to twelve feet above the water level.

c. At the main entrance to the property and at no less than at

all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

d. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

e. In open water all signs are to be placed facing outward.

- F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.
2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

- G. 1. Upon lifting of the moratorium a date will be set for the taking of appointments to make applications.
2. Each appointment will be for a 30 minute period and will allow the applicant to make one (1) application.
3. If all applicants have received appointments and there are still openings, an applicant can go to the end of the line and make another appointment for one (1) application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.
4. In subsequent years the number of applications not surveyed by August 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On October 1 appointments will be taken and the rules in paragraphs G-3 and G-4 will apply.

H. Policy to comply with laws concerning default in payment of rent on oyster leases. (Non-compliance RS56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (RS56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the State and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.
2. On the first working day following the last day of February all

leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10%. Up to and including the last Monday in March the leases may be reinstated by payment of the rent due plus 10% and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief of the Seafood Division or whoever he wishes to designate. The opening bid for each lease will be the rent due plus 10% and advertising cost. All sales must be paid for in cash or by certified check.

The auction will start with the lowest numbered lease and continue numerically until completed.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application at the yearly opening.

I. Procedures to comply with R.S. 56:432 and Council Memo dated Dec.2,1983

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.
2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Ref. R.S.56:432.
3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres under lease unless he qualifies for additional acres by the ownership of oyster canning plants.
4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the Department.



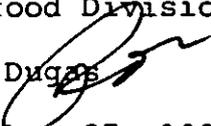
J. BURTON ANGELLE, SR.
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
DISTRICT VIII
400 ROYAL ST.
NEW ORLEANS, LA 70130

