

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

---:---

P R O C E E D I N G S

Tuesday, March 27, 1979

10:00 o'clock a.m.

DOYLE G. BERRY,
Chairman

Wildlife and Fisheries
Building, Room 102
400 Royal Street
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of the Louisiana Wildlife and Fisheries Commission convened on Tuesday, March 27, 1979, commencing at 10:00 o'clock a.m., at the Wildlife and Fisheries Building, Room 102, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding. . .

PRESENT WERE:

DOYLE G. BERRY, Chairman
DONALD F. WILLE, Vice Chairman
J. C. FARRELLY, Member
J. C. GILBERT, Member
JEAN LAPEYRE, Member
H. CLAY LUTTRELL, Member
CHARLES RIGGS, Member
J. BURTON ANGELLE, Secretary.

A G E N D A

1. Approval of minutes of February 20, 1979. (4)

DR. LYLE ST. AMANT

2. Request from Kitchen and Ostarly, Inc. for (5)
renewal of permit to remove fill material



from the Mississippi River at Mile 108
AHP, Jefferson Parish.

- 3. Request from T. L. James & Company, Inc., for (6)
renewal of permit to remove fill material
from the Mississippi River in the vicin-
ity of Mile 131.2 near Killona, St.
Charles Parish.
- 4. Request from OKC Corporation for renewal of (7)
permit to remove fill material from
St. Malo Channel.

OTHER BUSINESS

The following items not on the printed agenda
were also considered:

Discussion of crowding in special white (9)
shrimp season.

Report of Stream Control Commission (17)
activities.

Discussion of enforcement problems,
Norval Rhodes, District Attorney (27)

Jesse Fontenot (44)

Appointment of committee to study changes (41;
in enforcement laws. 53)

Discussion of webbing sizes. (49)



Present status of Commission. (59)

International Ducks Unlimited meeting. (63)

Establishment of Jean Lafitte National (64)

Historic Park.

ADJOURNMENT (76)



CHAIRMAN DOYLE G. BERRY: Good morning, ladies and gentlemen, members of the press. We have got such a long agenda today we had better hurry and get started if we are going to get through by 11 o'clock.

The first item on the agenda is approval of the minutes of the February 20 meeting. Do I have a motion?

MR. WILLE: I so move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second. All in favor, say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Dr. St. Amant, you have three requests there for sand and fill material, I believe.

DR. ST. AMANT: Mr. Chairman and Members of the Commission, I have only three items today and one piece of other business with Mr. Mialjevich and that should take care of it.

These requests are all renewals of



existing permits and have been operating satisfactorily with no problem and I will take them in order.

The first is a request by Kitchen & Ostarly for renewal of a permit to remove fill material from the Mississippi River at Mile 108 in Jefferson Parish. I would recommend that this permit be renewed for one year at the appropriate royalty of ten cents a yard.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. LAPEYRE: I so move.

THE CHAIRMAN: Moved by Mr. Lapeyre. Do I have a second?

MR. LUTTRELL: I second it.

THE CHAIRMAN: Seconded by Mr. Luttrell. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made



a part of the record.)

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to KITCHEN & OSTARLY, INC. to remove fill material from the Mississippi River at Mile 108 AHP, Jefferson Parish, Louisiana, for a period of one year from March 27, 1979 to March 27, 1980, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: The second item is a request by T. L. James & Company for renewal of a permit to remove fill material from the Mississippi River in the vicinity of Mile 131, near Killona, in St. Charles Parish. This permit has been in effect for some time. It has operated satisfactorily with no problems. I recommend we renew it for one year at ten cents a yard.

MR. GILBERT: So move.

THE CHAIRMAN: We have a motion. Do I hear a second?

MR. FARRELLY: Second.



THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

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

BE IT RESOLVED that the
Louisiana Wildlife and Fisheries
Commission does hereby grant permis-
sion to T. L. JAMES & COMPANY, INC.,
to remove fill material from the
Mississippi River in the vicinity of
Mile 131.2 near Killona, St. Charles
Parish, for a period of one year from
March 27, 1979 to March 27, 1980 at a
royalty rate of ten cents per cubic
yard.

DR. ST. AMANT: The third request is by
the OKC Corporation for renewal of permit to remove
fill material from the St. Malo Channel. This per-
mit has been in effect for a number of years.



There has been no problem with it. I would recommend that it be renewed for a period of one year at ten cents a yard royalty.

THE CHAIRMAN: Do we have a motion?

MR. WILLE: So move.

MR. LUTTRELL: Second.

THE CHAIRMAN: We have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

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

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to OKC CORPORATION to remove fill material from St. Malo Channel for a period of one year from March 27, 1979 to March 27, 1980 at a royalty rate of ten cents per cubic yard.



DR. ST. AMANT: Mr. Chairman, we have one other item if it is --

THE CHAIRMAN: We have two -- I see Fontenot coming in. Good morning, Mr. Fontenot. Go ahead, Doc.

DR. ST. AMANT: Gentlemen, you are aware of the fact that for at least two years out of the past four we have opened an experimental type white shrimp season in the Vermilion Bay area. Depending upon your point of view, it has been with varying degrees of success.

The law which now exists allows the Wildlife and Fisheries to open these short seasons over and above our normal season where the technical information indicates a marketable supply of shrimp and where they can be taken without hurting any production of small shrimp or without any serious problem.

We have attempted to do this in a number of instances, not only in Vermilion Parish but also on the east side of the river over the last several years, and some of them have been successful. In this instance, however, where the shrimp



have been caught and our data indicates that there was a significant catch made and a significant amount of dollars made from this catch, there have been some problems develop because of overcrowding in a small area of water that is open.

THE CHAIRMAN: That sounds like the French Quarter down here to me, Doc.

DR. ST. AMANT: That's right, a little crowded, not much elbow room. Nevertheless, the gentlemen here today would like to speak to you about his position on it. I might tell you now that I don't plan to make any more statements unless you have questions but at this time we have no data to indicate that there will be a spring season. We don't see any great amount of shrimp at the present time. We would not be in a position to even suggest or make a decision on this until about the end of April or at least the last week in April.

Mr. Mialjevich is going to talk to you about his position on this and he would like to do it for the record.

MR. TEE JOHN MIALJEVICH: Well, first of all, I guess you know me, Tee John Mialjevich from



Delcambre. I represent the Delcambre Shrimp Association, the Concerned Shrimpers Group of Louisiana and the Louisiana Fisheries Federation. Mostly I am speaking for the group in Delcambre today, though.

Just to bring a little background into the three-day season, last year on my boat with the radar I marked approximately 320 boats within a six-mile area on my scope. I brought it down to one mile. They had 62 boats in the immediate vicinity, right around me. That was an exact count on the radarscope. At the special season time of the year in late April and early May, our area with the three-day season is the only inside waters open. There is no other inside waters in the entire state of Louisiana for any boat to trawl.

We have I guess a blessing or a curse because our bay is deep enough that the majority of the Louisiana shrimp boats can come into Vermilion Bay and shrimp. Like the other bays, like Terrebonne and Sister Lake and out by Dulac are shallow water bays. That kind of holds down the boats, the draft of the boat, from coming in.



Not only there was boats from every coastal Louisiana parish but boats from Texas, Mississippi, Alabama, Florida, North and South Carolina, Georgia, one from Maine and one from Massachusetts. I say why make every boat fight for that one dollar in that one little area between the sports, the semi-commercial and the commercial boats right in Vermilion Bay. It is like Mardi Gras on a parade route when you have this three-day season, it is so crowded. Instead of saying, "Hey, Mister, throw me something," they say, "Hey, Mister, how about giving me a little bit of room, you are crowding me."

