

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

---:---

P R O C E E D I N G S

BOARD MEETING

Tuesday, September 27, 1977

10:00 o'clock a.m.

DOYLE G. BERRY,  
Chairman.

Wild Life and Fisheries  
Building  
400 Royal Street, Room 102  
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 Louisiana Wild Life and Fisheries Commission convened on Tuesday, September 27, 1977, at 10:00 o'clock a.m. in Room 102, Wild Life and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman

DONALD F. WILLE, Vice Chairman

MARC DUPUY, JR., Member

J. C. GILBERT, Member

JERRY JONES, Member

HARVEY CLAY LUTTRELL, Member

\ J. BURTON ANGELLE, Secretary.

---:---

A G E N D A

DR. LYLE ST. AMANT

1. Discussion of menhaden regulations. (6)
2. T. L. James and Company, Inc., requests (10)  
 permit to remove river sand from Mis-



Mississippi River at Mile 150.5 AHP.

3. T. L. James and Company, Inc. requests (12)  
renewal of permit expiring September 30,  
1977, to remove sand, gravel, or fill  
materials from the Mississippi River  
between Mile 116 AHP and 117 AHP oppo-  
site Levee Stations 5896 to 6008 in the  
Pontchartrain Levee District, St.  
Charles Parish, Louisiana.
4. T. L. James and Company, Inc. requests (13)  
renewal of permit expiring September 30,  
1977 to remove sand, gravel or fill  
material from the Mississippi River  
between Mile 102 AHP to Mile 103.5 AHP.
5. T. L. James and Company, Inc. requests (14)  
renewal of permit expiring September 28,  
1977, to remove fill sand from the  
Mississippi River between Mile 86.8 and  
Mile 87.35 near Meraux, St. Bernard  
Parish, Louisiana.
6. A. Giambelluci Construction Company requests (16)  
renewal of permit to remove fill  
material from the Mississippi River



Mile 124.65 AHP at Hahnville, St.  
Charles Parish, Louisiana.

- 7. Kitchen & Ostarly, Inc. requests renewal of permit to remove fill material from the Mississippi River at Mile 105.3 AHP, Jefferson Parish, Louisiana, from September 30, 1977. (17)

MR. HARRY SCHAFFER

- 8. Setting oyster season in Calcasieu Lake. (18)

MR. ALLAN ENSMINGER

- 9. Promulgation of rules for sport taking of shrimp and oysters from Rockefeller Wildlife Refuge and other refuges and wildlife management areas of the Fur and Refuge Division. (26)

MR. RICHARD YANCEY

- 10. Deer season on Pearl River Wildlife Management Area. (47)

MR. JOE HERRING

- 11. Ratify verbal right of entry construction of Alligator Bayou Revetment on the Red River, Concordia Parish. (49)

- 12. Permitting system for falconry. (51)



13. Permitting system for stock dogs on Boeuf Wildlife Management Area. (54)
14. Louisiana Gas Intrastate Corporation, right-of-way, Russell Sage Wildlife Management Area. (60)

OTHER BUSINESS

15. Set date of October meeting. (65)

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

Report on alligator season, Mr. Ensminger (35)

Proposed addition of bobcat and otter to endangered species list. (46)

Dispute re oyster and oil rights. (65; 115)

Reaffirmation of action taken at last meeting re Kisatchie National Forest. (98)

Further discussion of Kisatchie National Forest and also hunting regulations thereon. (107)

Dates for meeting and public hearing re seasons and bag limits, 1978. (115)

Introduction of new staff members. (117)

Authorization for Commission members to attend meeting of SE Commissioners. (119)



CHAIRMAN DOYLE G. BERRY: Good morning, ladies and gentlemen. The meeting will now come to order, please. We are glad to have you with us. We have a short agenda; we should be able to move through it pretty quick and get out of here a little early today.

Dr. St. Amant.

DR. LYLE ST. AMANT: Yes, sir, Mr. Chairman. We have several items; I think most of them will go fairly rapidly. The first item is a discussion of menhaden regulations, and for the benefit of the Commission and the public, I might point out that Louisiana is a member of the Gulf States Marine Fisheries Commission which in turn is now a member of the state-federal board. This council or board has been involved in preparing a menhaden plan and we also serve as chairman of the menhaden subcommittee of the Gulf States Marine Fisheries Commission.

There has been an attempt here to get the industry involved in studying the industry and also to develop the regulations which will affect the industry and protect the resource. Several



years ago the industry came to the state and recommended that a season be placed on the menhaden fishing that started in April and ended in October. At that time they recommended that the season terminate on the second Tuesday in October.

Since that time and in the process of working out the menhaden plan, it was determined that they had some physical problems and economic problems associated with ending the fishing on a Tuesday and they proposed to extend the season two days or three days until Friday. This was examined by the state-federal board and by the implementation committee. It was unanimously approved by all the members of the industry and the states involved.

What I am doing here today is asking this Commission to pass an executive order that will extend or change the menhaden season in Louisiana by a matter of three days. If it is accepted by the Commission, I have a resolution but I will only read the latter part of it.

(Dr. St. Amant here read portion  
of resolution, the full text of



which is hereinafter made a part of the record.)

THE CHAIRMAN: You have heard the recommendation. Do I have a motion and a second?

MR. LUTTRELL: I so move.

MR. DUPUY: 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.

(The full text of the resolution follows.)

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



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

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

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

WHEREAS, there is total agreement among the menhaden operators that the starting date should be the third Monday in April and the closing date shall be changed to the Friday immediately



following the second Tuesday in October,

THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission directs, by Executive Order, that there shall be a limited season on the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden; and

BE IT FURTHER RESOLVED that the starting date for the taking of menhaden from the waters of the State of Louisiana, as well as the processing of menhaden, shall be the third Monday in April and the closing date shall be the Friday immediately following the second Tuesday in October.

DR. ST. AMANT: We now have some renewals on various dredging permits, all of them in the Mississippi River I think.

We have several by T. L. James and Company. The first one is in the Mississippi River, Mile 150.5 AHP. This permit has been in effect. They have met the requirements of the Commission



and I would recommend that it be renewed for one year at five cents.

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

MR. LUTTRELL: So move.

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

MR. WILLE: Second.

THE CHAIRMAN: Seconded by Mr. Wille. 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 Wild Life and Fisheries Commission does hereby grant permission to T. L. JAMES & COMPANY, INC. to renew their permit to remove river sand and stockpile it on the right



descending batture of the Mississippi River at Mile 150.5 AHP and 152 AHP for a period of one year from September 27, 1977 to September 27, 1978 at a royalty rate of five cents per cubic yard.