EDWIN W. EDWARDS
GOVERNOR

MEMORANDUM

TO: Harry Schafer, Chief
Seafood Division

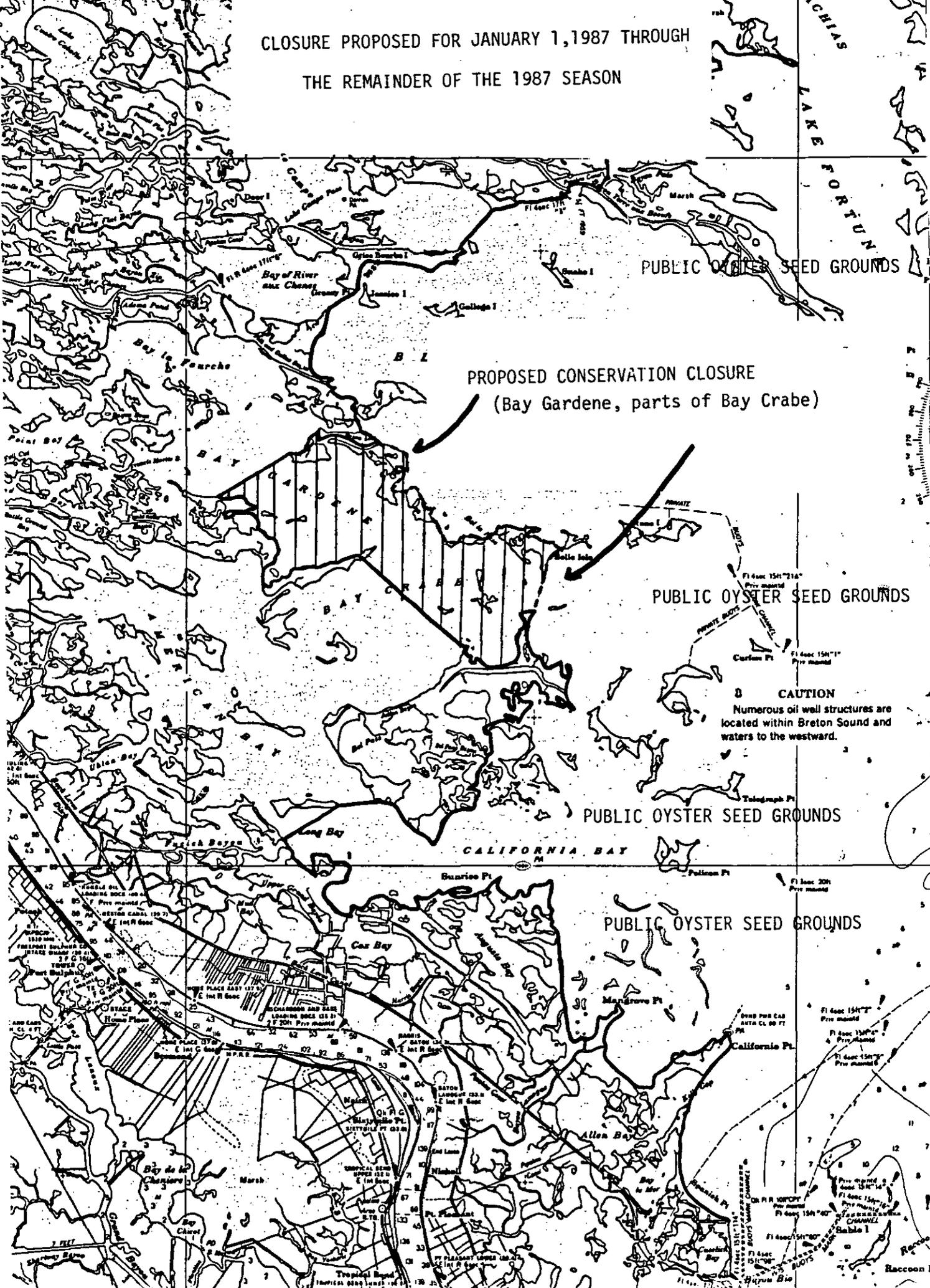
FROM: Ron Duggs 

DATE: October 27, 1986

SUBJECT: Oyster Closures on the Public Seed Grounds After January 2,
1987

The Enclosures are recommendations for closures of Bay Crabe and Bay Gardene Oyster Seed Reservation after the January 1, 1987. The enclosures also contain justification for, and a rough draft of the Commission Resolution.

CLOSURE PROPOSED FOR JANUARY 1, 1987 THROUGH
THE REMAINDER OF THE 1987 SEASON



PUBLIC OYSTER SEED GROUNDS

PROPOSED CONSERVATION CLOSURE
(Bay Gardene, parts of Bay Crabe)

PUBLIC OYSTER SEED GROUNDS

CAUTION
Numerous oil well structures are
located within Breton Sound and
waters to the westward.

PUBLIC OYSTER SEED GROUNDS

WHEREAS, RS 56:433 E authorized the Commission at one of its regularly scheduled meetings and later hearing input from oyster industry members, to require size limitations and closures after January 1 of each year, and

WHEREAS, RS 56:433 F removes the size for the commercial harvesting of oysters on the "Public Grounds", and

WHEREAS, Department personnel have re-evaluated the grounds in October and utilizing the historical data develop managerial recommendations, and

WHEREAS, these recommendations were presented to the Louisiana Oyster Dealers and Growers Association now

THEREFORE BE IT RESOLVED, that the three (3) inch size limitation as it pertains to the commercial harvesting of oysters on the Public Oyster Seed Grounds be reinstated, and

BE IT FURTHER RESOLVED, that the oyster seed ground areas of the "Bay Gardene Oyster Seed Reservation" and the area adjoining it in the area referred to as Bay Crabe be closed beginning 12:01 AM January 1, 1987 for the remainder of the season, and

BE IT FURTHER RESOLVED, that the Department Secretary be authorized to close the remaining ground if they are threatened with depletion, and

BE IT FURTHER RESOLVED, that this action be done under the emergency rules of the Administrative Procedures Act.

J. BURTON ANGELLE
Secretary

1987 SEED PRODUCTION FORECAST FOR THE PUBLIC OYSTER
SEED GROUNDS IN COASTAL STUDY AREA II

The abundance of seed oysters on a particular reef area in a given year is primarily dependent upon the salinity conditions which existed in that area during the preceeding year. The derivation of the "optimum annual salinity regime" for the production of seed (Chatry, Dugas and Easley 1983) identified a quantitative relationship between salinity and seed production.

Accuracy of 1983-86 Forecasts

Using this procedure, predictions of seed abundance and distribution were made for Coastal Study Area II prior to the 1983, 1984, 1985 and 1986 seasons. The 1983 forecast accurately called for the Bay Gardene Area to have the greatest concentration of seed and for the grounds as a whole to have some 500,000 barrels available. The 1984 forecast for Area II identified the seaward portions of the seed grounds as showing the greatest potential for seed production. This was in fact the case in 1984 with the zone of productivity extending from and including the Pelican Island area to Stone Island. The 1985 seed forecast identified the band of greatest seed production from Lonesome Island through Belle Isle to Pelican Island. While this band did contain most of the available seed in CSA II, amounts were considerably below projection. It is likely that the shortfall was in part attributable to intense fishing activity in this area during the late winter and early spring of 1985. The 1986 forecast called for seed production to be restricted to the western fringe of the seed grounds, primarily in Bay Gardene and Bay Crabe. This was the case, with seed production elsewhere very poor.

