

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

Tuesday, May 1, 1979

10:00 o'clock a.m.

DOYLE G. BERRY,
Chairman

Hilton Inn
Cypress Room
Kenner, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, inc.
Stenotypists

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, May 1, 1979, at the Cypress Room, Hilton Inn, Kenner, Louisiana, Doyle G. Berry, Chairman, presiding. . . .

PRESENT WERE:

- DOYLE G. BERRY, Chairman
- J. C. FARRELLY, Member
- JEAN LAPEYRE, Member
- CHARLES RIGGS, Member
- J. BURTON ANGELLE, Secretary

A G E N D A

DR. LYLE ST. AMANT

- 1. Presentation and recommendations for the spring shrimp season. (8)
- 2. Request for renewal of permit by LOUISIANA LAND AND WATER, INC., to remove fill material from the Mississippi River at the following locations: (1) On the right side of the navigation (34)



channel at Fidler Bend from Mile 477.0 to Mile 477.8 AHP, East Carroll Parish, Map #30; (2) On the right side of the navigation channel from Mile 462.0 to Mile 463.5 AHP, East Carroll Parish, Maps #31 and 32; (3) On the right side of the navigation channel from Mile 344.5 to Mile 347.6, Concordia Parish, Map #39.

3. Request for renewal of permit from BOAT, (36)
RIVER AND CANAL to remove fill material from the Mississippi River at the following locations: (1) On the right side of the navigation channel at Wilson Point from Mile 495.5 to 499.3 AHP, East Carroll Parish, Map #29; (2) On the left side of the navigation channel from Mile 469.0 to Mile 471.3 AHP, East Carroll Parish, Map #31; (3) On the left side of the navigation channel at Togo Island from Mile 413.8 to Mile 415.7 AHP, Tensas Parish, Map #34; (4) On the right side of the



navigation channel from Mile 392.2 to Mile 394.0 AHP, Tensas Parish, Map #36; and (5) On the right side of the navigation channel from Mile 384.0 to Mile 380.0 AHP, Tensas Parish, Concordia Parish, Map #37.

4. Request for renewal of permit from PRODUCTION (38) AGGREGATE, INC. to remove fill material from the Mississippi River at the following locations: (1) On the left side of the navigation channel along the west side of the sand bar opposite of the Louisiana Bar Light from Mile 490.5 to Mile 493.0 AHP, East Carroll Parish, Map #30; (2) On the left side of the navigation channel along the west side of Tennessee Bar from Mile 464.5 to Mile 467.5 AHP, East Carroll Parish, Map #31; (3) On the right side of the navigation channel at Centennial Point from Mile 438.5 to Mile 441.5 AHP, Madison Parish, Map #33; (4) On the right side of the navigation channel from



Mile 427.5 to Mile 429.5 AHP, Madison Parish, Map #34; and (5) on the right side of the navigation channel and along the north and east side of Middle Ground Island from Mile 408.0 to Mile 411.3 AHP, Tensas Parish, Map #35.

5. Request for renewal of permit from BAL CON- (40)
STRUCTION COMPANY, INC. to remove fill material from the Mississippi River, right descending bank, central to a point about Mile 70.5 AHP and about 4.5 miles south from Belle Chasse, Plaquemines Parish.
6. Request for renewal of permit from L. MURPHY (42)
TRUCKING SERVICE, INC. to remove fill material from the Mississippi River at approximately Mile 87.9 AHP to Mile 88.5 AHP.
7. Request for renewal of permit from BECK-STEIN (43)
SERVICES, INC. to remove fill material from the Mississippi River at Mile 157.6 AHP, St. James Parish.
8. Request for renewal of permit from INDUSTRIAL (44)



FILL MATERIALS, INC. to remove fill material from the Mississippi River in the vicinity of Point Clair, at a point between Levee Stations 1660 and 1700, or being in the vicinity of River Mile 196 AHP to Mile 197 AHP near Carville, Iberville Parish.

9. Request for a permit from LOUISIANA PAVING CO., INC. to remove approximately 243,000 cubic yards of fill material by hydraulic dredge from the Mississippi River, approximate location Mile 165 AHP left descending bank, near Convent, St. James Parish. (46)
10. Request for renewal of permit from T. L. JAMES & COMPANY, INC. to remove fill material from the Mississippi River at Hahnville, St. Charles Parish. (47)

MR. ALLEN ENSMINGER

11. Consider modification of Texas Gulf, Inc. lease agreement in Lafourche Parish. (50)

MR. JOE HERRING

12. Roadway agreement on the Red River Wildlife (57)



Management Area in the Tensas Basin
Mitigating Lands, Concordia Parish.

OTHER BUSINESS

Note: The following items not on the printed
agenda were also discussed:

Audit of fill material dredged.

(49

Recognition of visitor.

(74

ADJOURNMENT

(74



CHAIRMAN DOYLE G. BERRY: Good morning, ladies and gentlemen. We are glad to have you with us this morning. In order to keep a bunch of you from having to stay here longer than you want to stay, we are going to take to setting the shrimp season first and we will get to the other business later. You are welcome to stay for all of it, but it will give you an opportunity if you want to get back to work to go on back to work.

At this time I would like to know if anyone would like to make any comments on the shrimp season. We would like to take some input this morning if anybody has got any input on it.

MR. TEE JOHN MIALJEVICH: I guess I will go first this morning.

THE CHAIRMAN: You were first and last yesterday.

MR. MIALJEVICH: I was the one and the only? Well, I don't know if this is permissible but last night I talked to three different segments and I will identify the people. First, I spoke to a Mr. Isadore Dardar from Golden Meadow. He would like the chance to catch some of the shrimp before



they migrate into the Gulf so he would like the opening on the 14th.

Second, I talked to members of the Delcambre Shrimp Association. The 21st is their choice. Being that a poor season is predicted, they would rather catch a few shrimp at a larger size. This is also the feeling of the boats at Lafitte, Bayou Lafourche and at Houma, the feelings of the medium and larger boats. In other words, the Gulf boats.

The next person I talked to was Mr. Joe Carinas of the Patterson Shrimp Company and he wants me to express his desire for the opening on the 21st because of the fresh water situation.

All these people I talked with, as a side note, all agree on what we are going to talk about later about changing the opening time from midnight to noon if it is possible.

THE CHAIRMAN: Let me interrupt you. Carinas was the 21st. What were the other recommendations prior to that? I am sorry, I missed that.

MR. MIALJEVICH: The other recommendations



were the Delcambre Shrimp Association for the 21st but mostly, us in Delcambre, we are looking at the white shrimp. We don't usually fish those brownies in Vermilion Bay. Really, they don't have anything in the Bay, anyway. They just want the 21st to have a bigger shrimp. But Isadore Dardar was the 14th, the Bay boats.