DR. ST. AMANT: Item No. 3, T. L. James requests renewal of a permit at Mile 116-117 AHP. This permit has been in effect and has given us no problem. They are meeting the requirements of the Commission and I would recommend that it be extended for one year.

THE CHAIRMAN: Do we have a motion?

MR. WILLE: So move.

MR. LUTTRELL: 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 Wild Life and Fisheries Commission does hereby grant permission to T. L. JAMES & COMPANY, INC. for renewal of their permit to remove sand, gravel, or fill material from the Mississippi River between Mile 116 and 117, opposite Levee Stations 5896 to 6008 in the Pontchartrain Levee District, St. Charles Parish, Louisiana, for a period of one year from September 30, 1977 to September 30, 1978.

DR. ST. AMANT: The fourth item is T. L. James Company, Inc. request for renewal of a permit in the Mississippi River at Mile 103 AHP. This permit has been in effect for several years and has met the requirements. I recommend it be extended.

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

MR. JONES: I so move.

MR. DUPUY: 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 Wild Life and Fisheries  
Commission does hereby grant permis-  
sion to T. L. JAMES & COMPANY, INC.  
for renewal of their permit to remove  
sand, gravel or fill materials from  
the Mississippi River between Mile  
102 AHP to Mile 103.5 AHP for a  
period of one year from September 30,  
1977 to September 30, 1978.

DR. ST. AMANT: The fifth one is T. L.  
James and Company, Inc., with a permit at Mile 86  
to 87 in the Mississippi River. This permit has  
been in effect and has met the requirements, and  
I would recommend it be extended.



THE CHAIRMAN: You have heard the recommendation, gentlemen.

MR. DUPUY: I move.

MR. JONES: 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 Wild Life and Fisheries Commission does hereby grant permission to T. L. JAMES & COMPANY, INC. for renewal of their permit expiring on September 28, 1977 to September 28, 1978, to remove sand fill from the Mississippi River between Mile 86.8 and Mile 87.35 near Meraux, St. Bernard Parish, Louisiana, at a royalty rate of five cents per cubic yard.



DR. ST. AMANT: Number 6, the Giambelluci Construction Company requests renewal of a permit at Mile 124 at Hahnville in St. Charles Parish, Mississippi River. I would recommend this one be renewed. It has been in effect and has operated satisfactorily.

THE CHAIRMAN: Do we have a motion?

MR. JONES: So move.

MR. GILBERT: 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 Wild Life and Fisheries Commission does hereby grant permission to A. GIAMBELLUCI CONSTRUCTION, INC. to remove fill material from the Mississippi River, right descending



bank, at approximately Mile 124.65 AHP, at Hahnville, St. Charles Parish, Louisiana, for a period of one year from September 27, 1977 to September 27, 1978, at a royalty rate of five cents per cubic yard.

THE CHAIRMAN: The final one is a renewal for Kitchen & Ostarly, Inc. for a permit to remove fill material from the Mississippi River at Mile 105 in Jefferson Parish, Louisiana. This permit has been in effect and they have satisfactorily met the requirement of the Commission. I would recommend that it be extended for a period of one year at five cents.

THE CHAIRMAN: May I have a motion, please.

MR. JONES: So move.

MR. LUTTRELL: 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 Wild Life and Fisheries Commission does hereby grant permission to KITCHEN & OSTARLY, INC. to remove fill material from the Mississippi River at Mile 105.3 AHP, Jefferson Parish, Louisiana, renewing their permit expiring on September 30, 1977 for a period of one year to September 30, 1978, at a royalty rate of five cents per cubic yard.

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

MR. HARRY SCHAFFER: Mr. Chairman, we would like to recommend a season for Calcasieu Lake for the harvesting of oysters under the following rules and regulations:

That the oyster season in Calcasieu Lake be fixed to extend from Monday, November 14, through Friday, March 31, and that the oyster



fishing be limited only to the use of tongs and to daylight hours; the open areas to be Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou, which will be closed because of pollution. The three-inch culling law shall be observed and the culls will be put back on the fishing grounds. All oysters must be put into sacks before leaving the oyster fishing areas in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and the violators subject to penalties set forth in Title 56, Section 115. This was the section that you all asked us to research and I think this might cover it. I talked with Jimmie Gillespie and he said they might be able to enforce that. The taking of oysters for commercial purposes shall be limited to 15 sacks per day. The taking of oysters for home consumption shall be limited to three bushels or two sacks per day, and all commercial fishing for oysters shall be done with the proper licenses and sacks of oysters are to be properly tagged before leaving the fishing vessel. The Secretary shall be



authorized and empowered to extend or close the season if biologically sound.

I think we have someone in the audience from Cameron who has requested that the limit for commercial be up to 20 sacks. Our biologists were in the area and they checked the oysters that are available and there is about 150,000 sacks less than it was last year when they went in and checked before we set the season. I would still recommend that the 15 sacks be the limit.

THE CHAIRMAN: Does the gentleman wish to be heard? Is the gentleman from Cameron here this morning?

MR. JOHN KONDRUP: My name is John Kondrup and I am a commercial oysterman. I have been asked by a number of the fishermen in the Cameron area to request the Commission consider the basis of an increase in the cost of living and the cost of materials and the possibility of the reduced number of oyster fishermen in this area.

However, Mr. Schafer informs me that he feels that a greater number of men will come into our area because of the reduction of the oyster



supply in other sections of the state. In view of this I won't really press the point, in understanding that possibility, to increase the sack limit to 20 but I would like to ask the Commission to consider in perhaps the middle of the oyster season, if the conditions warrant, if conditions and quantities show that it would be permissible to increase this per day take to 20 sacks, it would help the oystermen that are fishing now to more or less remain in business. Expenses as they are now are increasing to the point where I am afraid we may lose some of our oyster fishermen.

Our motion would be if the Commission does not consider an increase in the take at this time, would you reconsider in the middle of the period to increase the sack take to 20 per day.

THE CHAIRMAN: Thank you very much, Mr. Kondrup. I think Mr. Jones, who is in your district, will make a motion and leave that discretion up to the Secretary who I am sure would follow the biologists' recommendations on that.

Mr. Jones, would you like to make the motion?



MR. JONES: I move we adopt the regulations as presented by Mr. Schafer.