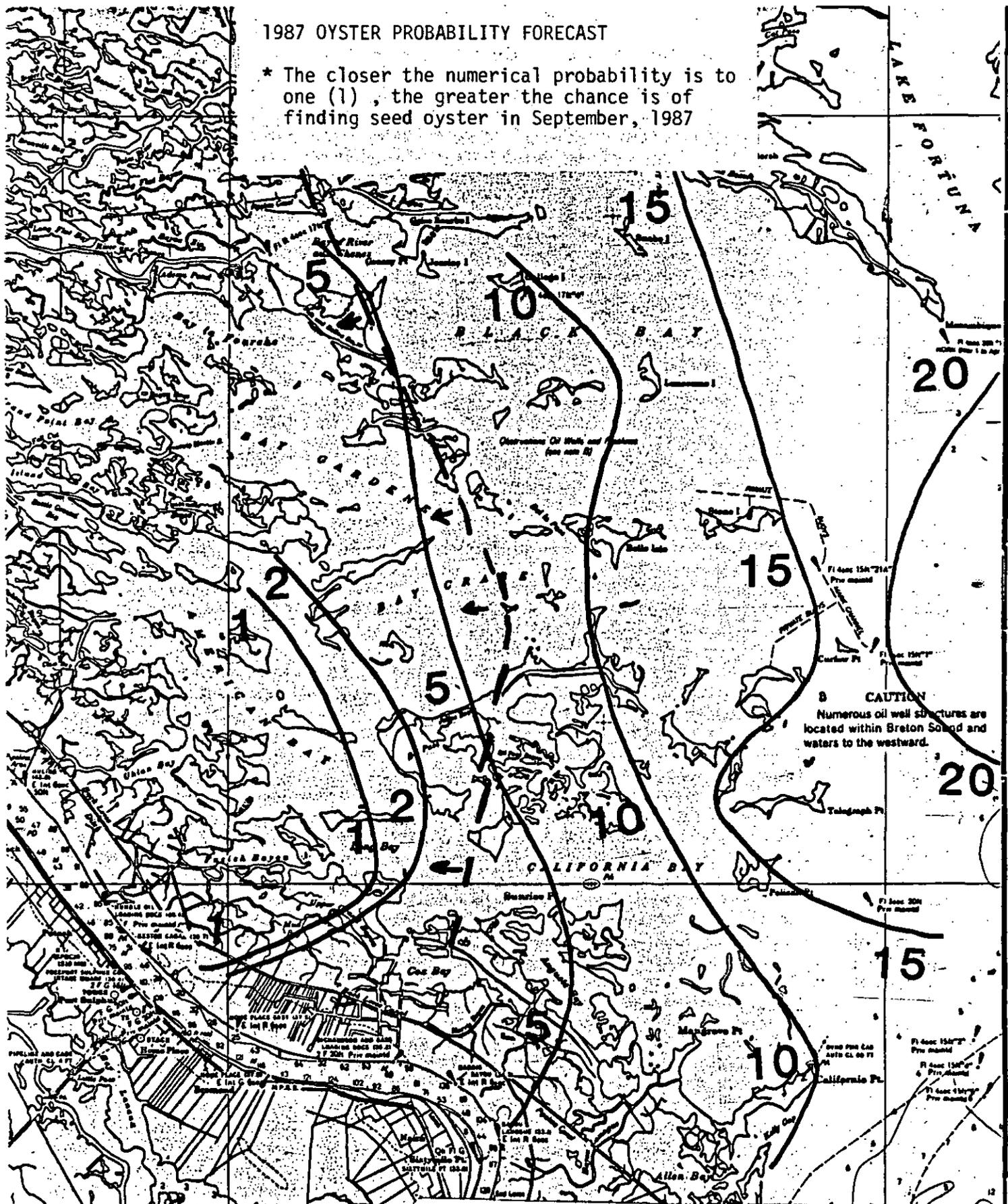
1987 Forecast

To date, 1986 can be classified as a drought year. The Mississippi River experienced lower than normal flows during the spring of 1986 and rainfall in Southeast Louisiana is currently 16 inches below the long term annual average. As a result, salinities throughout the seed grounds have been considerably higher than optimal for the production of seed. It is estimated, therefore, that seed oysters will be scarce over most of the public grounds during the 87-88 season.

