

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Approved: 12/23/87


J. Burton Angelle

BOARD MEETING

December 4, 1987

JOE PALMISANO, JR.
Chairman

New Orleans, Louisiana

AGENDA

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA

December 4, 1987

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

December 4, 1987

Chairman Joe Palmisano presiding:

Thursday, December 3, 1987 - 2:00 PM

Jack Cappel
Don Hines
Warren Pol
Dale Vinet

Friday, December 4, 1987 - 10:00 AM

Jack Cappel
Don Hines
Warren Pol
Dale Vinet

Mr. J. Burton Angelle was also present.

The minutes of the meeting of November 4, 1987 were approved with a motion from Dr. Cappel and seconded by Dr. Hines.

Phil Bowman presented a resolution to modify provisions relative to menhaden harvesting jurisdiction. A motion was made by Dr. Hines, seconded by Mr. Pol which was approved unanimously.

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

WHEREAS, the Gulf State-Federal Fisheries Management Board and the Gulf States Marine Fisheries Commission have developed a coordinated management plan for menhaden in the Gulf of Mexico, and

WHEREAS, this management plan has recommended a uniform season for the taking of Gulf Menhaden, and

WHEREAS, fishery scientists with Louisiana State University conducting research on the menhaden fishery have reported that extension of the menhaden season could jeopardize the menhaden stocks demonstrating the need for immediate action, and

WHEREAS, the Gulf State-Federal Fisheries Management Board and the Gulf States marine Fisheries Commission upon request of

the Menhaden Advisory Commission have unanimously recommended that no menhaden be landed outside the existing framework, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission pursuant to R. S. 56:6 and R. S. 49:967 hereby publishes its intent to set the season for taking, landing and processing of menhaden consistent with the attached rule.

Phil Bowman also presented a resolution to close the oyster season. Mr. Vinet made a motion to accept the resolution, seconded by Dr. Cappel and was passed unanimously.

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

WHEREAS, in June, 1987 oyster surveys of the "Public Oyster Seed Grounds" revealed a very limited supply of oysters available on the grounds east of the Mississippi River, and

WHEREAS, the vast majority of fishing for seed oysters has already taken place on the "Public Oyster Seed Grounds" east of the Mississippi River, and

WHEREAS, R. S. 56:433 F removes the size limitation on oysters fished from the public grounds on January 1st of each year, and

WHEREAS, R.S. 56:433 B allows for measures to be taken by the Commission to conserve the resource and R. S. 56:434 F requires protection of the oyster waterbottoms from injury, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission reimposes the size limitation of 3 inches and no more than five percent shell in the cargo lot for the commercial sale of oysters, and

BE IT FURTHER RESOLVED that the 3 inch size limitation and the five percent shell restriction will also apply to the bedding of oysters only on the Public Grounds east of the Mississippi River for the remainder of the 87-88 oyster season, and

BE IT FURTHER RESOLVED that the area on the "Public Grounds" east of the Mississippi River, Plaquemines Parish, commonly known as the Bay Crabe area, described on the enclosed map, will be closed to oyster fishing for the remainder of the 87-88 oyster season, and

BE IT ALSO RESOLVED that the Secretary has the authority to suspend the fishing of oysters with 72-hour notice on any of the public grounds if problems occur.

Phil Bowman presented a resolution on the closure of the offshore shrimp season. Mr. Vinet made a motion to accept the resolution, seconded by Mr. Pol and approved unanimously.

The resolution to close the offshore shrimp season also included the setting of the special shrimp seasons.

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

WHEREAS, Act 1987 Number 576 grants certain authority to the Wildlife and Fisheries Commission to close the shrimping season in offshore waters, and

WHEREAS, during 1986 Louisiana produced over 13.5 million pounds of seabobs, and

WHEREAS, shrimp catch data shows seabobs are becoming increasingly more important to the Louisiana shrimp catch with seabobs making up on the average 10 percent of the total Louisiana shrimp catch for the years 1978-1986, and

WHEREAS, shrimp catch data shows January is a good seabob production month, and

WHEREAS, R.S. 56:497 (A) (3) provides that special shrimp seasons may be set for all or part of Louisiana waters, and

WHEREAS, shrimp populations in inshore waters react dramatically to changing environmental conditions, and

WHEREAS, the harvest of these shrimp would benefit shrimp fishermen and the Louisiana economy, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby declare the shrimping season in Louisiana's offshore territorial waters shall be closed from 12:01 AM, January 30, 1988 except in the area from Bayou Fontanell (Empire Ship Channel) to Caminada Pass, where the closure will be for that portion of Louisiana's offshore territorial waters from the inside-outside shrimp line seaward for three (3) miles, now

BE IT FURTHER RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to set special shrimp seasons for pink and white shrimp prior to the 1988 spring inshore shrimp season when technical data indicates such seasons would be in the best interest of the shrimp industry and the state of Louisiana.

The time and place for the Spring Shrimp Season was set for Thursday, April 28, 1988 in New Orleans at 10:00 AM.

The dates were also set for the hunting seasons public hearings. The Commission meeting and public hearing for February will be February 4th at 2:00 PM for the meeting and 7:00 PM for the public hearing. There will also be a public hearing on Wednesday, February 17th at the Ruston Civic Center at 7:00 PM. The March Commission meeting will be in Lafayette on March 3-4, 1988. The Commission meeting will be at 2:00 PM on Thursday and the public hearing at 7:00 PM with the official commission meeting on Friday, March 4th at 10:00 AM.

The Enforcement report was given by Ray Montet at Thursday's meeting.

The Survey Report was also given at Thursday's meeting for period of November 2-29, 1987. Forty-eight surveys were scheduled and eighteen surveys were unable to be conducted. Lease rental collected was \$49,979.00, surveys fees collected was \$27,551.75, 138 applications were filed, five new leases were issued and four private surveys were conducted.