O. K., now I think I lost a piece of paper. Oh, well, here it goes. This is my personal feeling. Fact One, due to the heavy tides of a full moon, the heavy tides of a full moon usually trigger the migration of shrimp from the bays into the Gulf and due to the fact that there is a few white shrimp in the bays, their harvest along with the brown shrimp might make my season more profitable and the Bay boats, also.

The third point is the full moon is Friday, May 11. The very strong outgoing tides start on Thursday and Friday. Now the extra strong, the strongest the tides move, start going out Saturday, Sunday, Monday and Tuesday. Now this is all the outgoing tide, draining the bays, with one very strong tide on Wednesday. So, you are going



to see this full moon on the 11th make a major tide change. After that the tides will return to more normal conditions.

I believe that the migration of the shrimp will begin before the opening if it would be Monday, the 14th, and enough shrimp will migrate into the Gulf to satisfy the Gulf boats that some are escaping and there still will be enough shrimp left in the Bay to satisfy the bulk of the Bay boats that they can make a living.

So, I personally am for the 14th on the basis of I am afraid the shrimp might migrate out of the Bay area too soon if we take the 21st, and that is it.

THE CHAIRMAN: You recommend the 14th then?

MR. MIALJEVICH: Right.

SECRETARY ANGELLE: Personally, and the people he represents are what?

MR. MIALJEVICH: Are split.

MR. LAPEYRE: Tee John, if you have a position in terms of Zones 1 and 3, would you express your opinion?



MR. MIALJEVICH: Oh, yes, we discussed that also. We would rather leave it up to the individuals that live in those zones. I talked to some of those. Zones 1 and 3 would like to be opened one week later, instead of at the same time.

MR. LAPEYRE: Regardless of whether it is the 14th or the 21st, in Zone 2?

MR. MIALJEVICH: Now, there you have me because we were talking about the 14th for the opening and then for the 21st, so I believe it would work that way. I really don't see where it would make much difference either way, because as I said, there is no shrimp there.

MR. LAPEYRE: O. K.

THE CHAIRMAN: Thank you, sir. Anyone else wish to be heard? Yes, would you come up and state your name and who you represent, please? Where were you yesterday?

MR. WILLIAM GRIFFITH: I was here but I was waiting until today, though.

THE CHAIRMAN: Yes, sir. Would you state your name, please, sir?

MR. GRIFFITH: My name is Bill Griffith.



I represent the East Bank Commercial Fishermen's Association in Zone 1 and our organization thought that due to the Spillway being open and the fresh water in our area that it would be better for our area if the season opened June 4 or maybe May 28 so that we may have a chance then a little bit later. With all the fresh water we have got we are not going to have anything there now.

And there was a mention from our membership about opening the season at 12 noon instead of midnight, and we go along with this information that we have heard.

THE CHAIRMAN: Thank you very much, sir.

Anyone else? Speak now or forever hold your peace. I think I have seen this guy before.

MR. DUDENHEFER: I think I have been around a few times. Milton Dudenhefer. I am a Board member of the Louisiana Fisheries Federation.

At one of our Board meetings we discussed the problems we have with the opening of the season, the time of the opening of the season and at that Board meeting we decided to ask the Commission to consider opening all of our shrimp season at 12



noon to help us out with some of our fishing problems. This would help the boats get out there and get situated, instead of that night trawling and all, in which we ran into some problems last year with that experimental season. There were too many boats dragging at night and nobody could see where they were going or what was going on, and it created a lot of problems. So, we feel that it will solve a lot of problems if we start the season off at 12 noon. It would help the enforcement agents and everybody involved and would probably take some of the bugs out of the situation.

That was pretty much the only thing. The Federation is not going to take a stand on the opening of the seasons in the different zones other than they felt strongly that they agree with Dr. St. Amant that they would not step in and set a date for the different zones because they feel that local organizations know their areas more so and they should make that decision. So, the Federation is not going to take a stand on the opening of the season this year.

Thank you.



THE CHAIRMAN: Thank you. It is always good to hear from you.

Does anyone else wish to be heard? Yes, sir, would you come forward and state your name?

Mr. Angelle has brought something to my attention that I think makes a lot of sense. In reference to Zone 1 and Zone 3, it is kind of hard for us to make a prediction or projection at this time 30 days ahead of time what is going to happen, what the water conditions are going to be in Zone 1 and Zone 3, what the shrimp are going to be. The Commission is going to have public hearings for the setting of the bag limits on the 22nd, 23rd and 24th of May. We will be in Baton Rouge on the 22nd, Alexandria on the 23rd and back in New Orleans on the 24th.

SECRETARY ANGELLE: Bossier City.

THE CHAIRMAN: Oh, Bossier City, I am sorry, you are right.

I for one would like to defer setting the seasons in Zone 1 and Zone 3 until, say, the 24th of May and by that time Dr. St. Amant and his people will have had time to gather more informa-



tion and I think we can make a better decision at that time as to what we want to do. We might want to open on the 24th. We might have enough shrimp then to do it and if they are ready, we sure want to harvest them.

Mr. Angelle had that recommendation and I think it is a very valid one and I think the Chair will do that.

Yes, sir, would you state your name?

MR. BUSH: Tommy Bush, Louisiana Shrimp Association. The Louisiana Shrimp Association would like to go on record as supporting the May 14 opening for Zone 2 and we would go along with the Commission's decision on 1 and 3.

THE CHAIRMAN: Thank you very much.

Does anyone else wish to be heard? If you have got any thoughts, we need to have them. We are here to set your shrimp season, not ours. I don't shrimp. We want to do what is best for the most people and try to make everybody happy and make sure everybody gets the greatest harvest they can get, and if you have got any input, we need it. That is why we have this meeting.



MR. LAPEYRE: Mr. Chairman, I would like to make just one comment in connection with the suggestion that you just made, which I think is a very good suggestion. The comment is, however, that I think the fishermen who are going to be waiting to fish in those two areas should be prepared to go fishing on relatively short notice, I would think, in the event that the data indicates that the shrimp are there, which sometimes happens. I think the fishermen should be made aware of the fact that perhaps a decision to open those areas might come rather quickly.

SECRETARY ANGELLE: We have to give seven days' notice.

MR. LAPEYRE: Is it mandatory, seven?

SECRETARY ANGELLE: Yes.

THE CHAIRMAN: Dr. St. Amant, I wish you would continue to monitor Zone 1 and Zone 3 and if in fact in your judgment you think they are ready to open prior to that time, if you will get in touch with me, I will call a special meeting and we will do it then. Whenever you think it is optimum, let me know and I will be happy to call a



meeting and go forward.

DR. ST. AMANT: As soon as we have that data, we will make it known to everybody. I am sure the industry will make it known to us, too.