THE CHAIRMAN: Would you like to add a proviso on there if --

MR. JONES: I think without putting it in there that they are going to keep an eye on it and if the conditions warrant they would recommend that we change the limits.

MR. SCHAFFER: I think when we say "the Secretary shall be authorized and empowered to extend or close the season," we can also add "increase the limit."

THE CHAIRMAN: Mr. Jones, I take it you want to include that in your motion.

MR. JONES: Yes, put that in there.

THE CHAIRMAN: That the Director has the power to change that, authorize it.

Gentlemen, you have heard the motion.  
Do I hear a second?

MR. DUPUY: Second.

THE CHAIRMAN: All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?



(No response)

So ordered. Thank you, Mr. Schafer.

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

WHEREAS, the Commission biologists and the Chief of the Oysters, Water Bottoms and Seafoods Division have recommended the fishing of the oysters in Calcasieu Lake with the exception of the Calcasieu River and Ship Cannel, East Fork, West Fork and Oyster Bayou, and

WHEREAS, the State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met,

NOW THEREFORE BE IT RESOLVED by the Louisiana Wild Life and Fisheries Commission that the Calcasieu Lake Oyster Season for 1977-78 be set in accordance with the following rules



and regulations:

- (1) That the oyster season in Calcasieu Lake be fixed to extend from one-half hour before sunrise on Monday, November 14, 1977 through one-half hour after sunset on Friday, March 31, 1978, with the right being reserved to extend said season or close it sooner if biologically justifiable.
- (2) That oyster fishing be limited only to the use of tongs and to daylight hours.
- (3) The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed.
- (4) The three-inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing



area reefs to provide for future harvesting.

- (5) All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115.
- (6) The taking of oysters for commercial purposes shall be limited to 15 sacks per boat per day.
- (7) The taking of oysters for home consumption shall be limited to three bushels (two sacks per boat per day).
- (8) All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters shall be properly tagged before leaving fishing vessel.

BE IT FURTHER RESOLVED that the



Secretary be and is hereby authorized and empowered to extend or close said season and to increase the limit, if biologically sound.

THE CHAIRMAN: Mr. Ensminger, please.

MR. ALLAN ENSMINGER: Mr. Chairman and Gentlemen of the Commission, as you all are aware, we own a considerable acreage of coastal marshes along our Louisiana coasts that are assigned to the Fur and Refuge Division of the Department. We have roughly 300,000 acres of land that produce waterfowl food plants and in addition to these fine, excellent waterfowl areas, the tracts of land also produce large quantities of marine organisms, crawfish, crabs, shrimp, oysters.

For the last 15 or 20 years the Department's goal has been to increase the public use of these areas for recreational purposes. We feel that we have done a good job of providing a multiple use of these areas in addition to providing wintering grounds for waterfowl and a limited amount of hunting areas on some of the game management areas. We have also developed management



techniques on the areas that have been compatible with production of shrimp on these areas.

This matter has become increasingly important to recreational fishermen and at this time we would like to make a recommendation that regulations be set by which the public can harvest a limited amount of these marine organisms from these refuges and game management areas.

THE CHAIRMAN: This in no way affects the deed of donation, does it?

MR. ENSMINGER: The Rockefeller, Marsh Island and State Refuge areas were received under deeds of donation and in the deeds of donations on these areas they have specifically provided that the public was to be permitted to utilize the areas for sport fishing and recreational use, sightseeing and photography, so these regulations would be in compliance with the deeds of donation under which we received those areas, as well as the Pointe au Chien and Salvador areas, which we purchased in 1968.

These regulations would direct themselves primarily to shrimp, oysters, crabs, crawfish, and



to rod and reel fishing with rods and reels or hand lines. On the shrimp we are recommending that the use of cast nets only be permitted on all of these areas. During the closed inside shrimping season, limit the fishermen to ten pounds of shrimp per boat for bait purposes. This would eliminate any confusion as to whether the individuals were harvesting shrimp for home consumption or for bait. During the open inside shrimping season, this limit would be increased to 100 pounds per boat, in compatibility to the 16-foot trawl requirement that the state statute calls for.

All of the shrimp would be harvested, as I say, by the use of cast nets only. On oysters the only area that we have any noticeable amount of oyster production is on Rockefeller Refuge in some of the natural bayous that lead into the Gulf of Mexico where salinity levels are sufficient to produce oysters in these areas in limited amounts. We would like to recommend that the oyster fishing be limited to one gallon of oysters per boat and that the oysters be opened at the reef and the shells returned to the beds so that the beds would



be perpetuated, and that no sacked oysters be removed from the Refuge, that they would have to be opened on the area.

On fishing, as I mentioned --

SECRETARY ANGELLE: Would that cause a problem?

MR. ENSMINGER: In the past it hasn't caused a problem, Mr. Angelle. In the winter months these reefs during low tide are almost exposed. They are very susceptible to overharvesting. Without some kind of regulation the beds could be totally harvested, and every oyster on them removed. As it exists now, the Commission several years ago elected to close all oyster fishing on the area. This has created a situation where our enforcement people have to just continually monitor these beds in the winter months, and I feel that by giving a limited amount of fishing on there, it would relieve some of the problems that have been created for our personnel and allow the public to utilize some of these oysters that are not being utilized at the present time.

Fishing on the areas should be restricted



to rod and reels or hand lines. This would eliminate all types of webbing for the use of fishing as well as setting trot lines and bank, bush hooks and floating jug type of fishing gear. The harvest of crabs would be restricted to the use of hand lines or crab nets. Crab pots or traps would be prohibited and the crab lines and nets would not be allowed to set overnight and remain overnight.

Crawfishing on the areas is restricted primarily to our Salvador and Rockefeller Refuges. The Salvador area has some fresh water marshes that produce crawfish in odd years. Rockefeller, some of the waterfowl impoundments produce large quantities of crawfish, and we would like to request that a limit of 100 pounds per boat or fishing party be allowed on the harvest of crawfish.

Now all of these areas are refuges or game management areas, are closed during night time and we would like to request that this be continued. All of the fish, shrimp, oysters, crabs and crawfish should be for recreational



purposes only and no commercialization of these products would be permitted.

SECRETARY ANGELLE: How do you allow a man to catch his crawfish?

MR. ENSMINGER: He can catch them in either small traps that he attends all day or with lift nets or on hand lines.

SECRETARY ANGELLE: Is there a prohibition on commercial trapping?

MR. ENSMINGER: Yes, we would put that on commercial use of any of them. But there are several of these people, Mr. Angelle, who come in there with eight or ten typical traps, they put them out and then they fish hand lines and they fish those traps, but they don't leave them overnight.