The meeting of Friday, December 4th was adjourned after the setting of the dates of the future meetings and public hearings.

NOTICE OF INTENT

Office of Coastal and Marine Resources
Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice, in accordance with the Administrative Procedures Act that the Commission intends to promulgate a rule to establish a season for the taking, landing and processing of menhaden in all waters seaward of the inside-outside line as described in LA. R.S. 56:495 including waters of the federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds; said rule to be designated as L.A.C. 76:VII.307 and to read as follows:

Title 76

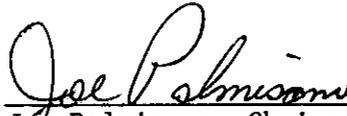
Part VII. Fish and Other Aquatic Life Chapter 3. Saltwater Sport and Commercial Fishing

307. Menhaden Season

- A. The season for the taking of menhaden as well as processing of menhaden shall be from the third Monday in April through the Friday following the second Tuesday in October.
- B. No menhaden may be landed in Louisiana ports except during the menhaden season as described in L.A.C. 76:VII.-307.A.
- C. The menhaden season shall apply to all waters seaward of the inside-outside line described in R.S. 56:495 including waters in the Federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds as described in Paragraph D. All other inside waters and passes are permanently closed to menhaden fishing.
- D. For purposes of the menhaden season Breton and Chandeleur Sounds are described as that portion of the statutorily described inside waters beginning at the most northerly point on the south side of Taylor Pass at Lat. 89 23'18." 476 N. (Y-268,131.65), Long. 89 19'00." 803 W. (X-2,642,-161.69). Thence run N.32 32' W. for 8-3/4 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run N. 30 47' E. for 11 miles to the Mississippi River Gulf Outlet Channel at a lighted privately-maintained marker known as Station "69-A" and "70-A"; thence N. 16 10'E. for 8-1/2 miles to Point Chicot light; thence N. 20 10'E. for 13-1/2 miles to Mitchell Key light; thence N. 35 47'E. for 19 miles to a point intersecting the Lower Mississippi Valley Division Line Lat. 30 06' N., Long. 80 52'W., thence southerly 71 E., for 5 miles

to Chandeleur light, thence southeasterly running along the present inside-outside water line as described in R.S. 56:495 to the point of origin.

Interested persons may submit written comment to Mr. Philip Bowman, Assistant Chief, Seafood Division, Department of Wildlife and Fisheries, Post Office Box 15570, Baton Rouge, Louisiana 70895; until February 1, 1988.



Joe Palmisano, Chairman
Louisiana Wildlife and Fisheries Comm.

RESOLUTION

Menhaden Season

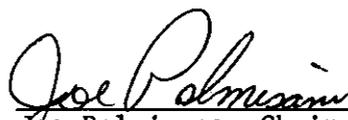
WHEREAS the Gulf State-Federal Fisheries Management Board and the Gulf States Marine Fisheries Commission have developed a coordinated management plan for menhaden in the Gulf of Mexico, and

WHEREAS, this management plan has recommended a uniform season for the taking of Gulf Menhaden, and

WHEREAS, fishery scientists with Louisiana State University conducting research on the menhaden fishery have reported that extension of the menhaden season could jeopardize the menhaden stocks demonstrating the need for immediate action, and

WHEREAS, the Gulf State-Federal Fisheries Management Board and the Gulf States Marine Fisheries Commission upon request of the Menhaden Advisory Commission have unanimously recommended that no menhaden be landed outside the existing framework, now

THEREFORE BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission pursuant to R. S. 56:6 and R. S. 49:967 hereby publishes its intent to set the season for taking, landing, and processing of menhaden consistent with the attached Rule.



Joe Palmisano, Chairman
Louisiana Wildlife and Fisheries Comm

Menhaden

File

Rule Title: Menhaden Season, Title 76
Vol. 5, Part VII, Chap. 3,
Section 307
Date Received: January 21, 1988

TO: Mary Mitchell, Department of Wildlife and Fisheries
FROM: Chuck Hunter, Legislative Fiscal Office Analyst
DATE: February 2, 1988
SUBJECT: Menhaden Season Impact Statement Rejection

The Legislative Fiscal Office is returning your fiscal and economic impact statement unsigned for the reasons stated below. If revisions to the impact statement are required, a more detailed explanation may be found on the attached form.

- 1. _____ Statement received after deadline (20th of month preceding publication)
- 2. _____ Copy of notice of intent to be forwarded to Louisiana Register for publication not attached
- 3. _____ Copy of rule proposed for initial adoption or repeal not attached
- 4. _____ Copies of current and proposed rules with amended portions indicated (applicable to rule changes) not attached
- 5. _____ Copy of applicable federal regulations not attached
- 6. _____ Documentation of funds appropriated not attached (Act if compliance)
- 7. _____ Statement contains grammatical errors or incomplete sentences*
- 8. X Summary statements need clarification or additional information*
- 9. _____ Estimates of impact need revision*
- 10. _____ Other*

*See attached form for explanation.

Thank you for your cooperation. If you need additional explanation, this office will be glad to assist you. The analyst to contact if you have any questions is Charles Hunter

REJECT/CMHR188

Fiscal and Economic Impact Statement Review Form

Dept: Wildlife & Fisheries
Office: Coastal & Marine Resources
Rule: Menhaden Season, Title 76, Part VII
Title: Chap. 3, Section 307
Date
Received: January 21, 1988

The fiscal and economic impact statement has been reviewed and found to be deficient in the following ways:

See attached handwritten comments that I have made on a copy of the Impact Statement you provided to this office.