THE CHAIRMAN: Does anybody have any questions of Dr. St. Amant this morning before I ask the Commission to make a recommendation or a motion?

The Chair will accept a motion now on the shrimp season for Zone 2.

MR. FARRELLY: Could I ask Doc a question? Some people I have been speaking to and who have been speaking to me are concerned about the white season. I think Burt mentioned something about there is a strong possibility that because of fresh water we could have a good white season. A lot of people here are concerned about the white season and they are concerned that I believe the law states that when you open it up, you have to have a minimum of 50 days, provided that you don't have technical information that would tell you that you could close it sooner than that because you are going to injure your white shrimp, as I understand



from reading the law.

What I would like to know is if we could be monitoring the white shrimp situation so that if, say, July 1 would come along and the conditions are such that continued shrimping for brown shrimp would be detrimental to the white shrimp, we could possibly maybe close the season in certain areas for the first of July, or whatever your figures would tell us.

DR. ST. AMANT: Yes, we attempt to do that every year. It is not always easy to do it in each zone. Sometimes the white appear a little earlier in one and you still have a heavy brown crop and some kind of decision had to be made as to whether you want to continue to catch something that you have in the hand and gamble on something that is coming up.

By and large, the law is designed and we have the authority to close the season after the 50 days. We can even close it before 50 days if we have adequate technical information, but normally we will guarantee the 50-day season and we like to guarantee as many days as we can where the



crop is fishable.

Now I don't know that we have any evidence that the water may increase the white season. It is generally conceded that white shrimp like fresher water than the brown, and we certainly would hope that this flooding will have some benefit, and if it does, maybe it will give us a good white season.

The white shrimp that are out there now, however, come from last year's crop, and the larval shrimp for the white season have not yet begun to appear. If they are, they are very low numbers. They will probably come in in May and June and that will make up your August crop. There will be continuing recruitment of white shrimp throughout the summer, which is going to make up the major white shrimp crop that starts generally in September and October.

We are in a position to monitor. We are in a position to give you any information, and with the concurrence of the industry and with the Commission, there is no reason why we can't manage this to the maximum efficiency. I don't have any



problem with that.

MR. FARRELLY: Thank you, Doc.

THE CHAIRMAN: Does anybody have any objection to opening the season at noon instead of midnight? The Commission has been requested by several sources to open at noon instead of midnight. Does anybody in the audience have any objection to that?

SECRETARY ANGELLE: How about the wing-netters? They are going to have to wait until midnight opening day instead of starting at midnight. Do we have any problem with that? Are there some wing-netters in here?

MR. MIALJEVICH: May I say something?

SECRETARY ANGELLE: Yes, sir. Now is the time.

MR. MIALJEVICH: Do I have to go over there again?

THE CHAIRMAN: Yes, sir. Walk some of that weight off!

MR. MIALJEVICH: Segó won't do it.

THE CHAIRMAN: No, you can't eat four meals a day and drink Segó and do any good!



MR. MIALJEVICH: That's what the doctor told me. When he said to drink four cans of Segoe, he meant in place of meals! I thought he meant with the meals, so I wasn't drinking any milk or soda pop.

The only thing on that, I believe -- this is only my belief -- that the butterfly people would benefit for this reason. The shrimp will not start moving out of the bay system until you start aggravating them, and that is why they like to open -- you know, when we open the season at midnight, they loved it when a shrimper like me would go drag before daylight, because I would aggravate that shrimp and they would move out through the pass and they could catch them.

Now this way they are going to have a larger bunch going out because we are going to aggravate them for a whole day instead of only from midnight to daylight, so I don't see where they would want to be against that. It is really going to benefit them.

THE CHAIRMAN: Tee John, you had better do it just about half a day because we are going



to be there watching you!

(Laughter)

MR. MIALJEVICH: Well, we are not going to tell you about our super-secret test nets. We have got some of those invisible ropes that we pull.

THE CHAIRMAN: We have got some of those invisible game wardens that are going to be out there, too!

(Laughter)

MR. MIALJEVICH: I know, they have been invisibly not checking the boats lately!

THE CHAIRMAN: Do we have any more comments from the audience?

SECRETARY ANGELLE: One more time on these wingnets.

THE CHAIRMAN: One more time on the wingnets, the Secretary says. I think he is afraid we are going to get eaten alive if we open this thing at noon. Personally, I have been chewed on before. It won't bother me.

Let's try it for noon, and if we get a bunch of kicks on it, we will go back to midnight



next year. Does anybody have any objection to trying it at noon? Yes, sir, would you come forward and state your name, please?

MR. ESTAY: My name is Wayne Estay, from Grand Isle, and I don't really understand the reasoning behind the 12 o'clock opening.

MR. LAPEYRE: Noon.

THE CHAIRMAN: Tee John, do you want to comment on that? Some of your group were the ones I think who requested to have a noon opening.

MR. MIALJEVICH: Right. The way it works with the shrimp, when you drag shrimp in shallow water at night, it makes the shrimp move. Like I was talking about running the shrimp out the pass to the butterfly nets. By these people starting at midnight, they are really not catching -- well, they are hurting themselves, because they are catching less shrimp because -- well, I will have to explain it better.

We trawl in the daytime because you catch more shrimp in the daytime than at night in shallow water. The only exception would be Breton and Chandeleur Sounds across Zone 1. In all the other



areas in inside waters we stop at night because the catch is decreased and the fish increases.

Now, when you go and you start moving these shrimp that didn't bury and you aggravate the ones that are buried -- I guess they are sleeping under the mud or whatever they are doing -- you are going to make them get up and move, and they are going to go out through the passes into the Gulf at night. Well, really if they wouldn't want to go with noon, make it daylight, but the reason behind that is you aggravate the shrimp and the white shrimp are red the next day, the Brazilian shrimp are red. It is just like us, dragging tickler chains through your bedroom at night. You wouldn't want me to drag you out of bed. That is in fact what you are doing.

So, we are hurting our catch the next day by dragging at night.

THE CHAIRMAN: Let's put the shoe on the other foot just a minute. Wait, I want to hear you scream when I tell you this. Why don't we open up the season at midnight for the wing-netters and the bottom-draggers at daylight or at noon? It



would be just the reverse then of what you are talking about doing.

MR. MIALJEVICH: I think you would have to make it even for both because they are going to say then that you are preferring the shrimper over the wing-netter or the wing-netter over the shrimper.

SECRETARY ANGELLE: What is the rationale of starting at midnight all along, Doc? That was to take care of the wing-netters, wasn't it?

DR. ST. AMANT: The way the law has always been is that we start on a given day and the day starts at 0100 or 01-something, at midnight, and that is when the day starts, and this was going on before the wingnets ever came to this state.