The 1987 forecast is similar to the forecast made for 1986 in that only the western fringe of the seed grounds is likely to produce seed. This projection is especially disturbing in light of the existing shortage of seed and market oysters on the public grounds. For these reasons, it is anticipated that there will be fewer oysters available on the public grounds in 1987 than in 1986, which was the poorest on record.

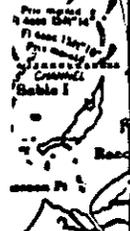
1987 OYSTER PROBABILITY FORECAST

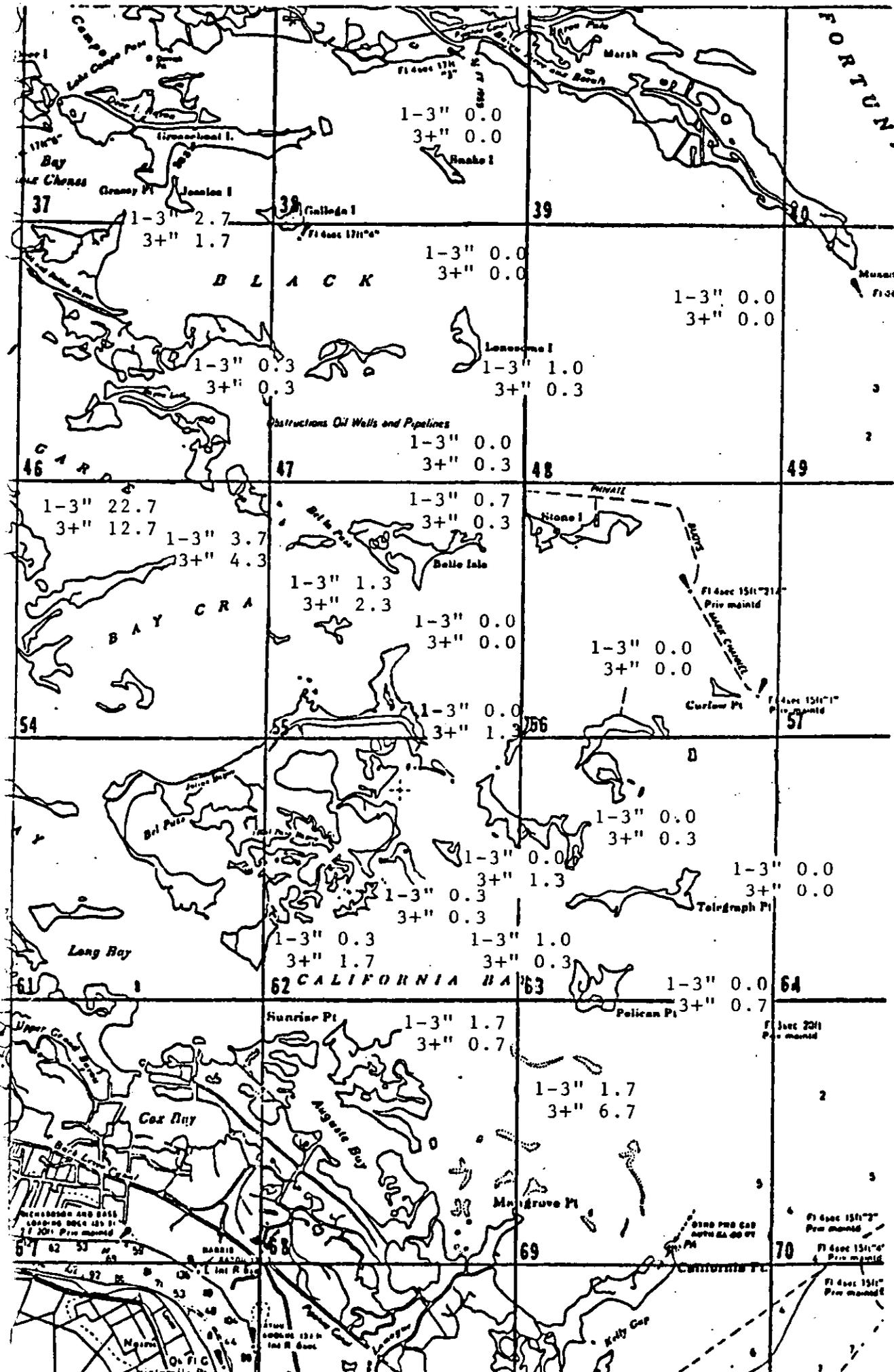
* The closer the numerical probability is to one (1), the greater the chance is of finding seed oyster in September, 1987



NOTES:

- * Dotted (---) lines indicates our feeling for the prime 87 area.
- ** From this and other data we project this closure.