Charles M. Hunter
Legislative Fiscal Office Analyst





J. BURTON ANGELLE, SR
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF MANAGEMENT AND FINANCE
FISCAL DIVISION
P.O. BOX 15570
BATON ROUGE, LOUISIANA 70895

EDWIN W. EDWARDS
GOVERNOR

January 21, 1988

Mr. Chuck Hunter
Legislative Fiscal Office
P.O. Box 44097
Baton Rouge, LA 70804

Dear Mr. Hunter,

Please find enclosed a Notice of Intent and Fiscal and Economic Impact Statement relative to the Menhaden Season.

If further information is needed, please call this office.

Sincerely,


Mary Mitchell
Chief Fiscal Officer

MM/mag



J. BURTON ANGELLE, SR.
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF COASTAL & MARINE RESOURCES
SEAFOOD DIVISION
P.O. BOX 15570
BATON ROUGE, LOUISIANA 70895
504/342-5876

EDWIN W. EDWARDS
GOVERNOR

January 15, 1988

MEMORANDUM

TO: Mary Mitchell, Fiscal Officer
FROM: Philip E. Bowman, Assistant Division Administrator *PEB*
RE: Menhaden Season

As per your request, please find enclosed Fiscal Impact Statement along with the Resolution, Notice of Intent and Rule regarding the Menhaden season in Louisiana.

PEB:lhj

NOTICE OF INTENT

Office of Coastal and Marine Resources
Louisiana Department of Wildlife and Fisheries
Louisiana Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice, in accordance with the Administrative Procedures Act that the Commission intends to promulgate a rule to establish a season for the taking, landing and processing of menhaden in all waters seaward of the inside-outside line as described in LA. R.S. 56:495 including waters of the federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds; said rule to be designated as L.A.C. 76:VII.307 and to read as follows:

Title 76

Part VII. Fish and Other Aquatic Life

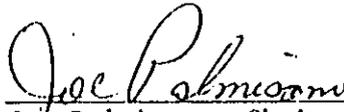
Chapter 3. Saltwater Sport and Commercial Fishing

307. Menhaden Season

- A. The season for the taking of menhaden as well as processing of menhaden shall be from the third Monday in April through the Friday following the second Tuesday in October.
- B. No menhaden may be landed in Louisiana ports except during the menhaden season as described in L.A.C. 76:VII.-307.A.
- C. The menhaden season shall apply to all waters seaward of the inside-outside line described in R.S. 56:495 including waters in the Federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds as described in Paragraph D. All other inside waters and passes are permanently closed to menhaden fishing.
- D. For purposes of the menhaden season Breton and Chandeleur Sounds are described as that portion of the statutorily described inside waters beginning at the most northerly point on the south side of Taylor Pass at Lat. 89° 23' 18. "476 N. (Y-268,131.65), Long. 89° 19' 00." 803 W. (X-2,642,-161.69). Thence run N. 32° 32' W. for 8-3/4 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run N. 30° 47' E. for 11 miles to the Mississippi River Gulf Outlet Channel at a lighted privately-maintained marker known as Station "69-A" and "70-A"; thence N. 16° 10' E. for 8-1/2 miles to Point Chicot light; thence N. 20° 10' E. for 13-1/2 miles to Mitchell Key light; thence N. 35° 47' E. for 19 miles to a point intersecting the Lower Mississippi Valley Division Line Lat. 30° 06' N., Long. 80° 52' W., thence southerly 71° E., for 5 miles

to Chandeleur light, thence southeasterly running along the present inside-outside water line as described in R.S. 56:495 to the point of origin.

Interested persons may submit written comment to Mr. Philip Bowman, Assistant Chief, Seafood Division, Department of Wildlife and Fisheries, Post Office Box 15570, Baton Rouge, Louisiana 70895, until February 1, 1988.



Joe Palmisano, Chairman
Louisiana Wildlife and Fisheries Comm.

RULE

307. Menhaden Season

- A. The season for the taking of menhaden as well as processing of menhaden shall be from the third Monday in April through the Friday following the second Tuesday in October.
- B. No menhaden may be landed in Louisiana ports except during the menhaden season as described in L.A.C. 76 VII 307 A.
- C. The menhaden season shall apply to all waters seaward of the inside-outside line described in R.S. 56:495 including waters in the Federal Exclusive Economic Zone (EEZ), and in Breton and Chandeleur Sounds as described in Paragraph D. All other inside waters and passes are permanently closed to menhaden fishing.
- D. For purposes of the menhaden season Breton and Chandeleur Sounds are described as that portion of the statutorily described inside waters beginning at the most northerly point on the south side of Taylor Pass at Lat. 89° 23' 18." 476 N. (Y-268.131.65), Long. 89° 19' 00." 803 W. (X-2,642,-161.69). Thence run N. 32° 32' W. for 8-3/4 miles to a horizontal tank battery located in the vicinity of Battledore Reef and east of Little Battledore Island; thence run N. 30° 47' E. for 11 miles to the Mississippi River Gulf Outlet Channel at a lighted privately maintained marker known as Station "69-A" and "70-A"; thence N. 16° 10' E. for 8-1/2 miles to Point Chicot light; thence N. 20° 10' E. for 13-1/2 miles to Mitchell Key light; thence N. 35° 47' E. for 19 miles to a point intersecting the Lower Mississippi Valley Division Line Lat. 30° 06' N., Long. 80° 52' W., thence southerly 71° E., for 5 miles to Chandeleur light, thence southeasterly running along the present inside-outside water line as described in R.S. 56:495 to the point of origin.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	<u>Mary Mitchell</u>	Dept:	<u>LA Wildlife & Fisheries</u>
Phone:	<u>925-3968</u>	Office:	<u>Coastal and Marine Resources</u>
Return Address:	<u>P.O. Box 15570</u> <u>Baton Rouge, LA 70895</u>	Rule Title:	<u>Menhaden Season, Title 76,</u> <u>Part VII, Chap. 3, Section 307</u>
		Date Rule Takes Effect:	<u>March 20, 1988</u>

SUMMARY
(Use complete sentences)

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

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

There will be no cost to implement this season as it will be handled along with other duties.