Now may I ask on behalf of the Delcambre Shrimp Association that the three-day special season be discontinued unless all of Zone 2, which Vermilion Bay is a part of, all of Zone 2 be opened at the same time, and if it cannot be opened, then leave Vermilion Bay closed until Zone 2 opens for the regular May season. That way we won't have what Dr. St. Amant said yesterday is a people problem. It is just too crowded for our safety and all the way around.



That's it. I thank you.

THE CHAIRMAN: Thank you, Tee John. Let me say this, though, with all deference to you, that if we have a Saints football game down in New Orleans, people come from all over the place and there are crowds in those cars, and you go to Disneyworld and you have got the same problem. In fact, if you go to a good local high school football game in your own hometown, you have got the same problems of overcrowding, and you can find the same thing at the racetrack, too.

I am sure if Dr. St. Amant tells the Commission there are not enough shrimp out there for us to have a season, of course, you and I will get along fine and have no difference, but I am sure if there is a bunch of shrimp out there, we are going to be a bunch of jackasses again and probably have a season.

MR. MIALJEVICH: Just let us know. We are asking, Delcambre, that you let us know, and we are going to try and attend the meetings, but remember, I am a shrimper and I have to go out and shrimp, but I will try my best to have a repre-



tative, one of my alternates, come to the meeting and if they do have a special season this year, you know, that isn't discussed at a regular meeting, just let us know so we can be prepared or whatever. That is all we ask. Thank you.

THE CHAIRMAN: Thank you, John. Let me say this. The Commission has no objection to your position. I know what your thoughts are from yesterday. By the same token, we have a resource out there that can get away from us and if nobody can get it or catch it, we stand a chance of losing it back to the ocean or whatever other thing might take it away from us. I think this Commission is obligated to give the people an opportunity to harvest that crop when it is out there, and that is why we have done this in the past and have apparently been at odds with some of your people, and we are very sorry about it. But we also have people who tell us not to let you shrimp at all because they want the shrimp in the ocean to feed the fish. So, it is not what you see sometimes, it is what knothole you are looking through when you see it that makes it count.



MR. WILLE: I also want to interject something, Mr. Chairman, if I may, and that would be to let him know if our biologists do come up with something to the effect that there is something that is affecting the white shrimp, if Dr. St. Amant comes up with something that is affecting the white shrimp or the Brazilian shrimp, you can rest assured that if we feel it is going to hurt the resource, that we will cut it off immediately, I will guarantee you that.

Biologically, if we don't feel that it is sound or Dr. St. Amant doesn't or even if you can come up with some evidence, I think that it would be considered by the Commission.

DR. ST. AMANT: One point, Mr. Chairman. I think you should keep in mind these short seasons that we open are always at the request of somebody in the fishing industry. When the request comes in, then we examine the situation to determine whether or not the shrimp are available and whether or not it is marketable and whether or not it would hurt any other shrimp. Now what you are hearing here today is a difference of opinion in the



industry. Some people will probably come in, if there is shrimp out there, if they think there is shrimp, they are going to come in and ask us to open it, and his group and maybe other people will come in and say, no, don't open it for the reasons he has explained.

At the time, if a demand is made on us and they think there are shrimp, what we will do, we will come and tell you how many shrimp are there and whether or not they are marketable and our best estimate on what is there, and then it will be a decision between who in the shrimp industry you might want to consider in this instance.

We are not going to lose the shrimp, in one sense, because they will move offshore. Somebody else will catch them. What you are looking at here, in one sense, is who gets the nickel that comes from the shrimp, and this argument will never die. It is going to be with us a long time.

THE CHAIRMAN: It is the same problem, the crab people don't think that the shrimpers ought to be allowed to shrimp in the bays because that is where the crabs are at. The shrimpers say,



"Look, it's there, let the crab fishermen stay out of the bay." So, it's not what you see, it is what knothole you are looking through to see it that makes the difference.

Thank you, Doc.

We are happy to have with us this morning two distinguished people out of my area. Norval Rhodes, the District Attorney from Houma, and Jesse Fontenot from Morgan City, who has also been on the Board of Directors of Ducks, Unlimited and who told them in San Francisco and Kansas City when he want to make a speech that they would have to take that fog out of his eyes because he couldn't see who he was talking to. We are glad to have you with us.

Bob, I didn't mention you this morning. I meant to but I didn't. Would you mind telling the Commission a little bit about what the Stream Control Commission is doing now, what is going on and what you have been doing the last few meetings. We have a short agenda today and I think they would like to hear it and I know you like to speak impromptu.



MR. ROBERT LAFLEUR: Would you repeat that last comment?

(Laughter)

THE CHAIRMAN: I really think it is good for the Commission members to know, since the Stream Control Commission is a part of Wildlife and Fisheries.

MR. LAFLEUR: Well, routinely, Mr. Chairman and Members of the Commission, the Stream Control Commission meets periodically, as needed, in compliance with the law and we spend most of our time looking at applications for waste discharge from industry.

I would note that about two or three times, one of which I recall you chaired and on at least two other occasions, we have had a number of industries who wanted to come in and locate at a given point, and you have a lot of citizens who live in that particular area who are trying to prevail upon the Stream Control Commission to refuse that industry permission to discharge that waste at that point.

It occurs to me that it goes beyond the



purview or legal jurisdiction if a good permit is submitted, one in good order that complies with all of our rules and regulations with respect to waste characteristics of the waste that they seek to discharge, that the Commission has no authority to refuse that permit. It also would occur to me that that becomes a zoning problem.

We currently have one that was reviewed last year and again the early part of this year where we are having quite a rhubarb in the area of where the plant, or in this particular case it happens to be a little oil refinery, is locating in the Lake Charles area up on the Calcasieu River above Lake Charles. I have right now in my office, although the permit application was published in the news media and the meeting was available for anybody who wanted to attend, a petition with some 30,000 names who are opposing the location of this little refinery. Until and/or unless the Commission is charged with zoning responsibilities, I don't know how we are going to work ourselves out of this thing.

THE CHAIRMAN: Well, Bob, it meets the



criteria set up by the Commission --

MR. LAFLEUR: Yes.

THE CHAIRMAN: -- so apparently we have got to issue it, and then the problems they have to tell the judge. We can't really judge this.

MR. LAFLEUR: That's right. If the parish governing authority were to seek, and they can under the new constitution, authority to establish zoning areas to locate or to permit the location of industries in this, that or the other place, or to deny that authority of an industry to locate, why, this is where it looks like it is proper to reside.

I would mention one other thing here and that has to do with the water quality management planning that the Commission was charged with in early 1976. For the purpose of coming up with this plan under what we call Section 208 of Public Law 92:500, we have divided the whole state into some twelve basins. There is a basin plan that has been developed. It was developed initially under the provisions of the Water Improvement Act of 1970 and then, of course, when the water pollution control amendments of 1972 got on the books, this



effort was furthered. Those basin plans, the initial ones, were developed, adopted by this Commission and, of course, submitted to and approved by the Environmental Protection Agency, as was legally required.

This 208 activity, water quality management planning, is something that we are looking at planning to the year 2020.

THE CHAIRMAN: That will about last you and me out!

MR. LAFLEUR: Well, I would expect that you are probably right. I don't like to admit it nor agree with you, either, but you are probably right.

MR. LAPEYRE: Would you say your vision out there, Bob, would be about 20/20?

(Laughter)

MR. LAFLEUR: Yes, it is not quite as good as my rear vision; that is 20/20. That other stuff is probably a little bit worse than that.