SECRETARY ANGELLE: And that is permissible?

MR. ENSMINGER: Yes, sir, we have permitted it in years gone by, yes.

THE CHAIRMAN: Gentlemen, you have heard Mr. Ensminger's recommendation. Do I have a motion and a second?



MR. JONES: So move.

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved and seconded. All  
in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered. Thank you, Allan.

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

WHEREAS, the Department of  
Wildlife and Fisheries owns large acre-  
age of wildlife refuges and game man-  
agement areas along the Louisiana coast,  
and

WHEREAS, these areas produce  
annual crops of marine fishes and  
organisms, and

WHEREAS, sportfishing is per-  
mitted on the areas for recreational  
purposes, and

WHEREAS, a controlled harvest



of marine organisms such as shrimp, oysters, crabs, crayfish and pin fish are permitted, and

WHEREAS, this harvest can be permitted without jeopardizing the resources or violating regulations by which the State obtained title to the areas,

NOW THEREFORE BE IT RESOLVED that the Department of Wildlife and Fisheries does hereby adopt the following regulations for the sport taking of shrimp, oysters, fish, crabs and crayfish on the Rockefeller Wildlife Refuge, State Wildlife Refuge, Marsh Island Wildlife Refuge, Pointe au Chien Wildlife Management Area and Salvador Wildlife Management Area:

1. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season 100 pounds per boat shall be permitted. Size count to conform with open season.



requirements. During the inside closed season ten pounds per boat may be taken for bait.

2. Oysters may be taken from natural reefs and opened at the site. A maximum of one gallon per boat is permitted and all shell must be thrown back onto the reef. Possession of unshucked oysters is not permitted.
3. Fish may be taken by rod and reel or hand lines for recreational purposes only.
4. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight.
5. Crayfish may be harvested in unrestricted portions of the refuges and game management areas and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not



remain set overnight.

6. The harvest of all fish, shrimp, oysters, crabs and crayfish is for recreational purposes only and any commercial use is prohibited.

NOW THEREFORE BE IT FURTHER RESOLVED that this action is of an emergency nature in order to harvest the resources before they migrate off of the areas and that the Director is hereby authorized to sign all documents pertaining to this matter.

SECRETARY ANGELLE: While Allan is up, Mr. Chairman, do you want to ask him to give you a report on the alligators and what is going on over at Rockefeller? I think it would be a good idea.

THE CHAIRMAN: Allan, do you want to give us a report on the alligator season? In St. Mary and Terrebonne Parish? (Laughter)

MR. ENSMINGER: We have had a very restricted season in that portion of our state, as far as I am aware! I don't think Jimmie could



substantiate this.

In the Cameron, Calcasieu and Vermilion portion of the state, however, we did issue about 5400 tags for the harvest of alligators. Our technicians indicate that it looks like we are going to run about 90 percent of those tags that will be filled out by the end of the month. At the present time we are looking at probably 4,800 to 5,000 'gator hides to be harvested out of that portion of our marsh.

As all of you are aware, Cameron, Calcasieu, the lower portions of Vermilion, evacuated for two hurricanes and as a consequence of those little equinox storms out in the Gulf of Mexico, we had an extremely high water level in the marshes, especially in the eastern end of the area that is open around the fringe of Vermilion Bay. This high water situation caused a pretty extensive fish die-off in the Vermilion marshes, and consequently the alligators did not respond to the trapping or fishing technique that the trappers use down there to catch them. So, it has been relatively slow in that portion of the area. They have started to



feed well again on the baited lines and we feel that they will have a very good catch.

Now at the present time indications are we will have probably four buyers that will participate in the sale. The sale will be a week from today and certainly all of you Commission members are explicitly invited to attend the sale at Rockefeller. I think it is quite an experience to see the economic results of a season such as our alligator season. We are anticipating prices of upwards of \$20 a foot on these skins and certainly it should produce a very lucrative amount of income for the trappers in that southwest Louisiana marsh. This should be a prime example of wildlife management to produce a commercial resource as the alligator under a wise management program.

Our validation period starts Saturday. The trappers will be bringing their skins into the refuge where they will be measured and inventoried and the surplus tags that they were unable to fill out returned to the department and then the buyers will be there at the same time and they will grade these skins and then on Tuesday they will submit to



the individual trappers or their land company their quotation for the price of the skins that that trapper harvested during this one month season.

We certainly feel that the alligator season has been a very successful program for the Department.

THE CHAIRMAN: Allen, what is your estimated dollar amount in revenue for these hides?

MR. ENSMINGER: Well, these hides will run a half a million dollars, Doyle. They will run just about \$100 per hide. That is what they have been averaging in the last two or three seasons that we have had. Alligator skins will average about six or seven feet per skin.

THE CHAIRMAN: This is a substantial contribution to southwest Louisiana.

MR. ENSMINGER: It is a very important part of the economy of southwest Louisiana and certainly should be extended throughout the entire coastal parishes of our state. As you are aware, we petitioned the Fish & Wildlife Service almost two years ago to delist 27 of our coastal parishes. At the present time they have been delisted to the



threatened category but under that category the Department does not have the authority to establish an alligator season for the removal of surplus animals out of the remainder of our coastal marsh. We are moving forward and continually pressuring the U. S. Fish & Wildlife Service to further delist them off the category totally so that we would have the authority to establish a limited harvest throughout the remainder.

THE CHAIRMAN: What might we tell these folks in other parishes, particularly in St. Mary and Terrebonne and LaFourche, when they might expect an alligator season?

MR. ENSMINGER: Of course, we had hoped that we would be able to establish one this fall. At the present time it is not possible. We are anticipating that this thing will be available for next summer, Doyle. From all practical standpoints, if the animals were advertised in the Federal Register at the present time it would be the first of January before they could take any action in Washington. So, at the very earliest, we would think the springtime of 1978 would be the earliest



that we could expect them to be delisted.

Our experience in southwest Louisiana has proven that the most practical time to harvest alligators is in the late summer and fall, just after the females have produced their eggs. These animals lay eggs in May and June. It takes 63 days for them to hatch. It is very important that the female be there at the nest site to release the young alligators so that they can get out of the nest, so consequently we have set our alligator seasons to follow the hatching of the young 'gators and this permits any females that might be subjected to being caught an opportunity to release these young 'gators from the nest before the trapping season starts.

We would recommend that for the first few years of our 'gator season in Louisiana that we restrict it to the fall of the year, September and October.