There had been a time when we had a law that there was no trawling at night at all, so then we started at daylight and went to dark, but at the present time they can trawl 24 hours a day, so if you pick a day, that is when we start.

But there is no reason why you can't start at any time during the opening day. They do



this with waterfowl and doves and all kinds of things. This is not a precedent we are setting. It is just a question of trying to design a system that satisfies the industry and makes it more convenient for them. It is not going to hurt the shrimp whether you catch them at midnight or at noon. These are caught shrimp.

THE CHAIRMAN: Thank you, Dr. St. Amant.

MR. ESTAY: I would like to say one more thing.

THE CHAIRMAN: Yes, sir.

MR. ESTAY: I deal with mostly the larger bay boats and Gulf boats, but opening up at 12 o'clock would take away from the Lafitte skiffs and, you know, like the bigger boats, they could always start at 12 and drag till dark and drag all night and go unload the next day, where a skiff would only get a half a day because he has no place to ice up his shrimp.

THE CHAIRMAN: That's a thought. That makes sense. You are right, the small boat has to come in maybe, couldn't ice the shrimp up.

MR. DUDENHEFER: We have kind of talked



into a big discussion. I would say we have got a little problem here. The 12 o'clock opening date was never intended to cut anybody out of shrimping time. It was just a problem of the starting time of all the boats in different areas, especially the white season. If you drag them at night in shallow water, they usually move on you. I think this is a must in the white season.

Now, I would come up with -- well, it still wouldn't help the wingnet boats to start at even six o'clock in the morning -- but the enforcement problem is one of the biggest problems, with boats stopping over before 12 o'clock, and things like that. It does create a problem.

It is a lot of good for the bottom boats but for the wingnet boats it creates some problem. Now, myself, I used to wingnet and I would still prefer the 12 o'clock opening date because I can get out there in the evening and I have a full night's work ahead of me, instead of going out there for 12 o'clock and only having several hours.

It really is a matter of what the tide is doing. Most opening seasons we wound up as



wingnet fishermen not putting in the night, anyway, because if the tide is not right, we don't fish that night, anyway.

This would be the question, whether the tide will be right on the night of the opening season or not. If the tides are right, the wingnet fishermen will lose that half a night's work. If the tide is not right, they would not usually fish on that night, anyway, so they wouldn't lose anything. This would be the only problem.

I wanted to point out, this was brought out by the majority of fishermen and industry people. This is no recommendation of the Wildlife and Fisheries and I wanted to make that clear. It is the industry asking and discussing this problem. I didn't want to put the Commission on the firing line, that we would try these things, trying to improve our own industry. This is the only thing that we went into this 12 o'clock for.

THE CHAIRMAN: I think Tee John has got the tides over there in a book. Let's see what the tides are. Let's get technical. Whose book is that -- yours?



MR. MIALJEVICH: The book is the "Gulf Coast Fisherman," by Harold Wells, and on the night of Monday, the 14th, I told you they had an extra strong falling tide, and when I look on the West Gulf daily tides, May, 1979, on Monday the 14th there is a high tide at 8:07 in the morning, a low tide at 1:52 in the evening, and a high tide at 4:43 in the afternoon. So, it looks like to me that the tides -- they get about two hours of wing-netting from about midnight to two o'clock and then they get to quit until the next night, unless they want to push the butterflies for nothing. I mean that is what I see on the tide tables.

THE CHAIRMAN: Mr. Lapeyre has a question.

MR. LAPEYRE: To satisfy the problem that one gentleman mentioned that the Lafitte skiffs have, since we are in the business here of trying to pick an hour at which to open, wouldn't six in the morning be a good time to open it up, perhaps?

MR. MIALJEVICH: Well, if we all could agree on sunrise. Like in Texas, I believe the Texas law is a half hour before sunrise. Then you



are not nailed down to -- well, everybody knows when dawn is breaking.

THE CHAIRMAN: As Jimmie Thompson said, if they do it in Texas, it can't be right!

MR. MIALJEVICH: It would be fine with us instead of noon, let's open at daylight, you know, or six o'clock, or if six o'clock is going to be daylight. We moved the time, it might be daylight at five.

MR. LAPEYRE: Well, it gets light earlier now with the daylight savings, so six o'clock is not too --

MR. MIALJEVICH: Let's make it six o'clock then. I would go along with that.

THE CHAIRMAN: Gentlemen, I would say we can talk about this thing all day and probably get nine more ideas and I think by noon we would have it so damned confused that nobody would be able to go shrimping for two months.

The Chair at this time is going to request that somebody make a motion for a time and date to open the season, or Zone 2, rather. Mr. Farrelly, you have a --



MR. FARRELLY: Yes, I would like to make the motion that we open up Zone 2 on May 14 at six a.m. in the morning.

THE CHAIRMAN: We have a motion, do I have a second?

MR. RIGGS: Second.

THE CHAIRMAN: Any further discussion? The Chair calls for a vote. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered, with the Chair voting yes. In order to give us a quorum, I believe I will have to. I am voting in favor of it.

So, let me say now that the season opens on the 14th of May at six a.m. in Zone 2. Zones 1 and 3 we will decide at a later meeting we have on the 24th for a date on those two zones.

The Chair needs a motion to defer opening Zones 1 and 3 at this time until a later date to be selected by the Chair.

MR. RIGGS: I will make a motion we defer the opening on Zones 1 and 3, Mr. Chairman.



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

MR. LAPEYRE: Second.

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

IN UNISON: Aye.

THE CHAIRMAN: Unanimous. So carried.

Dr. St. Amant, I have asked you and the Secretary to call me when you think it is the proper time for us to have a meeting, when you have sufficient evidence for us to open Zones 1 and 3, and if it not prior to the 24th of May, that is fine, but if it is prior to that time, call me, please.

MR. RIGGS: Mr. Chairman, could I make a comment, please, sir?

THE CHAIRMAN: Yes, sir. Just let me finish up one more thing on this. I am going to need another motion to continue this meeting until we have the meeting to set the seasons in Zones 1 and 3 so we will make sure we will clear the Administrative Procedures Act. We need a motion to continue this meeting on to a later date.



The Chair would like to have a motion.

MR. FARRELLY: I will make that motion.

THE CHAIRMAN: We have a motion by Mr. Farrelly. Do we have a second?

MR. RIGGS: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. So ordered.

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

WHEREAS, the Louisiana Wildlife and Fisheries Commission has reviewed the requests of the fishermen, industry and sportsmen, as well as the biological predictions and recommendations of the biologists of the Seafood Division,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby



declare the 1979 Spring Brown Shrimp season to be as follows:

ZONE 2 - South Pass, at the mouth of the Mississippi River, to the western shore of Vermilion Bay, opens May 14, 6:00 a.m.

BE IT FURTHER RESOLVED that this meeting be continued and the season set for ZONE 1 and ZONE 3 at the next gathering of the Commission.