This water quality management planning activity under the 208 procedures or requirements calls for the updating of those basin plans which



we first developed in the early and middle 70s. Those basin plans are being updated right now. We are under contract with five consulting engineering firms to cover those twelve basins. Those basin plans will be updated to include the latest information we have on what we call point source discharges; that would be both municipal and industrial. Bear in mind, we did this on the first pass.

The additional dimension that is being introduced at this time and to be included in the new version or the updating of the basin plans includes what we call the non-point source -- such things as erosion control, runoff from soil, agricultural lands which includes the pesticides and the commercial fertilizers and just plain soil runoff.

We do not in my judgment have a yardstick to measure impact, either adverse or otherwise, on the receiving stream from those runoffs. We are attempting it and this will be the first pass at it and it is going to leave a lot to be desired insofar as I am able to determine in getting us a yardstick or some criteria where that can be



measured, so I would suspect that there will be a heck of a big bunch of studying done.

Insofar as the basin plans are concerned, we are looking at a June 1 deadline under the provisions of the act or the amendments of 1977. There were amendments that came through in 1977 that were amendments to the 1972 amendments. Very candidly, I doubt seriously that although there are requirements that we meet this deadline of June 1 that we will. Now I think we will in part, so parts of that plan will be ready for submission. There is a whole series of public hearings that are going on. There are numbers of people involved. For example, I have in each of the eight planning regions what we call citizens' advisory committees. This is Joe Blow and whoever else is interested in it, and they range from the rigidly conservative viewpoint, Mr. Berry, to the other and extreme end of the spectrum.

In addition to that we have what we call, to advise the management policy team that is actually putting this plan together, the lead agency being the Stream Control Commission, and for two



purposes, first, furnishing the point source information from the industrial end of it and also being the disbursing unit for these funds which we got from the federal agency to the various members of the management policy team. That management policy team is composed of the Department of Agriculture, the Soil and Water Conservation Committee, the State Planning Office, the Department of Health and, of course, the Stream Control Commission -- now advising that group which we have called the management team is what we call a policy advisory committee made up of some 39 members, 51 percent of whom have to be elected officials. These include members of the legislature, of the executive branch of government, a whole raft of them -- membership from the policy juries, from the mayors of little municipalities, and so forth.

THE CHAIRMAN: With all these people and all this input, I am sure that you are talking about culminating this on June 1, 2020, not this June 1!

MR. LAFLEUR: I am talking about June 1, '79, and I recall when I first attended the first



of these meetings in 1976 and I listened to what I thought was a dry run on how this thing was going to run, and in point of fact, it was not a dry run, but I listened to it for about two days, and I could see what was going to happen. First, I was being charged with quarterbacking a rather heterogeneous team, each one with his own vested interest, and many of those interests conflicting, and I asked the question, if come June 1, 1979, I don't have that plan, and it is supposed to be an implementable plan, submitted to the federal agency, then how many days was who going to try to put me in jail or how many dollars was who going to try to fine me. I used the word "try" because I wasn't going to do any of this willingly.

This is what we are looking at, but all of this planning is intended to comply with the water quality standards which we first developed under old Public Law 89:234 in 1967 and updated on a three-year frequency since that time.

THE CHAIRMAN: Let me tell you, Bob, you have always done a very creditable job and I as one Commission member am probably more aware of what



you have done than some of them because I have attended meetings, I have been there with you, but our Governor has accused me of being somewhere right of Attila the Hun, and I would caution you in my own mind, of course, we want to obey the law and do what we are supposed to do, but on the other hand we do not want to inject any more bureaucracy or any more Big Brother in the lives of the American people than is absolutely necessary to meet the criteria of the law.

I think we have all had enough of Big Brother to last us ten lifetimes and if there is anywhere you can cut any red tape, in anything that meddles in anybody's private affairs, I would appreciate your doing it, and I appreciate your comments this morning.

MR. LAFLEUR: Thank you. If there are any questions on the part of any member of the Commission or anybody else, I will be happy to try them on for size, so you fire at will and I will be ready.

MR. LUTTRELL: Mr. Chairman, I would like to make a statement. I am a member of that 208



team and I can tell you for certain I think Bob Lafleur is going to come along with it and nobody is going to have to try to sue him. I keep up with it and what he is telling you about the conflicts of interest and the differences of opinion is just mild. He was just giving it to you mild. I made the one, Bob, at Lake Charles and the one at Natchitoches and different ones and, my goodness, I think I will resign.

MR. LAFLEUR: Well, those differences, the emotions that get into those difference of opinion as they are expressed hit a high pitch every once in a while. Some of these folks get uptight about this, you know. They take this seriously.

SECRETARY ANGELLE: Especially when they are trying to translate to the Department of Natural Resources, eh, Bob?

MR. LAFLEUR: Well, that is another dimension, Mr. Angelle, that we are looking at.

THE CHAIRMAN: It ain't going to happen!

MR. LAFLEUR: We successfully avoided that last year but it looks like it is here to stay.



SECRETARY ANGELLE: Looks like you will be having a new boss after next year.

THE CHAIRMAN: I don't believe it is going to happen, Bob. I don't believe that yet.

MR. LAFLEUR: Thank you.

THE CHAIRMAN: Mr. Rhodes, we are glad to have you with us this morning. We would like to hear from you if you have any comments, or would you like to let Mr. Fontenot go up first.

MR. NORVAL RHODES: Good morning, gentlemen. I come before you today as a citizen of Terrebonne Parish, as the District Attorney of the Parish, and as the President of the District Attorneys for the year 1979 for the State of Louisiana.

THE CHAIRMAN: Let me interrupt you, Mr. Rhodes, and say this. For those of you who don't know, we have probably had, if not the best, among the best representation as far as getting cases prosecuted in Terrebonne Parish of any parish in this state. Mr. Rhodes has done an outstanding job and the judges have done an outstanding job and the day of defiance, bowing our neck kind of



thing, is over with unless you have got about 60 days to go with it. That has been very helpful in protecting our animals in that area.

Go ahead, Mr. Rhodes.

MR. RHODES: Thank you, Doyle.

Gentlemen, I appeared before you a couple of years ago relative to the need for equipment and possibly your re-evaluating your priorities and over the last few years Mr. Angelle and I have gotten to know each other a lot better and I appreciate now more some of the problems he has from an administrative standpoint that I probably didn't appreciate a few years ago.

I realize that you operate under a budget. I think that if I have to be critical there are some priorities that I feel need to be re-evaluated. One of them is the apparent excessive expenditure in comparison by Refuge as opposed to Enforcement. I see it in my own parish. We have a Refuge Division in Terrebonne called Point au Chien Game Management that has seven motorized vessels sitting in a quonset hut and there is one man who has the use of all seven, as opposed to three agents in



Enforcement, two of which were without boats for the entirety of this winter.

One thing I think deserves some attention on your part is the fact that if a man's vessel breaks down, he has to carry it to something called the wharf in New Orleans and it sits. Agent Guidry, who is now Lieutenant Guidry in my parish, had his boat at the wharf from either late November or early December till the beginning of this month for a \$400 repair job. I fail to see the economy of making a man carry that boat to New Orleans to get it repaired and you officially keep him from performing his duties for something like three months while the boat sits here for repair work, when it could have been done in Houma without violating the public bid law for \$500 or \$600. Assume you saved a couple hundred dollars, the loss of that man's services to the community is far greater.

I think some thought should be given to releasing whatever stranglehold you all have on these agents for having their vessels fixed at the wharf.