THE CHAIRMAN: How many years have we been trying to get them to deregulate Terrebonne and St. Mary Parish and LaFourche?

ME. ENSMINGER: Well, ever since the



alligator went on the endangered species list, we have requested that the coastal marshes of Louisiana be removed. This was in 1973, an Act signed by the President in December of 1973. Immediately following that we requested that they be delisted. They elected to delist Cameron, Calcasieu and Vermilion and leave the remainder of the range of the alligator throughout the United States on the endangered list. Since that time they have reduced a large portion of its range throughout the southeastern United States to the threatened category.

We have been very actively pursuing this thing for three full years.

THE CHAIRMAN: I am really glad the people in Washington know more about the alligators than those people on the local scene, that they are better qualified to tell them when to harvest their animals than we are. I think old President Madison, or Monroe, once said in his infinite wisdom that if the farmers of this country had to wait on Washington to tell them when to plant their crops, we would all go hungry. I think that basically expresses the alligator situation, too.



Thank you very much, Allen.

SECRETARY ANGELLE: Allen, will you touch briefly on the different economic benefits of the legislation that was passed this last session, dealing with alligator parts?

MR. ENSMINGER: This is additional income that became very obvious to us in the early parts of our alligator management program. There are a lot of people that like to eat alligator meat and it is a very delicious, exotic food that certainly should be utilized. At the present time alligator meat is being used only in limited quantities. The Endangered Species Act prohibits the sale or commercialization of any parts thereof of the alligator.

Now in addition to the meat, certainly the teeth, the skulls, the feet are all curios that could be developed into a very lucrative additional income-type business. We petitioned the U. S. Fish & Wildlife Service to give us permission to deal in these parts thereof, and their response was that they didn't have the authority to do this until Louisiana adopted legislation by which we



could legally control the use of these parts.

As a result, our Commission requested that an alligator parts bill be introduced in this past session of the legislature. I think the legislators that introduced that bill were made a lot of fun of and what-have-you, but it is a very important piece of legislation. It has passed and we have provided the U. S. Fish & Wildlife Service with a copy of that legislation and certainly we would like to see them include the authority to the state to permit our trappers to commercialize on all parts of the alligator. If you can sell his eyeball, I think you should sell it, especially after the alligator is dead.

THE CHAIRMAN: Thank you very much, Allen.

MR. DUPUY: Mr. Chairman, I would like for the record to show that I would like to see deregulation, delisting of alligators in Avoyelles as well as Terrebonne, Lafourche and other Louisiana coastal parishes. There are many people who are complaining to me and to others about the lack of nutria and beaver and mink and otters and bullfrogs and fish, particularly in the Spring Bayou Wildlife



Management Area and in other portions of the parish as well. Most of that attrition is attributable to the alligator, which is not in any way endangered in Avoyelles Parish.

THE CHAIRMAN: Mr. Dupuy, I hate to correct you there, but the Chief tells me this attrition rate in your parish is due to the outlaws, not the alligators!

MR. DUPUY: Well, they are both outlaws as far as I am concerned.

THE CHAIRMAN: I concur in that! Do you want that in the form of a motion?

MR. DUPUY: Yes, in the form of a motion, they are both outlaws! (Laughter)

MR. ENSMINGER: Mr. Berry, the Endangered Species Act provided for an alligator recovery team to be established, or recovery teams for each one of the animals that are on the endangered species list. Ted Joanen, a technician for the Department, is the chairman of that recovery team, and as a direct result of Ted's chairmanship in there and participation in the recovery team, the first recommendation that they made was that these animals be



managed on individual population levels and not on a broad-brush approach as has been applied by the U. S. Fish & Wildlife Service.

Under this recommendation, hot spots such as Avoyelles Parish, where you do have good high alligator populations and good alligator habitat, would be delisted. In areas such as Claiborne Parish, where we have got about 25 acres of alligator habitat and ten alligators in it, it is obvious that that population of alligators is no longer in danger and that these endangered categories and statuses be regulated and placed based upon habitat availability.

Certainly areas such as Avoyelles, which does have good alligator habitat and has good alligator populations, should enjoy a harvest of these surplus animals. Not only Avoyelles but St. Tammany, all of these parishes that do have alligator habitat should be permitted to remove those surplus animals.

THE CHAIRMAN: Allen, as I have told you in the past, it is not the alligators down in St. Mary and Terrebonne Parish that are on the endangered



species list, it is the coonasses. Everywhere you go there in a boat, you look up and there is an alligator looking at you with his mouth open.

Thank you, Allen. Dick.

MR. RICHARD YANCEY: While we are on the subject of endangered species, we might also mention that proposals are now being made in the Federal Register to also put the bobcat and the otter on the endangered species list. The comment period is open now and it would certainly behoove all of us to try to keep both those animals off the endangered species list. We have got our biologists working on data now to counter that proposal and if we don't successfully counter it, then we are going to find ourselves in the same problem with those two animals that we have with the alligator. It is just a very unworkable set of circumstances.

Here in Louisiana last year the bobcat pelts brought about \$55 to \$60. They were important to the trappers and in addition to that, based on all the information we have available, that animal enjoys a very favorable population status, it is



in no way threatened with extinction in Louisiana. It thrives in cutover woodlands, of which we have an abundance here in the state.

Anyway, we thought we would bring out the fact that they are proposing at this time to put both the bobcat and the otter on the endangered species list.

Now the item that I have on the agenda here is that when the deer hunting season dates for '77-78 were set, we inadvertently left out a bucks season on the Pearl River Wildlife Management Area. In the pamphlet and in the news releases we show only six days of deer hunting on the 27,000-acre Commission-owned Pearl River Wildlife Management Area. The season that was left out is a bucks season. It would run from December 18 to January 2.

What we would like to recommend is that you adopt a corrective resolution that would correct the minutes of the June meeting.

MR. LUTTRELL: I am on that committee. I would like to correct the error by moving that we include this bucks season.



MR. YANCEY: That would add 16 days of buck hunting.

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

MR. DUPUY: Second.

THE CHAIRMAN: Seconded. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

Every year we say we are not going to change that pamphlet after it is printed, we don't give a darn what happens, we are not going to change it, we are not going to change it, we are not going to change it, and every year we do change it.

MR. LUTTRELL: Doyle, I have to say this. If we have made an error, we have made an error and we have to be big enough to admit it.

SECRETARY ANGELLE: We will just say it was a typographical error.