BE IT FURTHER RESOLVED that the Secretary be and is hereby authorized to extend and to close the season after the 50-day period.

BE IT FURTHER RESOLVED that the season be either extended or closed depending upon available technical data concerning the presence or absence of small white shrimp.

THE CHAIRMAN: Yes, sir, Mr. Riggs.



MR. RIGGS: I would just like to say that I was pleased with the turnout yesterday for the hearings yesterday and today and express my appreciation for the cooperative attitude of the fishermen. I believe they have finally decided that we are on their side, working with them, too, and for that I thank you.

THE CHAIRMAN: I will have to go with that, too. Thank you very much.

That concludes really our setting of the shrimp season. We will get into the general meeting now. You have been a very good audience, as Mr. Riggs said, and we certainly appreciate it. You are certainly welcome to stay for the rest of the meeting if you like. I hope you all catch more shrimp than you anticipate. That runs the price down and I can afford to eat them then.

Dr. St. Amant.

DR. ST. AMANT: Yes, sir. Mr. Chairman and Members of the Commission, we have a number of items; we went over them yesterday and I will give them to you individually today. They all deal with the dredging of fill material in the



Mississippi River. All of these or most of these, all but one, have been in effect and they are renewals.

The first one is by Louisiana Land and Water, Inc.

(Chairman raps gavel for order.)

THE CHAIRMAN: Would you please step outside if you are going to talk, please. We can't hear the man up here. We would appreciate your cooperation on that.

Go ahead.

DR. ST. AMANT: The first one is by Louisiana Land and Water, Inc., Mile 477 AHP in the Mississippi River, and we would recommend that this permit be renewed.

(Chairman raps for order again.)

THE CHAIRMAN: I am going to have to ask you to get quiet in the back or step outside to talk, please, sir. We can't hear up here. Thank you very much.

Go ahead, Doc.

DR. ST. AMANT: I recommend that the Louisiana Land and Water, Inc. permit be granted.



THE CHAIRMAN: You hear the recommendation. Do I have a motion?

MR. LAPEYRE: I so move.

THE CHAIRMAN: Do I have a second?

MR. RIGGS: 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. Show the Chair voting in this case.

(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 LOUISIANA LAND & WATER, INC. to remove sand and gravel from the Mississippi River at the following locations: (1) On the right side of the navigation channel at



Fitler Bend from Mile 477.) to Mile 477.8, East Carroll Parish, Map #30; (2) On the right side of the navigation channel from Mile 462.0 to Mile 463.5 AHP, East Carroll Parish, Maps #31 and 32; and (3) On the right side of the navigation channel from Mile 344.5 to Mile 347.6, Concordia Parish, Map #39, for a period of one year from May 1, 1979 to May 1, 1980, at a royalty rate of 20 cents per cubic yard.

DR. ST. AMANT: Mr. Chairman, all of these are being recommended for a period of one year at ten cents a yard, the standard royalty.

The second item is request for renewal of a permit by BOAT, RIVER & CANAL, INC. to remove fill material from the Mississippi River at Mile 495.5 and Mile 471. We would recommend that this permit be renewed.

THE CHAIRMAN: We have the recommendation. Do we have a motion?

MR. FARRELLY: So move.



MR. LAPEYRE: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. So ordered.

BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby grant permission to BOAT, RIVER & CANAL, INC. to remove sand and gravel from the Mississippi River at the following locations: (1) On the right side of the navigation channel at Wilson Point from Mile 495.5 to 499.3 AHP, East Carroll Parish, May #29; (2) On the left side of the navigation channel from Mile 469.0 to Mile 471.3 AHP, East Carroll Parish, Map #31; (3) On the left side of the navigation channel at Togo Island from Mile 413.8 to Mile 415.7 AHP, Tensas Parish, Map #34;



- (4) On the right side of the navigation channel from Mile 392.2 to Mile 394.0 AHP, Tensas Parish, Map #36; and
- (5) On the right side of the navigation channel from Mile 384.0 to Mile 380.0 AHP, Tensas Parish, Concordia Parish, Map #37, for a period of one year from May 1, 1979 to May 1, 1980 at a royalty rate of twenty cents per cubic yard.

DR. ST. AMANT: The next is a request for renewal of a permit from Production Aggregate, Inc. to remove fill material from the Mississippi River at the following locations: Mile 490 to 493, Mile 464 to 467, Mile 438 to 441, Mile 427 to 429 and Mile 408 to 411. This permit has been in action for the last year and we would recommend it be renewed.

THE CHAIRMAN: You have heard the recommendation. May we have a motion?

MR. FARRELLY: I so move.

MR. LAPEYRE: Second.

THE CHAIRMAN: All in favor say aye.



IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Let the record show it is unanimous.

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 PRODUCTION AGGREGATE, INC.
to remove sand and gravel from the
Mississippi River at the following
locations: (1) On the left side of
the navigational channel along the
west side of the sand bar opposite
the Louisiana Bar Light from Mile
490.5 to Mile 493.0 AHP, East Carroll
Parish, Map #30; (2) On the left side
of the navigation channel along the west
side of Tennessee Bar from Mile 464.5
to Mile 467.5 AHP, East Carroll Parish,



Map #31; (3) On the right side of the navigation channel at Centennial Point from Mile 438.5 to Mile 441.5 AHP, Madison Parish, Map #33; (4) On the right side of the navigation channel from Mile 427.5 to Mile 429.5 AHP, Madison Parish, Map #34; and (5) On the right side of the navigation channel and along the north and east side of Middle Ground Island from Mile 408.0 to Mile 411.3 AHP, Tensas Parish, Map #35, for a period of one year from May 1, 1979 to May 1, 1980 at a royalty rate of 20 cents per cubic yard.

DR. ST. AMANT: The next item is a request for renewal of a permit by Bal Construction Company, Inc., Mile 70 AHP. This permit has been in effect. It has caused no problem. We would recommend that it be renewed.

MR. LAPEYRE: I so move.

THE CHAIRMAN: We have a motion. Do we have a second?



MR. RIGGS: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Let the record show it is unanimous.

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 BAL CONSTRUCTION CO., INC.
to remove fill material from the
Mississippi River, right descending
bank, central to a point about 70.5
AHP and about 4.5 miles south from
Belle Chasse, Plaquemines Parish,
Louisiana, for a period of one year
from May 1, 1979 to May 1, 1980, at
a royalty rate of ten cents per
cubic yard.



DR. ST. AMANT: The next item is a request for renewal of permit by the L. Murphy Trucking Service, Inc. to remove fill material at Mile 87.9 to 88.5 AHP. This permit has been in effect for a number of years and it is operating properly. We would approve another year's renewal.

THE CHAIRMAN: Do we have a motion?