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

This rule change will have no effect on revenue collections of state or local governmental units.

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

The proposed rule change will have no effect on costs or economic benefits to menhaden fishermen or processors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Approximately 1,000 individuals are influenced by the menhaden season. The proposed rule change clarifies but does not alter the menhaden season and boundaries. Therefore there will be no impact on competition and employment.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

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

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

Sets a season for the taking and landing of menhaden to run from the third Monday in April through the Friday following the second Thursday in October, 1988 as these dates were established in 1987. However, the proposed rule defines in detail for the first time the portions of the Breton and Chandeleur Sounds in which menhaden fishing will be legal during the proposed season.

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

Biological evidence indicates the need for a menhaden season to insure that overfishing does not occur and to provide a structure for the orderly conduct of the fishery. Specific definition of the Breton and Chandeleur Sounds' boundaries regarding the allowable harvest of menhaden will assist the enforcement of the menhaden fishing regulations in the vicinity of these Sounds during 1988 and thereafter.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no cost to implement this season as it will be handled along with other regular duties.

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

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

This question does not apply.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

COSTS	FY 87-88	FY 88-89	FY 89-90
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR.	-0-	-0-	-0-
POSITIONS(//)	-0-	-0-	-0-

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

This rule change will have no impact on costs or savings to the Department of Wildlife and Fisheries.

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

SOURCE	FY 87-88	FY 88-89	FY 89-90
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

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

The Office of Coastal and Marine Resources has sufficient funds to implement the proposed rule.

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.

This rule will have no impact on costs or savings to local governmental units.

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

This question does not apply.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 87-88</u>	<u>FY 88-89</u>	<u>FY 89-90</u>
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*			
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
<u>TOTAL</u>	-0-	-0-	-0-

*Specify the particular fund being impacted.

Conservation Fund

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

There will be no impact on revenue collections to state or local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

Currently there are six (6) menhaden plants in Louisiana which in 1985 processed 1.5 billion pounds of menhaden (menhaden is the largest volume fishery in Louisiana). These fish in 1985 had a dockside value of \$56,000,000.00. The proposed rule would continue the menhaden season and allow the harvest of menhaden in state waters.

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

Based on 1985 production figures, estimates are that the fishery would have a gross dockside value of \$56,000,000.00 in 1988.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

There are approximately 1,000 people affected by the menhaden season annually. This includes fishermen, processors, wholesalers and other support groups. The proposed rule change clarifies but does not alter the menhaden season and boundaries. Therefore, there will be no impact on competition or employment.

CURRENT REGULATIONS

76-VII-303

Wildlife and Fisheries

Chapter 3

76-VII-307

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:219 (July 1976).

§305. Closing Grand Isle Waters

A. Whereas, the Louisiana Wildlife and Fisheries Commission is charged with enforcing the law, and

Whereas, the Louisiana Wildlife and Fisheries Commission in open meeting held in New Orleans, Louisiana, September 29, 1979, and acting under authority of Act 282 of 1979, Title 56, Section 22, Louisiana Revised Statutes of 1950, the waters of the State of Louisiana on the south side of Grand Isle from Caminada Pass to Barataria Pass, in Jefferson Parish, from the southeast side of Caminada Bridge to the northwest side of Barataria Pass at Fort Livingston, extending from the beach side of Grand Isle to a distant of five hundred feet beyond the shoreline into the Gulf of Mexico from the said Grand Isle are hereby designated as closed zones, and

Whereas, for the purpose of preventing a public health problem or measure because of undesirable fish (such as small catfish) or other aquatic or marine life being left on the beach of Grand Isle to rot or deteriorate, the said above waters are closed to the taking of fish with salt water netting, trawls, and seines of any type from May 1 to September 15, both dates inclusive, and beginning May 1, 1979, and each year thereafter during this period, until further action on the part of the commission,

B. Now therefore be it resolved, that the Louisiana Department of Wildlife and Fisheries properly enforce the area described.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979).

§307. Menhaden Season

A. 1. Whereas, the Menhaden Advisory Council of Louisiana, which serves as a vehicle for coordinating industry-wide projects, has requested that consideration be given to a limited season on the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden, and

Whereas, the Gulf-wide State-Federal Board, upon the request and action of the Menhaden Advisory and Implementation Committees, has unanimously recommended that the menhaden season be adjusted from a present closing date of the second Tuesday in October to the following Friday, and

Whereas, by having a uniform opening and closing date, it will eliminate unnecessary early plant startups, it will increase the chances of the industry maintaining a healthy and continuing source of fish, and

Whereas, an examination of several preceding years' catch records indicates that the best quality fish will be available, and

Whereas, there is total agreement among the menhaden operators that the starting date should be the third Monday in April and the closing date shall be changed to Friday immediately following the second Tuesday in October.

2. Therefore be it resolved that the Louisiana Wildlife and Fisheries Commission direct, by executive order, that there shall be a limited season on the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden.

Be it further resolved that the starting date for the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden, shall be the third Monday in April and the closing date shall be the Friday immediately following the second Tuesday in October.

B. 1. Whereas, the menhaden fishing management plan by the State-Federal Board determined that a coordinated menhaden season be established in the northern Gulf, and

Whereas, the Louisiana Wildlife and Fisheries Commission did develop regulations concerning menhaden seasons and areas opened and closed to fishing; and

Whereas, the three-year limitation on such commission action will expire.

2. Therefore be it resolved, that the regular menhaden season in Louisiana and areas open to fishing shall be as follows:

The menhaden season shall be from the third Monday in April through the Friday following the second Tuesday in October. It shall apply to all areas in the territorial sea outside of the inside-outside waters line as described in Paragraph 495, Title 56, of the Louisiana Revised Statutes of 1950. During the open season, menhaden fishing is also permitted in Chandeleur and Breton Sounds. All other inside waters and passes are permanently closed to menhaden fishing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:313.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979).