There is a definite need I feel for additional equipment. Mr. Angelle spoke to me earlier this morning and showed me his budget for this year wherein he asked for I think \$1.4 million -- is that right, Burt, in that area? -- a great portion of which is dedicated --

SECRETARY ANGELLE: The original budget request submitted to the legislature for their consideration at this session had an overall nine percent increase in the Enforcement Division or an overall seven percent increase in the Department of Wildlife and Fisheries. However, in some of the categories that you are speaking about in Enforcement, there was as much as 200 and 300 and 400 percent increase requested, and I am talking about equipment, supplies, to the tune of \$419,000 over and above that which was asked for the year before, or over and above which was asked for three years prior.

The Budget Committee went so far as to ask that we re-evaluate our request and ask for more money, so we came back, re-evaluated it, and asked for a total of another about \$400,000 or



\$489,000 in Enforcement, or a total of about \$102 million within the Department.

MR. RHODES: As District Attorney I am, of course, burdened with the task of trying to prosecute the cases, get the convictions, and give the agents some satisfaction for the work they are doing. Let me tell you that it is very difficult for any man working in the field for Louisiana Wildlife and Fisheries this day to get a conviction on just about any law that appears in Title 56.

By and far, 56 is antiquated, it is obsolete, it doesn't take into consideration any of the modern technology of industry today. We just saw in Terrebonne Parish the attempted enforcement of the tagging laws for oysters. It was the most ludicrous thing I have ever seen. Agents not knowing whether they were supposed to arrest people. There is a state law under 56 that provides not for a penalty. The oysters were confiscated, dumped into Sister Lake. Some people had to tag, some people did not have to tag. They come to me, they don't know whether to issue a citation or what to do with it.



What I am asking you, gentlemen, is to ask the Governor or the legislature to create a commission or a committee to look at Title 56. We have rewritten the criminal code, we have rewritten Title 14, we have got a new constitution, and God knows that we need a new Title 56, because you can't expect those people to operate and function in the field with the laws they have to work with right now, much less me prosecute them.

When we get a conviction, it is like the eighth miracle, because it doesn't happen very often. Any defense lawyer fresh out of law school can shoot us down on the constitutionality of practically any issue that is raised in 56. 123-H-2 or 123-E I believe is the deer case law. We are having a hell of a time with that.

I would ask you to direct some attention to trying to get some help, at least in the Title 56 area.

I was with Representative Chabert last night in Baton Rouge. He was unable to be here today because of some committee commitments but he did send a message to you all. As you know, he



serves on the Budget Committee, and I think this may be the Year of the Tiger for the Wildlife and Fisheries Commission. Anyhow, I hope so, because Burt has what I think is a realistic budget that may bring about some of the needed changes you all have, but anyhow, this is what Representative Chabert had to say to you, all:

"March 27, 1979,

"Louisiana Wildlife and Fisheries Commission,
"Gentlemen"

"With the ever increasing use of our state water areas for recreation, coupled with the dynamic growth of industry and population in the Lafourche, Terrebonne and St. Mary Parishes, the need for additional game and fish management and law enforcement has become glaringly apparent.

"We in government have the responsibility of protecting and carefully managing our depletable resources. This responsibility, if taken lightly, could sound the death knell of resources



vital to the economy of this great state.

"It is my wish as a representative of the people of this state that you, the Commission members of Louisiana Wildlife and Fisheries carefully consider the request of your agents in the field and grant to them all the personnel and equipment you can muster. We have all seen the depredations occasioned by mismanagement or lack of sufficient management. It is within your power to see that these things do not occur again in our state.

"My office and all my energy is dedicated to supporting your efforts. Thank you for your kind consideration.

"I remain,

"Sincerely yours,

"Representative Leonard
Charbert."

If this man is willing to go out and make this statement, and he told me to state it publicly, then I see no reason, at least from a



committee standpoint, why you should not get the funds that you need to operate as well or better than you have done.

You never see a state trooper borrowing somebody's personal vehicle to go out and issue a ticket, but you do see Wildlife agents having to borrow airplanes and cameras and boats. We had a case in Terrebonne last week, week before last, where there was a massive slaughter of deer on Mr. Fontenot's lease. Some 17 deer were slaughtered. Five were recovered by the agents. They were iced up in an ice chest on a levee by Halter Island, which adjoins the new refuge area that you all have leased from the state. They were without a camera to take pictures of the evidence for later courtroom needs.

We had to find someone who was accommodating enough to freeze the evidence so we could use it in the courtroom later. We had to ask Mr. Berry, the Chairman of this Commission, for the use of his airplane to fly the agents out to try and reconstruct what happened and obtain some evidence. We had to borrow his camera. He had to



fight to get his camera back because the agent said he wanted to keep it because he didn't have one.

THE CHAIRMAN: The agent told my man that he had to impound the camera because it took the picture and he had to have that for evidence, too!

(Laughter)

And I said to the DA that he wouldn't be in evidence if he didn't get my camera back!

(Laughter)

MR. RHODES: Mr. Fontenot had to lend a couple of his boats for the agents to use to go out there, and I do think it is a sad state of affairs where the agents don't have the proper equipment.

Now Four League Bay in a 30-knot wind can bring four-five foot seas. You have got agents running out there in 16-foot peanut shells. One good boat that the agents have in Terrebonne Parish is a 21-foot Lightstreak and it has been broken for four or five months.

I think until this year I didn't really realize the problem Burt has trying to manage the whole state and I see it now and, you know, I am in



sympathy with him and I hope that you all get behind him and give him the help that he needs to get the money in Baton Rouge, but unless and until you all get some extra money and some extra personnel to buy the equipment, then I think you have got agents in the field now that are useless. They are useless to the people they represent. They are useless to this Commission because they are like a carpenter without a hammer. It has been like that and it is going to continue being like that unless you all go to the legislature and let them know what is really happening.

The District Attorneys Association, before I conclude, sir, have that ability now that we didn't have before. We will certainly attempt to endorse and endorse any legislation that this Commission wants to try and get through that is going to help you do your job better. For whatever it is worth, I will do what I can to help you. I will be in Baton Rouge for the entire session this year and I am certainly going to push for whatever is necessary to see that the Louisiana Wildlife and Fisheries Commission gets what they need.



Thank you very much.

THE CHAIRMAN: Thank you, Mr. Rhodes. Sonny Gilbert would like to speak to you a moment.

MR. GILBERT: You mentioned I believe Section 123-E concerning deer. Can you tell me the problems with that particular section?

MR. RHODES: We have run into several problems. There are some ambiguities in the statute as to whether or not it is in season, open season or closed season. There is some ambiguity as to whether you charge under game quadrupeds, whether you charge under 123-H or under other applicable statutes that place deer in the game quadrupeds.

Just recently with the cases that we have now, the five deer that were recovered, we were not sure whether we could charge under 123-E, if I am quoting it right. It might be 123-H but I think it is "E" because the agents did not see the deer killed. You run into a question of whether to take, the words "to take," imply that they were killed by the person who has them in their possession at the time they are apprehended by an agent.

So, we are going to have to charge these



people under a separate section, and we may not be able to impose the mandatory 30-day sentence.

The language that is used is ambiguous. Without definition what "to take" means, it could mean possession. From a federal standpoint I have seen cases lost in the federal courts here on duck cases where the judge ruled that possession did not mean a duck floating in a pond where there was access to that pond, ingress and egress to the water in the wintertime. The deer were found back of the camp. We can place the men who were there throughout the night. We can establish through the state crime lab, because I had the agents bring the deer carcasses to the crime lab, the approximate time of death. We can verify which ones were male and which ones were female, but we can't really determine what "to take" means, and it is going to cause us some problems. That is one of the things we run into, along with just about everything else.