MR. RIGGS: So move.

THE CHAIRMAN: Second?

MR. FARRELLY: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Let the record show it is unanimous.

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 L. MURPHY TRUCKING SERVICE, INC.
to remove fill material from the
Mississippi River at approximately
Mile 87.9 AHP to Mile 88.5 AHP for
a period of one year from May 1, 1979
to May 1, 1980, at a royalty rate of
ten cents per cubic yard.

DR. ST. AMANT: The next item is a
renewal of a permit by Beck-Stein Services, Inc.
to remove fill material from the Mississippi River
at Mile 157.6 AHP at St. James Parish. This permit
has been in effect and we would recommend its
renewal.

THE CHAIRMAN: The Chair would like a
motion.

MR. FARRELLY: I make the motion.

THE CHAIRMAN: Second?

MR. LAPEYRE: I second the motion.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered and let it show unanimous.



(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 BECK-STEIN SERVICES, INC. to remove fill material from the Mississippi River at Mile 157.6 AHP, St. James Parish, Louisiana, for a period of one year from May 1, 1979 to May 1, 1980, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: Another renewal of a permit for Industrial Fill Materials, Inc. to remove fill material from the Mississippi River in the vicinity of Point Clair at Mile 196 to 197 AHP. This permit is operating satisfactorily. We would recommend it be renewed for another year.

THE CHAIRMAN: May I have a motion?

MR. FARRELLY: I so move.

THE CHAIRMAN: Second?

MR. RIGGS: I 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. Let the record show it is unanimous.

(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 INDUSTRIAL FILL MATERIALS, INC. to remove fill material from the Mississippi River in the vicinity of Point Clair, at a point between Levee Stations 1600 and 1700, or being in the vicinity of River Mile 196 AHP to Mile 197 AHP near Carville, Iberville Parish, for a period of one year from May 1, 1979 to May 1, 1980 at a royalty rate of ten cents per



cubic yard.

DR. ST. AMANT: The next one is a request for a permit by Louisiana Paving Co., Inc. to remove approximately 243,000 cubic yards of fill material by hydraulic dredge from approximately Mile 165 AHP. Now this company has been operating in other areas. This is a new location by a company that has been doing business with the Commission. I would recommend that this permit be granted at this location.

THE CHAIRMAN: The Chair would like a motion.

MR. FARRELLY: I will make the motion.

THE CHAIRMAN: Do we have a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. Let the record show so effective.

(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 LOUISIANA PAVING CO., INC. to remove fill material from the Mississippi River, approximate location Mile 165 AHP left descending bank, near Convent, St. James Parish, Louisiana, for a period of one year from May 1, 1979 to May 1, 1980, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: The final item is a request for renewal of a permit by T. L. James & Co. to remove fill material from the Mississippi River at Hahnville, St. Charles Parish. This permit has been in effect for some time. We would recommend it be renewed.

THE CHAIRMAN: May we have a motion, please?

MR. RIGGS: I move.

THE CHAIRMAN: We have a motion. Do I



hear a second?

MR. FARRELLY: 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. Unanimous.

(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 T. L. JAMES & COMPANY to remove fill material from the Mississippi River at Hahnville, St. Charles Parish, Louisiana, for a period of one year from May 1, 1979 to May 1, 1980, at a royalty rate of ten cents per cubic yard.

DR. ST. AMANT: Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you. Mr. Ensminger.



MR. RIGGS: Mr. Chairman.

THE CHAIRMAN: Yes, sir.

MR. RIGGS: I was just going to ask Doc something.

THE CHAIRMAN: Dr. St. Amant.

MR. RIGGS: Doc, I was just going to ask you a question here that I don't know. What sort of control do we have over the accuracy of the yards that they pay us for?

DR. ST. AMANT: We audit their books. We have field auditors. They have to furnish us a certified survey of their stockpile and those people that have permits from us and are operating legally we have no trouble with what they are doing. We have a pretty good check on them.

Occasionally somebody will either because of ignorance or because they just want to break the law will go somewhere and start to dig without coming to get a permit and then after the fact we may find out that they have been operating illegally and we have to go through a little more extra work to try to chase down the amount of stuff that they sold and try to get the money out of them.



But, if they get a permit from us they are audited on a regular basis and they must report to us at least once a month with the appropriate forms showing the amount of material dredged.

MR. RIGGS: Thank you.

THE CHAIRMAN: Mr. Ensminger.

Mr. Yancey, it is good to see you back. I haven't seen you for a number of meetings.

MR. YANCEY: It is good to be here.

THE CHAIRMAN: I assume you haven't been on vacation, you have been working.

MR. YANCEY: That's right.

MR. ALLEN ENSMINGER: Mr. Chairman and Gentlemen of the Commission, the item I have for your consideration today is a proposal to lease from Texas Gulf Sulphur, Inc., a Houston concern, approximately 1,700 acres of land in Lafourche Parish.

This property, for all practical purposes, is completely surrounded by property that is owned by the Department on our Pointe au Chien Wildlife Management Area. We purchased this land from Exxon back in 1968 and at that time Texas



Gulf Sulphur had an active sulphur-producing operation on their property in the heart of our game management area.

They lost their gas contracts by which they heated the water for their extraction purposes and have been forced to close their mining operations. They have removed their entire mining facilities off the property and came to the Department to get permission to leave a water line which served the facilities in place, rather than to dig it up and disturb the marshes.

In addition to this request, Texas Gulf Sulphur had negotiated a right-of-way with the former owner which we inherited when we purchased the property that paid to the Department about \$12,000 annually for the privilege of moving their tugboats and barges to the facilities across a portion of our game management area.

The lease that they had with the former owners provided that they would cancel this annual rental with notice to the Delta Security and, of course, later on Wildlife and Fisheries.

At the time they came in we asked them



what the possibility would be of either purchasing the land from them to add to our game management area or entering into a long-term lease for wild-life management purposes. They took this under consideration and came back to us and offered to give us a free ten-year lease to test the situation to see if they can live with it and what-have-you.

At this time certainly we would recommend to the Commission that you all enter into a ten-year lease with Texas Gulf Sulphur and incorporate this property of theirs within the boundaries of our game management area. This would be proclaimed as a part of the area and would be managed under the same rules and regulations that govern the remainder of our game management areas.

THE CHAIRMAN: Gentlemen, you have heard the recommendation. Do we have a motion?

MR. RIGGS: Just let me ask one question, please, Mr. Chairman. On this Item F on this lease, Mr. Ensminger says prohibit dogs within the boundaries of the above-described lands except by permission of Wildlife. Is that practical to have in there that they would have to get the



permission from us each time they brought a dog in there?