J. BURTON ANGELLE, SR.
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF COASTAL & MARINE RESOURCES
SEAFOOD DIVISION
P.O. BOX 15570
BATON ROUGE, LOUISIANA 70895
504/342-5876

EDWIN W. EDWARDS
GOVERNOR

November 25, 1987

MEMORANDUM

TO: Wildlife and Fisheries Commission

FROM: Philip E. Bowman, Assistant Division Administrator *PE Bowman*

Pursuant to your request, please find attached a brief synopsis of the biology and management of the Gulf Menhaden. This report will be the basis of our discussion at your December meeting when you consider expansion of the menhaden season to the federal Exclusive Economic Zone (EEZ).

There are three other items we will be discussing with you during your December meeting.

1. Modification of the oyster season east of the Mississippi River. As we discussed with you in November, oyster populations in this area are extremely scarce and some season modifications appear necessary.
2. Setting of the offshore shrimp closure. As you are aware, the 1987 White Shrimp Season thus far has been below that experienced for the past couple of years. Shrimp landings just released by the National Marine Fisheries Service (NMFS) show shrimp landings for October, 1987 at 7.9 million pounds, which is significantly below the 13.3 million pounds reported for the same time period in 1986. Along this line, we have been contacted by some fishermen inquiring about the possibility of a special shrimp season following the closing of the fall inshore season on December 21st. There is precedent for a special season following the fall season when, as in 1985, Zone 1 (Areas east of the Mississippi River) was opened for 24 days, December 22 - January 14. These fishermen have indicated they may bring a request for such a special season this year.

3. In order for us to make the necessary arrangements, we need to set the time and place for the Spring Shrimp Meeting. As for the date, we would suggest April 28 with the Commission meeting being the afternoon of the 28th and the morning of the 29th.

PEB:lhj

cc: J. Burton Angelle ✓
W. S. "Corky" Perret

THE BIOLOGY AND FISHERY OF GULF MENHADEN

INTRODUCTION

The gulf menhaden (Brevoortia patronus) has been one of the most intensively studied species in the Gulf of Mexico. In this report, the distribution, general biology, ecological relationships, and fishery of gulf menhaden will be reviewed.

Menhaden belong to the herring family (Clupeidae). Three species (gulf menhaden, B. patronus; finescale menhaden, B. gunteri; and yellowfin menhaden, B. smithi) occur in the Gulf of Mexico. The menhaden fishery consists almost exclusively of gulf menhaden; consequently, this report will relate towards gulf menhaden only.

LITERATURE REVIEW

Distribution and Habitat

Gulf menhaden occur in the Gulf of Mexico from Tampa Bay, Florida to the Yucatan Peninsula, Mexico. During the course of their life cycle, gulf menhaden occupy habitats ranging from shallow ponds in the freshwater marshes to high salinity bays to shallow waters off the beaches to the open Gulf. Gulf menhaden are estuarine dependent, and follow a life cycle typical of many marine species: adults spawn offshore in the Gulf, the larva enter the estuaries through the tidal passes, the juveniles move into the estuarine nursery grounds, and then later migrate back to the Gulf to mature and complete their life cycle.

The tendency of menhaden to form large schools is apparently

an inborn behavioral characteristic beginning at the late larval stage and continuing through the remainder of their life.

Spawning

Gulf menhaden spawn from about October to April, with a peak during January and February. Individual fish may spawn more than once per season. Gulf menhaden spawn offshore, although actual spawning has not been observed nor specific sites identified. However, distribution of gulf menhaden eggs and larva in plankton samples suggest that gulf menhaden spawn offshore between Sabine Pass, Texas and Alabama at a depth of four to 40 fathoms and that an area of concentrated spawning occurs offshore from the Mississippi River Delta.

Spawning first occurs at age-1, as the fish approach their second year. The number of eggs spawned by an individual fish averages about 25,000, although the number of eggs per fish increases with fish size and age. As with other marine fishes, eggs and sperm are broadcast into the water and fertilization occurs while the eggs and sperm are floating in the water column.

Larva and Juveniles

Gulf menhaden eggs are spherical, 1.0-1.3 millimeters (mm) in diameter, and float near the surface. Eggs hatch within two days after fertilization. Larva are 3-4 mm in length at hatching, and 10-15 mm in length after 30 days.

Movement of larva from the spawning site to the estuaries is probably due to a combination of passive drifting and active swimming; this stage is termed the "larval drift" period. After

3-5 weeks, 12.5-25 mm gulf menhaden larva enter the estuaries through the tidal passes. Immigration of larval menhaden into the estuaries occurs primarily from January to April, with February and March being the peak months.

Transformation from larva to juveniles takes place in the lower, high salinity bays at a size of 30-40 mm. At this point, the menhaden move into the upper freshwater areas, where the juveniles grow rapidly (up to 20-30 mm/month) during the summer. As the juveniles grow, they begin to move from the shallow ponds and bayous to the deeper, more saline bays. Emigration to the Gulf begins in late summer and early fall. Emigrating juveniles range in size from 80-120 mm.

Adults

Adults primarily inhabit the open waters of the Gulf of Mexico. Gulf menhaden concentrate nearshore (less than 60 feet water depth) during spring and summer, and move further offshore during late fall and winter. The seasonal appearance of adult menhaden in shallow Gulf waters coincides with the open fishing season.

In addition to the seasonal inshore-offshore migration, older fish (ages-2,-3, and -4) move towards the Mississippi River Delta from the east and west.