Gentlemen, you know the shrimp season is about to start. The agents in Terrebonne, I asked them to prepare a list of some of the equip-



ment they felt they needed, and I am not going to read it off up here but I will leave it with the Commission when I leave today. Thank you.

SECRETARY ANGELLE: Thank you, sir.

MR. GILBERT: Let me ask Burt, are we proposing any amendments to this section that Mr. Rhodes mentioned that would clarify this particular section, Burt.

SECRETARY ANGELLE: Mr. Gilbert, this is the first time this has been brought to my attention in that light. I found that as late as yesterday I put out a news release where in the bordering parishes of Terrebonne and Lafourche the judge convicted two gentlemen, 30 days in jail, \$500 fine, without even having the evidence there. The evidence was strong enough without having the actual evidence of the deer, so I guess it is just an interpretation of lawyers what is needed and what is not and just how strong a judge feels to convict somebody to the maximum or to try to let him off as light as he possibly can.

But if there is a need for correction, I stand ready to go to the legislature and ask one



more time to try to get it corrected.

THE CHAIRMAN: What I would like to do at this time is appoint a committee of Mr. Wille as vice chairman and perhaps chair the committee, Mr. Gilbert and Mr. Farrelly and let you all work with Mr. Rhodes and his group, the District Attorneys Association, and get from them what they think needs to be done, and then work with the Secretary and see if you can't get some changes made in the law.

I will appoint that committee, Mr. Wille, with you chairing it, Mr. Farrelly on it and Mr. Gilbert on it, and ask that you work with the DA Association and I am sure that Mr. Rhodes will cooperate in that area. You can meet with the DAs in Baton Rouge and see what input they have and go from there with it.

Mr. Rhodes, in retrospect and talking to Burt and I was in Baton Rouge a couple of weeks ago and thought our budget was too low and requested more money. I don't think that impressed Burt too much, I probably didn't do it like he wanted me to do it but I can't help that. But I know that



inflation is eating us all up. I have a lot of equipment I maintain. I know that bearings and various parts and things are up over 100 percent this year what they were 18 months or two years ago. I know that the outboard motors are up, the boats are up, everything you buy is up. I know our budget was prepared on I think 61 cents a gallon for gasoline originally. I think that anybody in this room who thinks about it will realize that gasoline is probably going to be \$1 a gallon by fall.

These are things that have been eating us up every year. We go in with what we think is a realistic budget at the beginning of the year, based on last year's with inflation added and the inflation in the process just eats up the budget and we have very little left to operate on. The state surplus is pretty good this year and I felt like it was time for us to move in and revamp ourselves and get better equipment. I am tired of seeing our agents left out in the woods and in the marshes and the swamps all night long in 40-mile-an-hour equipment to watch those outlaws go by in 80-mile-an-hour equipment and thumb their nose at



them. That has been going on and that is one thing I would like to see us do in this next budget, Burt, get some faster equipment and better equipment. God, we have got those little old mosquito boats. They are seven years older than God and wore out. The last that I saw were dangerous, and I think if we are going to expect these agents to go out and do an outstanding job and risk their lives, which they do, we certainly ought to be prepared to give them the equipment to do it with.

We have got Vidal (phonetic spelling), he works the coastline, and he has got a 16-18 foot flat bottom bateau with a 100-horsepower engine on it, and no doubt it runs pretty good, except the bottom is breaking up. Unless you have been down the Atchafalaya River and that bay in a flat bottom boat, you don't know what a good shaking is. I go through that all the time in a 21-foot V-bottom all the time, a good V-bottom, and I get shook up pretty good in that, and I know what that flat bottom does. I just want to get some better equipment for these agents to operate with. I will be back with the Budget Committee. I am going back



up and talk to them again. I would like the opportunity to analyze the budget, although apparently the Commission has no budgetary control. As a concerned citizen if nothing else, I am going to go back up and look into it.

Mr. Fontenot.

MR. JESSE FONTENOT: Good morning, ladies and gentlemen. I am Jesse Fontenot from Morgan City.

I am up here today, Mr. Rhodes covered pretty much anything I got to bring up, I imagine. He left a few things behind I will bring up. I want you all to know Mr. Rhodes and I are not here to criticize you all. We are up here to help you all.

I could say that I represent probably 99 percent of the people. What I mean represent them, they back me up on what I am here to talk today. One percent of them probably won't because they kind of hate my guts in that part of the country because I associate with the Wildlife and Fisheries too much.

In Terrebonne and St. Mary Parish, more



in Terrebonne Parish, I know you all are going to think I got a bad estimate on this but I feel like we have lost 35 percent of our deer crop in this last season. I would say 28 percent of it has been since the season has been closed. It has been very, very terrible. We have worked, several of us, with the agents. I feel like some of the fault is ours because we should approach the agent before.

We give them a place to stay, we help them with boats, but for the same reason we have been talking about, about the boats that they do have. I wish that Mr. Angelle and Mr. Berry and all of you all would come up there one night when those guys are patrolling. Get in one of those boats and see what it is all about. The boat, most of them, ain't got a windshield, ain't got a top. We call them suicide boats. I don't feel like none of you all ought to ride those kinds of boats. You all are valuable people. Those poor agents are valuable people, too.

One of the things I have questioned some of the agents is they didn't have any boat, try to make an arrest on the bank when people come out,



watch those people. They tell me it's not legal. They were stopped from doing it. They cannot check a boat as it comes to the landing. Two Wildlife agents can go out there and probably check two or three boats while they are in the water. When they get to the bank, if they be on the bank, they could check 50 boats, and I would like to see that law is changed, if it is a law, if it is a Commission law, whatever it is.

I feel like an agent ought to be able to work wherever he feels he can do more good. He sure could do a lot more good a lot of times. I know there has been very much criticism by some of the bass clubs. That might be where it came about. They were having bass tournaments and the agent went and checked people as they came out, to see if they were over the limit of bass.

I am concerned about fish. I am very concerned about the other stuff. I would like to do everything we can to help you all. We need to take a step on it immediately. One of the things I think I would like to see you all look into is this trapping. I have talked to some of the agents.



They meet a man out there in the bayou at night. He has got a headlight, he has got a rifle, got a shotgun. He is running trap, he is running trap at midnight, and there is not a thing they can do to keep them unless they find them with game. What has been the problem up there, there has been an awful lot of game killed and left on the bank until the following morning.

We have got some agents, I have been spending the night, many nights, trying to catch those people, and those people are professionals. You are going to find five or six boats scattered out pretty far apart. They have got CBs just like the Wildlife and Fisheries got radios. The only thing, they are a little sharper than the agents, and those people have been awfully hard to catch.

Again I want to ask you all, beg you all, to get better equipment and let's get on the ball and do something with these type of people, whatever it takes. If you all can't get any money, you all don't deserve to be sitting at the back table there.

Thank you.



THE CHAIRMAN: Thank you, Jesse. Jesse, with regard to those people coming into the dock and the boat being checked at the dock, that is well and good, but I think you will find that most of those outlaws go up and down the river somewhere and unload their stuff by somebody's yard where they can haul it out, and then they come and take their boat out. I have gone down and checked those boats at night myself, a number of them coming in that I knew had been out outlawing and it didn't do any good. I could see the blood, I knew they had unloaded somewhere else. They might have gone back the next day and picked it up somewhere down the river, but a smart outlaw is not going to bring them into that landing where the people come in those boats.

MR. FONTENOT: We have got to get some smart game wardens, too. We have got to catch them.