MR. YANCEY: That's right.



MR. WILLE: You did mention that closed area, too?

MR. YANCEY: Well, we have another hiatus in the pamphlet as it applies to deer hunting in Lafourche Parish. The map shows a closed deer season in a major portion of Lafourche Parish. However, the verbal description of the hunting area shows that deer hunting in Lafourche Parish would be open consistent with the deer hunting seasons in Area One, which includes parishes all the way from the Gulf to the Arkansas line, up and down the Atchafalaya and Mississippi Rivers, so we don't need a resolution to correct that, but we want to bring it out, the fact that the verbal description calls for a deer hunting season in Lafourche Parish, that portion of Lafourche Parish, and that is what will apply. We have had a number of calls on this matter also.

THE CHAIRMAN: Thank you, Dick. Mr. Herring.

MR. JOE HERRING: Thank you, Mr. Chairman. The first item we have is ratification for approval of revetment work on Three Rivers Wildlife Management



Area along Red River. This is some of the work that the U. S. Corps of Engineers is doing in conjunction with the Red River Waterways Commission. This is of benefit to our land there, to keep it from washing on the Red River there, so I would like to recommend to the Commission that we go ahead and accept this.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. GILBERT: So move.

MR. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Gilbert, seconded by Mr. Wille. 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.)

WHEREAS, the Red River  
Waterway Commission through the U. S.  
Corps of Engineers has requested right



of entry for construction of revetment work on Red River, and

WHEREAS, this revetment work will be on our Three Rivers Wildlife Management Area in the Alligator Bayou Area of Red River, Mile 14.5-L, Concordia Parish, Louisiana, and

WHEREAS, this revetment work is in the best interest of the Department and it assists in preventing of washing of land from our Three Rivers Wildlife Management Area,

NOW THEREFORE BE IT RESOLVED that the Commission ratify the verbal approval given to the U. S. Corps of Engineers for rights of entry on Department property for this work.

MR. HERRING: Mr. Chairman, the next thing, at the last session of the legislature an act was passed pertaining to falconry in the state and I would like to just ask the Commission to grant the Department a permitting system for this purpose of people keeping falcons or hawklike birds.



THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. WILLE: I so move.

MR. DUPUY: I will second it.

THE CHAIRMAN: Moved by Mr. Wille and seconded by Mr. Dupuy. 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.)

WHEREAS, the 1977 Session of the Legislature amended Sections 102 and 123 of Title 56 of the Louisiana Revised Statutes of 1950 to include the sport of falconry as a legal method of taking game, and

WHEREAS, Paragraph 2 of Sub-section B of Section 123 reads as follows: "(2) Rules, regulations and issuance of permits affecting the sport



of falconry within the state shall be as designated and administered by the Department and shall at least conform to the minimum federal falconry standards as prescribed by the United States Department of the Interior, Fish and Wildlife Service," and

WHEREAS, a current hunting license or permit shall be required to practice the sport of falconry, and

WHEREAS, no falconry permit shall be issued to any applicant under sixteen years of age,

NOW THEREFORE BE IT RESOLVED by the Louisiana Wildlife and Fisheries Commission that such rules and regulations concerning falconry as promulgated by the Fish and Wildlife Service of the Department of the Interior be adopted as the applicable rules and regulations for the State of Louisiana with the additional requirement of a valid current hunting license or permit



and the requirement that the applicant for a falconry permit must have reached the age of sixteen.

MR. HERRING: The next one item is a permitting system for the purpose of using dogs on our wildlife management areas to remove hogs and cows off them, and we do have this problem on our Boeuf River and we would like to go through the emergency procedure act in doing this this year, to permit the taking of livestock by dogs from this area as well as other wildlife management areas that we have in the state.

MR. LUTTRELL: For the benefit of the press, Joe, those areas are not fenced and dogs are necessary to move the animals.

MR. HERRING: That is right. This is a recently purchased area that we have on Boeuf River. A lot of us refer to it sometimes as the old Caldwell Management Area. It will probably be some time before we can get in there and really survey this area, get a legal survey on it, and get it fenced where we can keep hogs and cows out.

At the present time there is no stock



law in this parish and some of the people are willing to get some of the stock out. Certainly with hunting seasons coming up, we would like to cooperate with them in any way possible in helping them to get the stock out. We would like to grant them some type of permit so they could take dogs in there.

These permits then would be issued by our district supervisor or district personnel. They wouldn't have to come through the main office or any other office, and the permit would be valid for one year on the area, so that it would give them time to work on there. We would have a 30-day cancellation clause on it so that if in the meantime we did get the area fenced and were able to do anything in there, then we could go ahead and cancel these at such time as we got all the stock out.

We would also just say that nothing but stock dogs would be permitted in the area. There would not be any other type of dogs. They would have to have their names and addresses on the collar and no dogs would be permitted during the



deer season on the area. Commission personnel would have the right to search anyone on the area because we would not permit any type of firearms or guns to be on there when they are removing stock. These permits would be from sunrise until official sunset on the area.

That would be it, but we would like to get this so we could use it on all the wildlife management areas, should other things come up. It is really a modification of some old rules and regulations we did have back when we were having problems with Saline and quite a few other areas as we purchased them. This always comes up in our land acquisition program. When we buy a new area we do have a lot of problems which we get with it, and it takes time to work those out.

THE CHAIRMAN: Gentlemen, you hear the recommendation. Do I have a motion?

MR. GILBERT: So move.

MR. LUTTRELL: Second.

THE CHAIRMAN: A motion and a second.

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.)

WHEREAS, the Game Division is in need of a universal method for owners to remove livestock from state-operated wildlife management areas, and

WHEREAS, the acquisition of Boeuf Wildlife Management Area needs special attention at this time, and

WHEREAS, it is recommended that the following rules and regulations for removal of livestock from wildlife management areas:

1. Individuals (owners) having hogs or cattle on wildlife management areas apply to District Supervisors for permits. Only stock owners with stock on the wildlife management area will be issued a



permit.

2. Permits will be issued not more than one-year duration, and can be revoked on a 30-day notice.
3. Stock dogs may be used for the taking of livestock only. Dogs will be collared with owner's name and address on collar. Permittee will be responsible to see that his stock dogs will not unduly harass wildlife animals. Any such harrassment will result in revoking permittee's permit.
4. No dogs will be used during open deer season.
5. Commission personnel will have the right to search the permittee's equipment and/or vehicle while using this permit.
6. Permit is valid only from official sunrise to official sunset.
7. Firearms are not permitted for removal of stock and will not be



in permittee's possession while on the wildlife management area.