Food Habits

Larval gulf menahden are selective carnivores, feeding on minute zooplankton. However, when gulf menhaden transform from larva to juveniles, a highly specialized gill raker-alimentary

canal complex develops, and gulf menhaden become "filter feeders". Filter feeders indiscriminately strain out bacteria, algae, phytoplankton, and detritus (decaying marsh grass) from the water with their gill rakers. Menhaden can filter up to 25 liters of water per minute. Recent studies have suggested that juvenile menhaden derive most of their energy from detritus.

Age and Growth

Larval and juvenile gulf menhaden are classified as age-0 fish. The commercial catch usually consists of approximately 75% age-1 fish, 25% age-2 fish, 0.2% age-3 fish, and 0.05% age-4 fish. The high natural mortality and fishing mortality rates are evident from the relative percentage contribution of each age class.

The size of larval and juvenile gulf menhaden have already been presented. The approximate average size of commercially caught menhaden is as follows: age-1, 150 mm; age-2, 185 mm; age-3, 215 mm; and age-4, 225 mm.

Ecological Relationships

A "critical period" for gulf menhaden, as for many marine fishes, is during the egg and larval stages. The egg and larval stages are considered crucial because these stages are most susceptible to the external environment and natural mortalities are highest.

In contrast to larval menhaden, juvenile menhaden are very tolerant of environmental conditions. Juvenile gulf menhaden have been collected in salinities from 0-67 ppt and water

temperatures from 5-34.9 C.

The dependence of gulf menhaden on estuarine habitats is apparent, but not completely understood. There are no documented physiological requirements for estuarine dependence, but metamorphosing larva are rarely taken in the Gulf; this suggests that food and shelter provided by the estuaries are essential.

Gulf menhaden fluctuate both in abundance and availability to the fishery. Abundance of an age-group, or year class strength, is determined by the environmental driving forces during the critical egg and larval stages. An unusually strong year class may result in record high catches for up to two years. A succession of poor year classes may result in record low catches. The availability of adult menhaden to the fishery also influences commercial harvests. Hydrographic conditions (temperature, salinity, current, etc.) influences the seasonal and geographical distribution of schools; as a result, at times the fish may not always be available on their customary grounds.

FISHERY

Gulf menhaden landings have increased during the 1970's and 1980's (Figure 1). Since 1978 landings have ranged from 552,600 to 982,000 metric tons.

The gulf menhaden fishery is active from the third Monday in April to the first Friday after the second Tuesday in October. A concurrent fishing season throughout the Gulf was adopted by the menhaden industry in 1977. Peak catches usually occur in July or August. It is beyond the scope of this report to describe in

LANDINGS (thousands of metric tons)

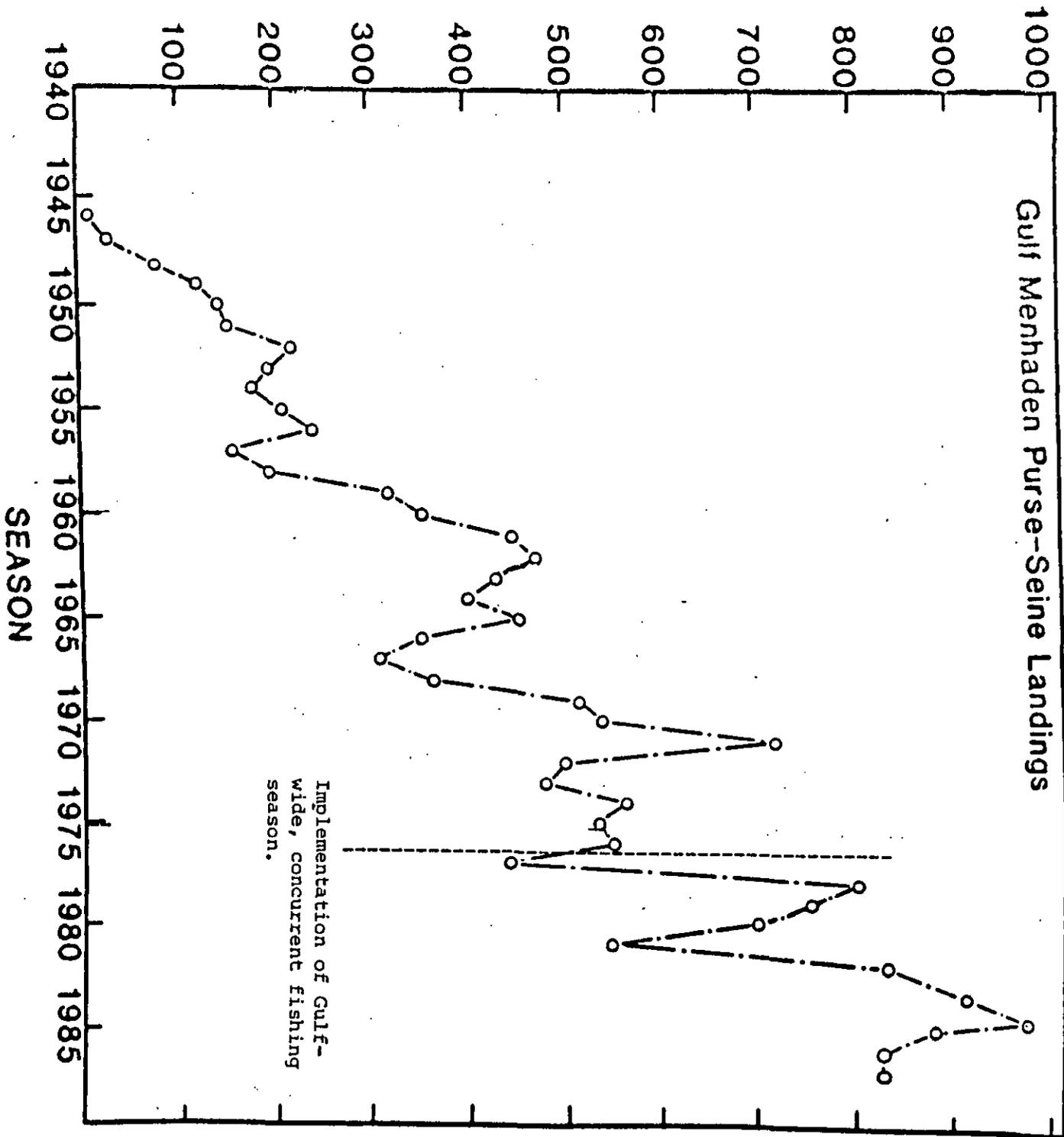


FIGURE 1.