THE CHAIRMAN: We have got to get some equipment and catch them. We have got some pretty smart game wardens but it is kind of like that Seven Day War that Moshe Dayan led a few years ago.



Those Arabs were pretty smart on those camels but they couldn't outrun those Jews in those Cadillacs. We have got the same problem with these outlaws in fast boats and our agents in slow boats.

Tee John, did you want to make a comment a while ago? Step back up to the mike.

MR. MIALJEVICH: I didn't want to mention it a while ago, you know, I didn't want to confuse the issue with my three-day special season up in my area, but we had a lot of talk at our Delcambre Shrimp Association meeting in Golden Meadow about Monday night two weeks ago at the Louisiana Shrimp Association, the Gulf shrimpers, not necessarily the big deep-sea steel hulls.

We were wondering about this inch and a half webbing law that is on the law books with the Wildlife and Fisheries and it is not being enforced. Here you all are. You want to manage the resource. You want to open the three-day season to harvest the crop. You don't want to open it in other zones because you are going to hurt the Brazilians, but yet we are hurting the resource by not enforcing this inch and a half webbing law that is on the



books.

I don't want to open a can of worms or make hard feelings, but I was just wondering what could be done. Most of it, I don't know if it is political or biasness or the agents just don't want to enforce it in certain areas or the agents have instructions not to enforce it, or where it comes from -- I don't want to put the blame on anybody -- but either we are going to have to go to Baton Rouge and get the law taken off the books and have no restriction on webbing or enforce the webbing size law that has been on the books, I believe it must be five, ten years. I don't know the exact date.

THE CHAIRMAN: If it is the law, it is the intention of the Commission to see that the law is enforced.

MR. MIALJEVICH: Well, it is not enforced one iota. Maybe Mr. Angelle would have reports. I don't they have got anybody for undersized webbing in Louisiana state waters in the whole seven years he has been in office. Am I right?

SECRETARY ANGELLE: I think we made a



case sometime ago and we caught the wrong man, Mr. Keefe.

MR. MIALJEVICH: Oh, Lord!

SECRETARY ANGELLE: But there have been some cases made. I don't know if there has been any prosecution. He went and voluntarily paid his fine.

This is an area that I have looked into, gentlemen. I have discussed it with the members of the legislature. I have advanced the idea of exactly what Tee John is talking about. Help me enforce it or let's repeal it. I don't know that it makes a hell of a lot of difference if you catch shrimp in the three-quarter bar or in a five-eighths bar, because you are not talking, you know, about much.

I have even went so far as to recommend, recommend to the legislature that the people especially in the Terrebonne-Lafourche-St. Mary area where this is much more prevalent, that they allow a five-eighths bar mesh in the brown shrimp season where there is no count, and a three-quarter bar for the white shrimp season to allow the smaller



shrimp to go through and grow until December. That has fallen on deaf ears.

We are aware of the problem. We have attempted to try and correct it. You are absolutely correct, the problem is a political one when you try to enforce something when 90 percent of the shrimpers presently have a five-eighths bar, and then that would become illegal netting overnight, and I think you would have a revolution in Terrebonne and Lafourche, and I don't think Mr. Norval Rhodes would like to see that.

However, I tried last legislative session and brought it to their attention. It fell on deaf ears. So, if somebody has got a solution to that problem, I am looking for it, whoever he may be.

THE CHAIRMAN. The solution to that thing, Mr. Angelle, is to enforce the law as it is written until the legislature changes it. We are mandated to enforce the laws, uphold the laws of this state, and we should do it.

Chief, I didn't see you behind that post a minute ago. Would you like to make some comments



on our equipment? Do you have anything to say this morning? I am sorry I overlooked you. I was sitting back and couldn't see you.

CHIEF: No, no comment.

MR. WILLE: Mr. Chairman, I would like to make one change on that committee. I can't serve as chairman. I would like Mr. Gilbert to replace me as chairman on the committee, if it is all right with you.

THE CHAIRMAN: Mr. Gilbert shall be chairman of the committee, then.

MR. WILLE: O. K. And I also talked to Mr. Rhodes and they are going to have a District Attorneys meeting coming up here in Baton Rouge the end of this month and I think that this committee should meet with them. I think we need authorization to do that.

THE CHAIRMAN: So authorized.

MR. WILLE: O. K., thank you.

THE CHAIRMAN: Mr. Luttrell, I believe you wanted to make--

MR. LUTTRELL: Mr. Chairman, yes, I --

SECRETARY ANGELLE: Mr. Chairman, let me



ask Tee John a question. Tee John, what would be the position of your people? Would you be in favor of two different nettings for the two different types of shrimp?

MR. MIALJEVICH: Right, I very definitely would back it. I see sense in that, you know. Being there is no count on those Brazilian shrimp, why have a webbing size? When we do have a count on the shrimp, we would then enforce the inch and a half webbing law.

SECRETARY ANGELLE: A reasonable and practicable approach to resolving your problem.

MR. MIALJEVICH: Right, right.

SECRETARY ANGELLE: Would you get behind your legislator and try and get him to introduce the bill? We can't introduce bills.

MR. MIALJEVICH: I know. On April 5 we have the executive board of directors meeting of the Louisiana Fisheries Federation in Baton Rouge and if maybe you would like to attend, it is on a Thursday night and you could come and tell the board of directors the problems. I believe you know who the Louisiana Fisheries Federation is. I



am the secretary of the group and we are looking on that night into what we are going to introduce into the legislative period this year. If you come, I am the one that is backing this all the way because I am the shrimper in the organization, if you want to put it that way. I would like to back that personally and the Delcambre Shrimp Association would be behind it 100 percent.

SECRETARY ANGELLE: Thank you.

MR. LAPEYRE: Tee John, in answering that question, did you consider the fact, or at least what I assume to be a fact, that this would require a double set of nets for the average fisherman? Can you say with assurance at this point that that would not be a problem for the average fisherman?

MR. MIALJEVICH: Well, it might be a problem to some -- what would you call them, cheap fishermen -- because myself I have a triple value, I have three sets of nets. I have one set of nets that I use for when the fish come, which is two-inch webbing. Then I have one set of nets, well, not one set, I have several nets of each size which is inch and a half for the small white shrimp, and



I have one set of illegal nets for when I leave the Delcambre area and I go by Terrebonne and where I fish down by Dulac --

(Laughter)

-- I put the illegal nets on because I know they are not going to enforce the law, and why should I fish with the inch and a half when the other guy is going to pick up twice as much shrimp as me with the illegal sized webbing. So, yes, they are going to holler, but I mean I don't believe it would be any big financial burden on them because no one shrimper has one net and fishes the rest of his life with it.

This might be a big help because they might say, "Well, gee, why that little undersized net if I only can use it in the Brazilian season? Let's all switch to inch and a half." That will be more small shrimp getting through the webbing and maybe our shrimp population will increase. It might be for the betterment all the way around.

MR. LAPEYRE: What is your idea as to the difference between that illegal net that you talked about and the inch and a half, in terms of



the size of shrimp it is going to let go by?

MR. MIALJEVICH: It is a big difference in the catch. You know, I mean I don't have my boat operational today but I will have it operational, but I am sure that the agents could go out in the field on a double-rigger and put inch and a half net on one side and inch and three-eighths on the other side and you would see what I mean.