MR. ENSMINGER: That is what we do now, Mr. Riggs, and this was primarily to prohibit the use of hounds to run deer on the marsh levees. This is entirely a marsh area and the little deer herd that we have down there is primarily concentrated on the levee systems. Still hunting only is permitted for deer and we do have a rabbit season whereby beagles are permitted to be used on rabbits after they close the waterfowl season. Then, of course, we do permit the use of waterfowl retrievers in the waterfowl season, but that is a part of our game management area regulations, and Texas Gulf Sulphur had had that in their own regulations to protect their trappers from having problems with hunters coming onto their property and chasing deer during the trapping season.

Really, it is no problem to us. It is part of our game management area problems, anyway.

THE CHAIRMAN: Mr. Farrelly.

MR. FARRELLY: It says here that since we are going to discharge Texas Gulf -- Texas Gulf



being discharged by Wildlife from the obligation to remove its pipeline and other facilities, if any, from Wildlife lands under said permit.

Would you explain that a little bit to me, please?

MR. ENSMINGER: What is involved there, Mr. Farrelly, Texas Gulf Sulphur has a 16-inch water line and strapped to that water line is a natural gas two-inch gas line. This crossed the game management area across some other private property and Laterre property up to their production facilities on the Intracoastal Canal. We felt like the removal of this from the area would do more disturbance to the surface of the land than it would be worth, and of course it would be an extremely expensive project for Texas Gulf Sulphur to go in and remove this.

In addition to that feature, they feel like that somewhere down the road, 40 or 50 years from now possibly, sulphur will have some world demand to where they would want to come back in and reopen their mining operations. Certainly if they did then the line would just be reactivated.



But, as it stands now, the lines have been flooded with water and they are buried. They are concrete lines, they are not metal lines, so they would be usable for them, and they are well marked. There is no problem from a navigation standpoint for anybody going in for mineral activities, so it would just be a matter of leaving them rather than digging them up and removing them from the property.

MR. FARRELLY: Thank you.

THE CHAIRMAN: Any other questions?

MR. RIGGS: I so move.

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

MR. LAPEYRE: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Unanimous. So ordered.

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

WHEREAS, the Louisiana



Wildlife and Fisheries Commission
own property in Lafourche and Terre-
bonne Parish which has been proclaimed
as the Pointe au Chien Wildlife Manage-
ment Area, and

WHEREAS, this area is open
to public hunting and sportfishing, and

WHEREAS, Texas Gulf Sulphur,
Incorporated, own 1,720.3 acres of
marshlands within the boundaries of
the wildlife management area in
Lafourche Parish, and

WHEREAS, this property is
similar in characteristics to the
Department-owned acreage and would
be suitable for public usage, and

WHEREAS, Texas Gulf Sulphur
has indicated in writing their willing-
ness to lease to the Department for a
ten-year period their acreage in
exchange for immediate cancellation
of the right-of-way annual rental fee
and approval to leave in place certain



industrial fixtures and pipelines
used in their manufacturing process,

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wildlife and Fish-
eries Commission does hereby approve
of leasing of the Texas Gulf Sulphur
Company in Lafourche Parish located
within the boundaries of the Pointe
au Chien Wildlife Management Area, and

BE IT FURTHER RESOLVED, that
the Secretary is hereby authorized to
sign all instruments pertaining to
this area.

THE CHAIRMAN: Joe.

MR. JOE HERRING: Thank you, Mr. Chairman.
We have one item here. As part of the mitigation
project on our Red River backwater area, the Corps
of Engineers has agreed to construct a gravel road
approximately nine miles in length for access to
our Red River Wildlife Management Area, also, the
mitigation lands that we will be receiving from
them, which we are in the process of receiving now.

I have just a small map to show you.



This is the Red River Wildlife Management Area at the bottom with the dark lines around it, and the above part is approximately 9,500 acres in mitigation land we will be getting from them.

To do this we will have to provide them with the necessary easements or rights-of-way. This right-of-way will be approximately 30 feet in width, and we will have to allow them ingress and egress rights on this property there while they are doing the work. I suppose the clincher in this is we will have to agree to maintain this road, operate and maintain it once it is built.

Now it is a road approximately -- the cost of it is going to be approximately half a million dollars. We brought this up yesterday and I would like to clear up a point. Mr. Gilbert had asked a question there, would it flood at any time, and at that time I said no and we got back and checked with the Corps and them and they said there would be a part of it that possibly water would get on at some time. That is in the Patton Lake area. I would like to clear that up with the Commission at this time. I was unable to



talk to Mr. Gilbert about that last night and he is not here today.

The Corps has assured us that culverts will be put in so that when it does get over the water will drain under the road and it shouldn't cause any damage there or maybe a minimum amount. This is in behind the levees there and that is why we were under the impression then that it would not flood, but they said it would up in the Patton Lake area.

One of the other parts of the agreement there is that we would hold the Corps of Engineers harmless for any damages due to construction, operation and maintenance while they are in there.

THE CHAIRMAN: Wait, wait now. Get back just a minute. Hold them harmless. If they go in and dig up somebody's pipeline, we have got to hold them harmless? This is in the mitigation damages, right?

MR. HERRING: Right.

THE CHAIRMAN: Hold them harmless.

MR. HERRING: We wouldn't there. There is nothing in there that would be damaged, no



pipelines or anything they would be working on.

THE CHAIRMAN: Joe, I am not interested in this Commission holding the federal government harmless for anything -- nothing! That just gives them carte blanche to go in there and do what they want to do and if they make anybody mad or tear up anything, then we have got to hold them harmless, and I am not going to let this Commission assume that responsibility.

MR. HERRING: This wouldn't, Mr. Chairman. Any negligence or anything on the part of the Corps, that is their problem then, but just as far as any damages caused in the road there --

THE CHAIRMAN: No, sir, a hold-harmless contract. I am very familiar with those. I have been held to them on numerous occasions where I wasn't negligent and I had to pay for them because I signed a contract for somebody who said I had to hold them harmless. When somebody walks up to one of my people and shoots them in the head, I still have got to defend the guy who did the shooting and pay for the man he killed. I want to clarify that before this Commission goes on record as



holding the Corps of Engineers harmless. I have got no bone to pick with the Corps. I am just not going to hold Big Brother harmless.

MR. HERRING: Well, in part of that, Mr. Chairman, it says "such does not include damages due to the fault or negligence of the Corps or its contractors," so that would be in negligence, wouldn't it?

THE CHAIRMAN: Let me read that, Joe. Let me look at that. I can see the Corps of Engineers holding this small Commission in this poor state harmless, but I can't see us holding the federal government harmless.

Peter, do you want to look at this?

MR. PETER DUFFY: I have looked at it. It appears to be the standard form that the Corps of Engineers prepares to request state agencies to execute. I didn't prepare the document. It was just given to me for review. It is not a negotiated thing. It is something that they standardly require. I mean it is something that the Commission could say, no, we are not going to go along with.