detail the fishing gear and techniques, although the menhaden fishery has evolved over the years and has become very efficient in capturing menhaden. The aggregation of adult gulf menhaden in dense schools in surface waters of the shallow Gulf also facilitates their sighting and subsequent capture in commercial gear.

A number of studies, including several in Louisiana, have been conducted on menhaden bycatch. In all studies the incidental catch was low. No appreciable damage to other fish species can be attributed to the menhaden industry.

The Department of Wildlife and Fisheries meets annually with the menhaden industry prior to the opening of the menhaden season. Harvest projections for the upcoming season are made and other matters relative to the menhaden industry are made. Models for projecting commercial catches of menhaden have been developed by Department biologists. These predictive models are based on abundance of juvenile menhaden taken in the shrimp monitoring trawl samples the previous year and on hydrological and climatological data such as salinity, temperature, river discharge, wind direction, and tides, also from the previous year.

Biologists with the National Marine Fisheries Service, Beaufort Laboratory, have conducted detailed studies of the population dynamics of gulf menhaden. They indicated that the gulf menhaden population is healthy, highly productive, and capable of producing sustained harvests with the present level of

fishing effort. The abundance of gulf menhaden has also increased during the 1964-1984 period. The National Marine Fisheries Service concluded, however, that major changes in the operation of the fishery, such as an expansion of effort east and west of the present fishing grounds, or offshore on winter spawning concentrations, would have consequences which are not predictable at this time.

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RESOLUTION

WHEREAS the June, 1987 oyster surveys of the "Public Oyster Seed Grounds" revealed a very limited supply of oysters available on the grounds east of the Mississippi River, and

WHEREAS the vast majority of fishing for seed oysters has already taken place on the "Public Oyster Seed Grounds" east of the Mississippi River, and

WHEREAS R.S. 56:433 F removes the size limitation on oysters fished from the public grounds on January 1st of each year, and

WHEREAS R.S. 56:433 B allows for measures to be taken by the Commission to conserve the resource and R.S. 56:434 F requires protection of the oyster waterbottoms from injury, now

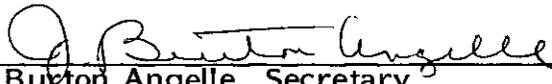
THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission reimposes the size limitation of 3 inches and no more than 5% shell in the cargo lot for the commercial sale of oysters, and

BE IT FURTHER RESOLVED that the 3 inch size limitation and the 5% shell restriction will also apply to the bedding of oysters only on the Public Grounds east of the Mississippi River for the remainder of the 87-88 oyster season, and

BE IT FURTHER RESOLVED that the area on the "Public Grounds" east of the Mississippi River, Plaquemines Parish, commonly known as the Bay Crabe area, described on the enclosed map, will be closed to oyster fishing for the remainder of the 87-88 oyster season, and

BE IT ALSO RESOLVED that the Secretary has the authority to suspend the fishing of oysters with 72-hour notice on any of the public grounds if problems occur.

Joe Palmisano, Chairman
Louisiana Department of Wildlife & Fisheries
Commission


J. Burton Angelle, Secretary
Louisiana Department of Wildlife & Fisheries

RESOLUTION

Closure of Offshore Shrimp Season and Authority to Set Special Shrimp Seasons

WHEREAS, Act 1987 Number 576 grants certain authority to the Wildlife and Fisheries Commission to close the shrimping season in offshore waters, and

WHEREAS, during 1986 Louisiana produced over 13.5 million pounds of seabobs, and

WHEREAS, shrimp catch data shows seabobs are becoming increasingly more important to the Louisiana shrimp catch with seabobs making up on the average 10% of the total Louisiana shrimp catch for the years 1978-1986, and

WHEREAS, shrimp catch data shows January is a good seabob production month, and

WHEREAS, R.S. 56:497 (A)(3) provides that special shrimp seasons may be set for all or part of Louisiana waters, and

WHEREAS, shrimp populations in inshore waters react dramatically to changing environmental conditions, and

WHEREAS, the harvest of these shrimp would benefit shrimp fishermen and the Louisiana economy, now

THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby declare the shrimping season in Louisiana's offshore territorial waters shall be closed from 12:01 a.m. January 30, 1988 ~~to 12:01 a.m. January 31, 1988~~ ~~except in the area from Byou Fontanell (Empire Ship Channel) to Caminada Pass, where the closure will be for that portion of Louisiana's offshore territorial waters from the inside-outside shrimp line seaward for three (3) miles, now~~

BE IT FURTHER RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to set special shrimp seasons for pink and white shrimp prior to the 1988 spring inshore shrimp season when technical data indicates such seasons would be in the best interest of the shrimp industry and the state of Louisiana.



Joe Palmisano, Chairman
Louisiana Wildlife and Fisheries Commission

State of Louisiana



J. BURTON ANGELLE, SR.
SECRETARY

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

EDWIN W. EDWARDS
GOVERNOR

November 30, 1987

**COASTAL & MARINE RESOURCES
SURVEY SECTION
03 - 04
ACTIVITY REPORT**

From November 2nd thru November 29th

During this period field activity consisted of:

48 Surveys that were scheduled.
18 Surveys that were unable to be done due to bad weather or fishermen unable to meet surveyor.