Where I might catch a barrel of shrimp on one side with one 40-foot net that would give me a barrel drag, but I will be trawling on the beach, not double-barreling inshore illegally like some people do, but I will trawl in the shallow waters around Oyster Bayou, if you know where that is, right up by Grand Caillou and I will like bust my inch and a half net. Well, I have to put both illegal webbings on. No, I am sorry, reverse it. I will have both illegal nets on which I am using there and then I will go ahead and bust one and put the inch and a half back on, and you can see the difference in the catch. A two-barrel drag, there might be two baskets. That would be a half a barrel difference from a two barrel drag. When



I was catching two barrels, I will only be catching a barrel and a half, which would be three baskets to barrel, six baskets to four baskets. Maybe sometime a little bit more. It depends a lot on the fish. If there is plenty of fish, the inch and a half will catch as much as the inch and three-eighths but when it is clean shrimp like Brazilian usually are, there is quite a difference.

MR. LAPEYRE: What about the size?

MR. MIALJEVICH: Of the shrimp?

MR. LAPEYRE: Yes.

MR. MIALJEVICH: Oh, you get a better count shrimp with the inch and a half, yes, sir. You can see it. You don't have to count it on a scale. You can see it. I mean I can see it, let me put it that way, because I see a lot of people come to Delcambre and I feed them for the blessing of the fleet some 36-40s with heads on and they say, "How can you afford to give us these free jumbos?" and they think it is jumbos. So, I have to take it back. I can see the difference, I don't know if someone else can.

THE CHAIRMAN: The District Attorney



would like to know the name of your boat you are outlawing in his parish with!

(Laughter)

MR. MIALJEVICH: I am changing the name tomorrow!

(Laughter)

MR. RIGGS: Mr. Chairman.

THE CHAIRMAN: Yes, sir.

MR. RIGGS: Mr. Chairman, I would like to make a few remarks if I may, if that would be in order.

THE CHAIRMAN: Go right ahead, sir.

MR. RIGGS: I appreciate Mr. Rhodes' remarks very much and I would like to say I have been a member of the Wildlife and Fisheries Commission since December, 1977. On numerous occasions I have been told that the new constitution transferred all the rights and privileges of the Commission as they were before and kept them intact and on the other hand I have been told that the new constitution virtually stripped the Commission of any authority that they may have.

I don't have the answer to that. I just



really don't know what the answer is, but as a member of this Commission I have taken a lot of flak over things that I had no control over or no prior knowledge of, and I don't want to step on any toes, I don't want to usurp anybody's authority.

On numerous occasions I have recommended that the department heads submit a proposed budget which the Commission would have the privilege of going over and making recommendations as to their needs. I understand, as Mr. Rhodes stated, that some departments have unlimited funds where others are virtually broke. Certainly it is unrealistic to think that a seven percent increase in budget will keep up with inflation because we went broke last year, as I understand, and the year before and the year before that. With the increase in the price of gas and what-have-you, seven percent is very unrealistic.

I understand that the Enforcement Division spends 78 percent of their total budget for salaries alone and has 22 percent left for all other uses. Certainly this is unreal and I know that they are in dire need of equipment.



Since I became a member of this Commission, I have never seen a budget. If my life depended on it, I would not know what the budget is or what the proposed budget was. I have suggested on numerous occasions that we are all on one team. This Commission is certainly interested in the welfare of the wildlife of this state and I feel like the Commission members should have a certain amount of political pull or they wouldn't be sitting on the Commission in the first place.

I have suggested that all of the department heads, all the members of the Commission meet jointly, discuss legislation that was necessary to present to the legislature, go over the budget and push the budget committee to give us adequate funds to fund the Wildlife and Fisheries Commission. I haven't been effective so far. I don't intend to quit trying, but I still think it is essential that all the department heads, together with this Commission, go before the Wildlife and Natural Resources Committee for the various legislation that needs introducing in the legislature and to work toward a realistic budget to fund this



organization.

I will say again, I don't intend to step on any toes, but I have taken an awful lot of flak over things that I have no control of, no prior knowledge of, and any time that all the members of this Commission and the various department heads want to push for any worthwhile legislation or anything in the way of funds, I think united we would present a better front and be more effective.

Thank you, gentlemen.

THE CHAIRMAN: Thank you, Mr. Riggs. I will say this, as you are well aware, I don't think anybody on this Commission at this particular time is exactly sure where we stand. I did make a commitment to all of you that I would find out if we are not transferring all the rights and benefits we had prior to this new convention, then I make a public announcement that it is my intention and this Commission's intention to seek out various interested groups and parties and we will have a constitutional amendment that will restore the power of the Commission if it has been usurped in this new constitution and the reorganization, which



I am told was not the intent at the time it was done.

Mr. Luttrell, I believe you have been trying to talk down there.

MR. LUTTRELL: Yes, sir. This May 1 through 5 the International DU meeting is to be held in Hilton Head Island, South Carolina. Now my motion today is that the Commission grant permission for any member of the Commission who so desires to attend this meeting.

I will say this. My good friend back here, Jesse Fontenot, has the interest of Louisiana at heart and each time that he has been permitted any unpaid balance that we might owe DU to DU, he has let the entire nation know where Louisiana stands and how we work, and if there is any money left that is still due them, I would like to suggest that Jesse be given that check to carry along with because I believe he will be there, won't you, Jesse?

MR. FONTENOT: I will try.

THE CHAIRMAN: The Chair sanctions that.

MR. LUTTRELL: All right, my motion is



that, for it to be legal the Commission I think still has to give permission for a person to attend these meeting, and my motion is that any of the members be permitted to atend, Mr. Berry.

THE CHAIRMAN: May I have a second to that motion?

MR. WILLE: I will second it, Mr. Chairman.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

THE CHAIRMAN: I believe we have a gentleman this morning from the U. S. Fish & Wildlife Service, Mr. Angelle. I have forgotten his name.

SECRETARY ANGELLE: Mr. Chairman and Member of the Commission, we have visiting with us this morning a gentleman from the National Park Service who has been assigned duties in establishment of the Jean Lafitte National Historic Park in the general metropolitan New Orleans area.

He comes with a long list of credentials,



twenty years of service with the refuge system. I have visited with him on a couple of occasions. I am very impressed with the gentleman. He is looking also for space in our building for rent. We are working a draft lease agreement that I will be presenting at the next Commission meeting.

Mr. Isenogle, would you stand up and be recognized, and if you have got a word to say -- I kept you for last, I wanted you to get a little taste of what goes on in some of these Commission meetings. Welcome to Louisiana.

THE CHAIRMAN: We are glad to have you with us. Mr. Angelle, I might say while he is going to the podium, if he needs office space, if you can furnish it for him on a temporary basis till we get a chance to work something, let him move in whenever he likes.

MR. JAMES ISENOGLE: I appreciate that and I am very pleased to be here this morning and meet you gentlemen. I won't take more than just a couple of minutes.

We will be in the process of establishing the Jean Lafitte National Historical Park. It



involves immediately the acquisition of some 8,600 acres that are in the Barataria area adjacent to Crown Point. The legislation also requires the establishment of the administrative headquarters and a visitor contact station in the French Quarter, and it is not easy to find an appropriate space in the French Quarter. I have approached Mr. Angelle on the basis of temporary space in this building for a small administrative office until we can find a more suitable location here in the French Quarter.

Legislation establishing the National Park also requires a survey of other areas, natural, historical and archeological, within the river delta region, which should also be included within the purview or under the administrative umbrella of the Jean Lafitte Park. That survey is due to be completed within the year. Time started to count on October 24 of last year when the legislation was enacted.

We will be involving a large segment of the public in that study as it progresses. In terms of acquisition in the Barataria area, we have begun preliminary work, such as title search,



which is an interesting process here in Louisiana, and some preliminary work on appraisals. We don't expect to have funds to actually begin acquisition until this October. So, as time progresses and we move ahead, you will be hearing more from us.