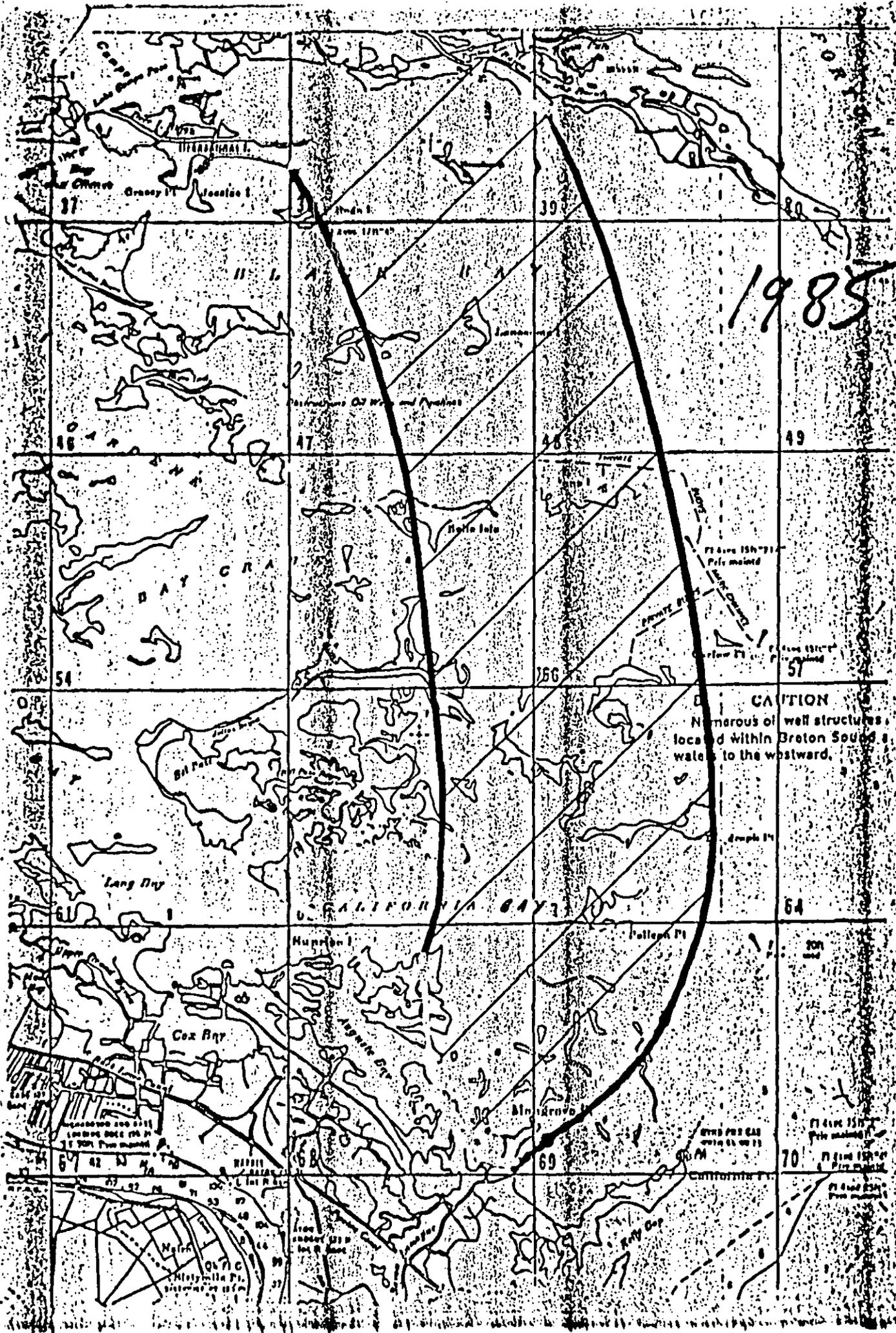


1986
 CSA II
 SQUARE METER
 AVG #'S
 ALL STATIONS

Battledor
 1-3" 0.0
 3+" 0.0

1985

CAUTION
Numerous oil well structures
located within Breton Sound &
waters to the westward.



1984

CAUTION
Numerous oil well structures
located within Breton Sound
waters to the westward.