Surveys that were completed consisted of:

23 Leases that were tied into the monument control system.
3 Applications for new area.
4 15-year limitations.
0 Restake applications.

Total field activity:

<u>1985</u>	<u>1986</u>	<u>1987</u>	
<u>1355</u>	<u>1482</u>	<u>1183</u>	- Surveys scheduled.
<u>709</u>	<u>1103</u>	<u>648</u>	- Surveys performed.
<u>608</u>	<u>350</u>	<u>532</u>	- Surveys unable to be done due to bad weather or fishermen unable to meet surveyor.
<u>1</u>	<u>2</u>	<u>0</u>	- Survey where fishermen refused to survey.
<u>0</u>	<u>0</u>	<u>2</u>	- Disputes settled.
<u>37</u>	<u>24</u>	<u>3</u>	- No shows.
<u>0</u>	<u>3</u>	<u>0</u>	- Applications cancelled by request.

Office activity during this period:

\$49,979.00 - Lease rental collected.
\$27,551.75 - Survey fees collected.
138 - Applications filed.
5 - New leases issued.
4 - Surveys - Private Surveyor for the month.
30 - Surveys - Private Surveyor, 1987.





State of Louisiana



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

November 12, 1987

See Phil on this

MEMORANDUM

TO: Assistant Secretaries and Division Chiefs + Phil

FROM: Paula Callais

SUBJECT: Commission Meeting Agenda - December 3-4, 1987
New Orleans - DelaPost

Please write on the bottom of this memo and return to me any agenda items your division may have for the meeting in December to be held at the DelaPost in New Orleans.

Thank you! Also return to me if you have nothing for the agenda and let me know if you need a room at the DelaPost.

PC

① ~~NOTICE~~ *Intent to modify language relative to* MENCHADEN SEASON *int*

② CLOSURE of the OYSTER SEASON

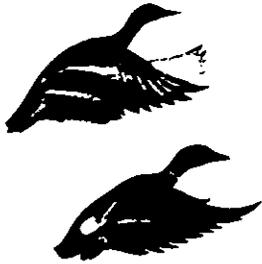
③ Setting of the OFFSHORE SHRIMP SEASON

~~④ Authority to set~~

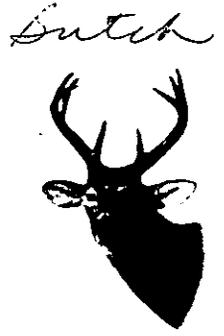
~~⑤ Offshore Shrimp Season~~

⑥ SURVEY REPORT

⇒ ⑦ TIME and place for SPRING Shrimp Meeting



State of Louisiana



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

November 12, 1987

MEMORANDUM

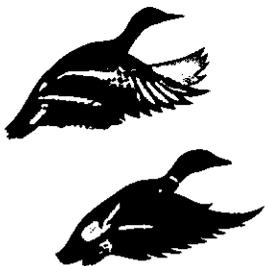
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pc

- 1) Discussion of Deer Season Opening Dates — Jerry FADOME
- 2) Set ^{Time and Place for} Public Hearings on Hunting Seasons and Bag Limits — Hugh Bateman
- 3) Waterfowl season ^{Hunting} Activity Report — Robert Helm



State of Louisiana



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

November 12, 1987

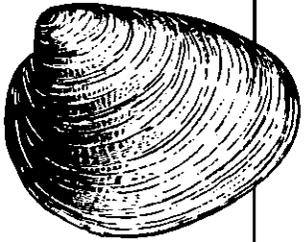
M E M O R A N D U M

TO: Assistant Secretaries and Division Chiefs
FROM: Paula Callais
SUBJECT: Commission Meeting Agenda - December 3-4, 1987
New Orleans - DelaPost

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Thank you! Also return to me if you have nothing for the agenda and let me know if you need a room at the DelaPost.

pc



**LOUISIANA
SHELL
PRODUCERS
ASSOCIATION**

P.O. BOX 820002
NEW ORLEANS
LOUISIANA 70182

November 17, 1987

*Copy to
all Board members
AWJ*

Ms. Paula Calais
La. Department of Wildlife and Fisheries
P.O.Box 15570
Baton Rouge, La. 70895

Dear Paula,

We would like to invite your people to a cocktail reception on Dec. 3, 1987, from 6-7:30 p.m., at the Josephine Bonaparte Room in the Royal Orleans. ✓

We will have hors d'oeuvres, an open bar and special entertainment by the Original Crescent City Jazz Band which performs regularly at Commander's Palace. ✓

The room is located right across the hall from where you all will be having dinner. ✓

It should be an enjoyable time. I, along with other members of the La. Shell Producers, look forward to seeing you all there.

If there is any other information, or assistance I can give you, please call, (504) 468-3247. ✓

Sincerely,

Anne W. Jordan,
La. Shell Producers

OMNI ROYAL ORLEANS
AN OMNI CLASSIC HOTEL

December 8, 1987

Ms. Paula Callais
Wildlife and Fisheries
P. O. Box 15570
Baton Rouge, La. 70895



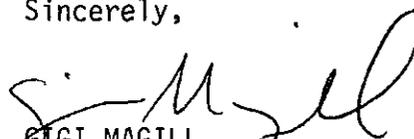
Dear Ms. Callais:

On behalf of the entire staff of the Omni Royal Orleans, I wish to extend a formal thank you for allowing us the opportunity to serve you and your guests on your recent dinner.

I hope everything met with your approval, and that you were happy with your selection of The Omni Royal Orleans Hotel.

Should our services ever be required in the future, please feel free to contact us.

Sincerely,



GIGI MAGILL
CATERING MANAGER

GM:she

621 ST. LOUIS STREET • NEW ORLEANS, LOUISIANA 70140 • 504/529-5333 • TELEX: 58-350

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