8. Permittee will abide by all rules and regulations in force on the specified wildlife management area.

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission at its regular Commission meeting on September 27, 1977 adopted the above rules for the purpose of using stock dogs in the removal of livestock from Department-operated wildlife management areas.

MR. DUPUY: Joe, we don't have any wild hogs on that area where the taking of wild hogs by stock dogs would become an abusive problem, do we?

MR. HERRING: No, I don't think so. Most of them should be marked or they are claimed by someone in there. We are just permitting them to take their own hogs out and it would be their problem there.

MR. GILBERT: Joe, under this emergency deal, when does it go into effect?



MR. HERRING: We will go ahead and send it in, and we can put that in effect immediately. We would like to go ahead and get this in so that we can work with those people to get as much done between now and hunting season, which is right around the corner. It is October first for squirrel and stuff, and then deer.

MR. GILBERT: Do we need to declare an emergency?

MR. HERRING: Yes, sir, we can go ahead and make that and that will clear it up.

MR. GILBERT: I move we declare this an emergency.

MR. DUPUY: I will second that.

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.

MR. HERRING: Mr. Chairman, the next thing we have is from Louisiana Intrastate Gas Corporation. They have drilled two wells on our



Russell Sage Wildlife Management Area and from what we hear they are going to be good producing wells there. This company has made a request to put a four-inch line across our Russell Sage Wildlife Management Area for the purpose of flowing this gas out.

Half of the mineral rights are owned by the Louisiana Wildlife and Fisheries Commission and the other half of the mineral rights are owned by Ouachita Farms. They have made a request, in their original request, for their pipeline to follow along Youngs Bayou and then it would lead out to Well No. 2 and then come back and follow you might say Youngs Bayou in our Russell Sage and go to Well No. 1. Really what they are doing on here is making a U-shape in following the bayou going from one well, Well No. 1, to Well No. 2.

At a meeting some time back we gave the drillers permission to build a road from Well No. 1 to Well No. 2 in a straight line, so that they would have some method of carrying their equipment through. In talking to these people pertaining to their request of the pipeline following Youngs



Bayou, they seemed to have no objection if we would grant them the right-of-way to follow the road, which would be a straight course and it would also keep other lands from being cleared on our wildlife management area, rather than just having a hodgepodge of a clearing here and a clearing there and a right-of-way and just going all through this Russell Sage Wildlife Management Area with rights-of-way. We would rather keep everything in line and keep any right-of-way requests joining the others so we would only have the one clearance.

I would recommend to the Commission then that we grant them permission for a right of way from Well No. 1 to Well No. 2 and that they would come into the same stipulations that we have for other rights-of-way. They would bury their lines and we would grant them a 25-foot right-of-way on this, and either timber damage would be paid or we would have timber survey made prior to any operations.

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



MR. GILBERT: So move.

MR. DUPUY: Second.

THE CHAIRMAN: A motion and a second.

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.)

WHEREAS, Mr. Clifford Lafleur,  
Land and Right-of-Way Manager for Louisi-  
ana Intrastate Gas Corporation, has  
requested permission to construct a  
four-inch gas pipeline on our Russell  
Sage Wildlife Management Area, and

WHEREAS, this proposed gas  
pipeline will be for the purpose of  
removing gas from the new wells being  
drilled in Section 25 and 30, and

WHEREAS, this request for a  
gas line right-of-way will be to



follow Youngs Bayou to a point where it crosses Gourd Bayou to Well No. 2 and then divert back to Youngs Bayou and follow that bayou for approximately one-half mile and then divert back to Well No. 1, which would form a "U" and cause additional land clearings on our wildlife management area, and

WHEREAS, it was recommended to Mr. Lafleur of Louisiana Intrastate Gas Corporation that the permit be granted to follow the existing road from Well No. 1 to Well No. 2 and Mr. Lafleur had no objection to this,

NOW THEREFORE BE IT RESOLVED that this right-of-way be granted for the purpose of removing gas from Wells No. 1 and No. 2 on our wildlife management area and that this right-of-way be granted for a width of up to 25 feet at \$10 per rod, that the gas line be buried, and that timber damages, if



any, be paid by the Louisiana Intra-  
state Gas Corporation.

MR. HERRING: Thank you, Mr. Chairman.

THE CHAIRMAN: If there is no objection, we will set the date for the next meeting, which will be October 24 and 25. This is on Monday and Tuesday. That will be at the Holiday Inn in Slidell, Louisiana. We have been invited by a club over there to hold a meeting in that area and we think it is a proper thing to do.

Is there any other business to come before the Commission this morning?

MR. JONES: You have somebody there.

THE CHAIRMAN: Yes, sir. Will you state your name, sir, and whom you represent.

MR. WILLIAM A. CASS, IV: I am William A. Cass, IV. I represent Westside Oyster Farms. I am here about a dredging permit was applied for by the Texaco Oil Company and it is going through one of my bedding grounds and seed ground reservation at Hackberry.

There was a letter of no objection issued by the Louisiana Wildlife and Fisheries and I was



wondering if there was a biological study done on this thing and why was it not opposed to. It does go through some seed grounds; they had boats working there last week.

THE CHAIRMAN: Mr. Schafer, do you want to comment on that?

MR. SCHAFFER: Dr. St. Amant handles these permits and letters of no objection. I think his reasoning on this is that these permits for the oil operation are issued by another state agency and we cannot object to their operations. I think what he does is issue a letter of no objection provided it is done and does not infringe upon the resources that are under this Department. I think this is what happens. He issues this thing and if any damage is done, then the oil companies are supposed to replenish the shells -- if it is on a seed ground they are supposed to replenish the shells that are damaged and he also points out that there are oyster leases in the area and that the oil companies are supposed to check with the oyster people who have these leases and make any kind of settlement with them.



MR. CASS: Can I add a little something?

THE CHAIRMAN: Yes, sir.

MR. CASS: O. K., on this application they want to put approximately -- I am stating from the application to the Corps of Engineers -- they want to put 4,500 cubic yards of siltation on top of a small island, which we have studied and the lawyers have turned in and asked for a public hearing before this is done. They want to stack this silt approximately four-foot high on the marsh.

Now the island where they want to put this silt is approximately 100 feet from one lease and approximately 200 feet from the oyster seed ground itself, the reservation I am talking about.