Gentlemen, again I would like to say that I am very pleased to meet you gentlemen this morning.

THE CHAIRMAN: Thank you, sir. Let me ask you a question that comes to my mind. With the U. S. Interior Department already owning over 23 percent of the land in the United States today, how much more land do you guys intend to bottle up under Big Brother's arm and take out of the free enterprise system?

MR. ISENOGLE: I don't have that figure. As a matter of fact, I don't think anybody has that figure.

THE CHAIRMAN: I am afraid we won't stop until Big Brother owns it all if we don't stop you somewhere.

MR. ISENOGLE: That is quite possible. My response to that is, however, that I am sure you are aware that Big Brother, whoever that may



be, bureaucracy I suppose you are referring to --

THE CHAIRMAN: Yes, sir.

MR. ISENOGLE: -- we don't establish any areas. It is the Congress of the United States that establishes these areas and the Congress of the United States, as I am sure you know --

THE CHAIRMAN: Congress may have to do it, but it is Big Brother again.

MR. ISENOGLE: Well, give me your definition of Big Brother and, you know, I will --

THE CHAIRMAN: How about the federal bureaucracy, period. That is Big Brother to me.

MR. ISENOGLE: O. K.

THE CHAIRMAN: And I, for one American, have got all of Big Brother injected in my life that I can stand and afford. I am tired of working and being forced to share what I have left over with those who don't work or work for Big Brother. I go to Russia, I have been behind the Iron Curtain a number of times, and I have seen how Big Brother, the government, operates where they control everything. I have no objection to us having some nice Park Service and this kind of thing and I think it



has done a good job up to a point, but I don't know where it stops, and I think when you have over 23 percent of the land prior to this last grab up in Alaska, which I was violently opposed to because we need to develop our natural resources that we need to keep this country from going down the tube in the balance of payments.

You guys are all Americans, you all believe like we believe, but you all go in your own little areas, and we who look at the overall picture think that you are taking this nation to the brink of destruction, so we have got to stop it somewhere.

I am not being critical of your project here but I just simply wonder. I see where we are talking about 125,000 acres over here next to the Moisant Airport and Dave Treen, who is one of our beloved Congressmen in this state, thinks that is a great thing. I see where Mr. Huckaby up there who took poor old Otto Passman's place, he and some guy from Arkansas introduced a bill that if you let the U. S. Fish & Wildlife Service have your land, you don't have to pay any long-term capital



gains tax on it. How in the hell can you and I compete with anybody buying land like that? We can't do it.

I can simply say this, gentlemen, and you had better listen to me well when I tell you this. I can see somebody going in the direction, whether it is intentional or unintentional I am not sure, but I can see down the road 25 years from now where Big Brother will own over half the land in this country and if it is left up to him to wheel and deal a little bit longer, he will own it all.

I kind of believe in God and I believe in America and I believe in the free enterprise system and I damn sure believe in the right of private ownership of land. And once you guys get your grips on it, you don't want anybody walking across it, you don't want anybody to use it. It is very personal to me because for years we have tried to build a Highway 90 east out of Morgan City and you all can only be concerned with environment and the natural resources of the land. You cannot be concerned with the human element.



I think that the coon and the alligator are important, as I have said many times, but I am a hell of a lot more interested in the coonasses than I am the coons. And I think when it comes to protecting man's life or animal's life, the man has got to have a place somewhere, and you guys are simply going overboard with your protection. I believe that.

As I told some of your people of the Interior Department the other night in Morgan City, in the last five years east of Morgan City we have had 65 fatal accidents and 75 fatalities. We have had 3,574 injuries. We have had over 5,000 property damage accidents. And I don't think you can save enough coons and alligators out there to erase that heartache and that damage and that suffering you have caused and that strip of land helped cause out there.

I have no reason to believe if you take the Atchafalaya Basin over like they are trying to do now or take any other portion of this country over that you are going to be responsive to the people. You are responsive to the animals and that



is fine.

But again I reiterate, if we in America know what is going on and don't stand up and tell you and your kind and your group that we think you should have the right to preserve some of this stuff but, my God, you can't take the whole damned thing and forget us. Again, I think we ought to preserve the alligators and the coons, but you know we don't have any dinosaurs left and I don't really miss them too damned much, but I miss some of my friends who were killed on that bloody U. S. 90 east of Morgan City because some bureaucratic idiot, and I reiterate some bureaucratic idiot, stood up and said, "We can't be concerned with life, limb and property," and made that statement which appeared in our paper on the front page, "we can only be concerned with the environment," and that is pretty damned narrow-minded on my part, I guess, to say it, but I think it is more narrow-minded on the man's part who looked at it from that angle.

We who are paying the bills are tired of paying people to make those kinds of statements and that kind of judgment.



I am sorry I got off on a tangent. I am not addressing this to you. I merely making a statement and you happened to be at the podium at the wrong time.

Thank you, sir.

MR. ISENOGLE: Well, I am glad I created a stage for your statement. It was a very interesting statement and I appreciate it very much.

THE CHAIRMAN: As an American, you should be interested in it.

MR. ISENOGLE: I am, very much, yes. Thanks.

MR. FONTENOT: I would like to ask you a question. How many people who work for the government ever give some of your property to the federal government? Do you all make a habit of trying to give away from the federal government or do you all make a habit of giving what the other people own to the federal government?

MR. ISENOGLE: I don't know what that question is getting at. I don't recall ever having given anything to the federal government other than time.



SECRETARY ANGELLE: And taxes.

MR. ISENOGLE: And taxes, right.

SECRETARY ANGELLE: In other words, in getting this in proper perspective, I think this was a bill introduced in the Congress by Congressman Treen that made this happen that there is a historical park honoring Jean Lafitte and you are here just to develop it. Is that correct?

MR. ISENOGLE: That is right. The legislation that ultimately passed the United States Congress was legislation introduced by Representative Hale Boggs before his death and then followed up on by his widow --

THE CHAIRMAN: Two more good liberals.

MR. ISENOGLE: -- as a Representative in the Federal Congress and then, of course, Senator Bennett Johnston was very active in successfully pursuing the legislation.

THE CHAIRMAN: We are doing a great thing. We are setting a great example for our kids, too. I guess we ought to build a park for John Dillinger, too, because he was a pretty famous man. Jesse James should have a park. Jean Lafitte was a



pirate, wasn't he?

MR. ISENOGLE: Yes, a --

THE CHAIRMAN: We should really honor those kind of people of America. I think that is great, I think that is real good thinking.

MR. ISENOGLE: Jean Lafitte was indeed a very colorful fellow and not only a successful pirate but a very prominent businessman in the City of New Orleans. At one period in time his game was about the only one in town and from that grew his success.

THE CHAIRMAN: Well, Hitler had a thing going like that in Germany for a while, too. His game was about the only thing in town, too, but that didn't mean it was right.

Gentlemen, let's set the date for the next meeting as April 30 at 10:00 a.m. and May 1, 10:00 a.m. at the Hilton Inn.

Again, let me say this, there was no personal affront meant at you, sir. When you start talking about grabbing more land for the federal government, it just sure reaches me.

We stand adjourned.



. . . . Whereupon, at 11:35
o'clock a.m. on Tuesday,
March 27, 1979, the regular
monthly meeting of the
Louisiana Wildlife and
Fisheries Commission was
adjourned . . . |.

Kathryn G. Chamberlin,
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (78 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 26th day of
April, 1979.


Kathryn G. Chamberlin,
Reporter.