THE CHAIRMAN: It says we will hold them harmless for any damages due to construction, operation and maintenance of the project, provided, however, such does not include damages due to the fault or negligence of the Corps or its contractors.

I assume that is an escape clause for us on the bottom there. You first said just "hold harmless" there a while ago and that bothered me.

MR. YANCEY: That is a standard clause that they put in everything they do on any of our land, whether it is batture work or levee construction or what-have-you. They just want us to hold them harmless so we won't be suing them for any damages that they do, but that is a standard clause and they insist upon it.

THE CHAIRMAN: It is a standard clause they use on contractors, too, and we very often get stuck until we have got no control over it. They probably copied that from the Corps!

(Laughter)

MR. HERRING: Since it has got the lower part that you read there, Mr. Chairman, shall we leave it in or take it out now?



THE CHAIRMAN: I am going to leave that up to the Commission members.

MR. YANCEY: I think if you take it out, I don't believe the Corps will give us the land. I think basically that is what we are talking about. We are not talking about taking it out or leaving it in. If we insist that they take it out, I think that they will just abandon the idea of giving us this mitigation land. I believe we will lose the project.

MR. LAPEYRE: My belief is that if we have lived with this clause before and have not found it to be onerous, unlivable, I don't see any problem with going along with it this time.

MR. YANCEY: It has not created any prior problem. We have granted them probably 50 to 75 rights of entry to do their types of work, and it has not been a problem. I don't say that it couldn't be, but it has not been a problem.

I think if we insist that that clause be deleted, I think we will lose the opportunity to get this free road.

MR. LAPEYRE: Well, let me ask this



question. At the engineering level when work is planned, is there any reason to believe that any damage not attributable to negligence on their part would ever occur?

MR. YANCEY: We don't anticipate any.

THE CHAIRMAN: Mr. Duffy, our attorney, thinks this is all right, so I won't withdraw my objection, I will just yield to his judgment. Put the monkey on his back.

The Chair will entertain a motion.

MR. RIGGS: I will make the motion.

THE CHAIRMAN: We have a motion by Mr. Riggs. Do we have a second?

MR. LAPEYRE: Second.

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

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

MR. HERRING: Thank you, Mr. Chairman.

(The full text of the
resolution is here made



a part of the record.)

WHEREAS, pursuant to the Flood Control Act of 1965 (Public Law 89-298) as amended by the Water Resource Development Act of 1974 (Public Law 93-251), the Chief of Engineers, Department of Army, contemplates the construction of approximately nine miles of gravel access road servicing the Tensas Basin (Red River Backwater Area) Mitigation Lands, Concordia Parish, Louisiana, Project, which road traverses lands owned by this Department known as the Red River Wildlife Management Area, as well as lands owned by the United States; and

WHEREAS, prior to the commencement of the project, local interests are required to furnish assurances to the United States of America that conform with require-



ments of Section 221 of Public Law 91-611 and other applicable laws; and

WHEREAS, the access road project contemplated herein will provide necessary access for the Tensas Basin (Red River Backwater Area) Mitigation Lands, Concordia Parish, Louisiana Project, as well as incidental beneficial access for the Department of Wildlife and Fisheries, Concordia Parish and the State of Louisiana; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission, a constitutionally established commission within the Department of Wildlife and Fisheries by virtue of Louisiana Revised Statute 36:802, deems the project to be beneficial to the State of Louisiana and its citizens; and

WHEREAS, the Department of Wildlife & Fisheries is an agency in the Executive Branch of government,



acting under authority granted by
Louisiana Law;

NOW THEREFORE BE IT RESOLVED
that the Louisiana Wildlife & Fisheries
Commission through the Louisiana
Department of Wildlife & Fisheries
give assurances to the United States
of America that it will:

- (a) Provide without cost to the
United States all lands, ease-
ments and rights-of-way necessary
for the construction of the
project that lies without the
boundaries of Government-owned
lands.
- (b) (1) Accept reconveyance of said
right-of-way easement, road, and
appurtenances thereto over the
lands owned by the State, upon
completion of said construction.
(2) Accept conveyance of right-
of-way easement, road and appur-
tenances thereto over those lands



owned by the Government upon completion of said construction.

(3) Reserve unto the Government and its assigns in the conveyances above described the right to use said road and appurtenances in connection with the operation of the project and related activity in connection with the Tensas Basin (Red River Backwater Area) Mitigation Lands, Concordia Parish, Louisiana Project.

(4) Accept the above described conveyances on the condition that the State will operate and maintain said road and roadway and will not close or vacate same without the permission of the Government, with the exception of temporary closings for maintenance and operational purposes of either the Louisiana Red River Valley Management or Tensas Basin (Red River Backwater



Area) Mitigation Lands Project.

(5) Hold and save the United States free from damages due to the construction, operation and maintenance of the Project; provided, however, such does not include damages due to the fault or negligence of the United States or its contractors.

(c) Provide without cost to the United States all necessary relocations and alterations of buildings and utilities, highways and highway bridges, sewers, related and special facilities, if any.

BE IT FURTHER RESOLVED that J. Burton Angelle, Secretary of the Department of Wildlife and Fisheries, be and he is hereby authorized, empowered, and directed to sign and deliver, for and on behalf of the Louisiana Wildlife & Fisheries Commission, an Agreement of Assurances



to the United States of America embodying the facts and covering the items of assurances enumerated herein, and to take any and all proper steps and to do any and all acts that may be necessary or proper in the premises and be it further resolved that he be and he is hereby authorized, empowered and directed to sign and affix the seal of the Commission to such agreement provided for hereunder, and to any instrument and document in connection therewith which may be necessary or convenient in the premises.

BE IT FURTHER RRESOLVED that said Secretary of the Department of Wildlife & Fisheries be and he is further authorized, empowered and directed to furnish, for and in the name of the said Commission, all required lands, easements, and rights-of-way, to execute and accept all instruments, and to do and perform



all other acts legally required to make them available, and to grant permission of entry thereon to the United States of America for the purpose of carrying out the works.

BE IT FURTHER RESOLVED

that a certified copy of this Resolution be furnished to the District Engineer, U. S. Army Engineer District, Vicksburg, Mississippi.

THE CHAIRMAN: Is there any other business to come before the Commission this morning? I can't believe we have only been here an hour, setting the shrimp season and the whole business.

I am happy to see my Brother Everett back in the back. Stand up, Brother. He is the one with all the hair, does all the work.

If there is no other business before the meeting this morning, we will stand adjourned. Thank you very much.

(Whereupon, at 11:05 o'clock a.m. the meeting was adjourned.)



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (74 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 22nd day of
May, 19 79.

Kathryn G. Chamberlin
Kathryn G. Chamberlin,
Reporter.