They also want to dredge a flow line and put 1,500 cubic yards of material back in the reservation after they dredge it. They are talking about closing this up when all the total operation is finished, but what happens when the nor'westers start, which they want to go ahead with this right away, what is going to stop all the siltation from running right down into the reservation and also my bedding grounds.



The reason I am so concerned about it, last September this same company dredged into my bedding grounds without a permit. They had not applied for a permit. They had not negotiated with me or contacted me whatsoever. They went into the bedding grounds. They put an illegal levee which the federal government -- that is why I had to go and get a federal injunction to stop it -- and when Texaco seen they was going to lose it, they turned their permit back in on this new type of operation. Now they are doing it formally but under the older operation they dumped mud into approximately 300 acres.

I have a suit going against them right now for a little over \$400,000 of oysters they destroyed, and the only response I have got from Texaco, well, come sue us. All right, if they are going to conduct this haphazard operation, which they have done in the past in Bay du Chene, which is an oyster reservation, and there is no doubt about it if you send a biologist out there or any biologist familiar with this country, he will tell you what happened in Bay du Chene. There is no



longer bottoms left, it is just mud.

They want to come back with this same type operation, and the only concern I have with the Wild Life and Fisheries, why was the letter of no objection issued. I would rather see no letter issued at all and let us fight it out, but I am still concerned, and I think you would be concerned, too, to know that this is a seed ground reservation. As short as oysters are, we need every inch of it. I think something should be done, at least questioned.

I have asked for an environmental impact statement and a public hearing on this. But the Corps of Engineers, when they received this letter, just remember, I don't own the lease I am on; I only lease it from the Wildlife and Fisheries, and the first thing this oil company, and I will quote Mr. Al Pearce, has come to me and said, the Wildlife and Fisheries has no objection, how can you object, you are only a leaseholder. He doesn't read the fine print, he doesn't worry about it.

So, gentlemen, I would ask that you would look into this issue and really do something for



the fishermen, because we need the seed ground area so bad it is not funny. Now if Texaco needs this reservation for oil, fine. Let them replace us a couple of hundred acres somewhere else that we can get our seed oysters.

This has been going on for the past 25 years. We have a fisherman in the audience and I am sure all of you are familiar with him and I think he could answer questions on what went on in that because he has been there 30 or 40 years. It has just got to be a problem where it is a matter of survival for the leaseholders.

MR. WILLE: What is the date on that letter of no objection?

MR. CASS: August 16. The application was put to the Corps of Engineers on August 23. They have this public notice the Corps of Engineers put out.

THE CHAIRMAN: What is the official heading on that thing? What does it say?

MR. CASS: On which one?

THE CHAIRMAN: On the Corps of Engineers permit. How does it describe the particular



property?

MR. CASS: The name of the applicant is Texaco. Location of work is Hackberry Bay and adjacent wetlands, 11 miles northerly from Grand Isle, Louisiana, in Jefferson Parish, as shown on attached drawing. The character of work is to dredge and maintain channels, install a drilling platform, drilling barge, pipelines and apparatus structures, drilling exploratory well and oil production.

Now, another thing is this. Where they want to dredge this canal, it is not necessary to dredge a canal coming through my bedding grounds to get there. A hundred feet over to the west where they want to put this well is six or seven foot of water, yet they want to come in the shallow area. Why couldn't this thing just be set over a couple of hundred feet and stop them from destroying the reservation and my bedding ground.

SECRETARY ANGELLE: Have you discussed that with them?

MR. CASS: We have been back and forth in the federal courts. They don't want to talk to



me no more because I stopped them once. The only thing, when the judge was ready to issue the injunction, he called them in and he said, gentlemen, the only way this injunction is not issued is if I don't have an application.

SECRETARY ANGELLE: What other provisions were provided in the letter of no objection from Wildlife?

MR. CASS: It said, I will read the last short paragraph: "In general we do not oppose the operation of this oil field but we do require that we be notified in each individual operation since considerable oysters may be harvested from the area which has not yet been invaded by your activities. Our policy is to retain as much effectiveness in the area for oyster production as possible."

Now, my concern was, did they send a biologist out and really check this thing, because when they do they will find that the marshland that they want to stack the siltation on will not support it. In my letter of objection my lawyer drew, that is what we questioned, and we asked for a public hearing and environmental impact statement.



In it he says, "The application indicates that the spoils from the proposed dredging are to be pumped into the marsh to an elevation of approximately four feet." Now this is marshland you are trying to pump and hold siltation on. "Considering the instability of the marsh, particularly in heavy rains or high tides or experience, it seems unlikely that the dredged spoil will remain in the marsh. It is much more likely the spoil will quickly erode down to the normal marsh level. During the erosion process neighboring oyster leases will be continually bombarded by organic silt from the spoil which then oxidizes, causing the same oxygen depletion and oyster mortality that has been taking place in the past."

Approximately three-quarters of a mile from there was the same operation I told you about that we had to go for the federal injunction, and so far there is no compensation and they don't even want to talk about it. At first they put the blame on the Wildlife and Fisheries, that they had surveyed the leases wrong. Then when the Wildlife and Fisheries come out and checked it, they kind of



passed some doubt that they had the instruments or the men to survey this properly.

Now some of your biologists have checked this thing and they know the mortality in the area.

THE CHAIRMAN: What would you like for us to do, Mr. Cass?

MR. CASS: I don't know if you could still issue a letter of objection but I would like to see if it would be possible to have a letter of objection to the Corps of Engineers, just asking for an environmental impact statement and a public hearing on the thing. Then they would go in and investigate it properly.

THE CHAIRMAN: Dr. St. Amant, have you been brought in to speak on what is transpiring here?

DR. ST. AMANT: I am not sure I know all the details that we have right here, but I think this is a letter, I also wrote another letter. Did you get another letter from me yesterday? The problem is simply this, Mr. Chairman. The Hackberry Bay area has been set up by the legislature as an oyster seed ground, but like many things that



happen in this state, the area has also been leased to Texaco by the Mineral Board. You have two state agencies with equal responsibility in the area. We have done our very best over the years to try to keep this thing from conflicting.

In the initial request that came in, we examined it. We sent out a letter to Texaco, to the Corps and I think a copy also went to the Oyster Growers and Dealers Association, which indicated that there would be operations in this area. We recommended to Texaco that they check the maps and we recommended that they operate in a manner that would be as little detrimental to the oysters as possible.

This is the standard procedure. We don't have any authority to completely stop this operation since the state has given out these mineral leases. About all we can do is supervise them to the point that we have the least damage. Now there are some instances when this damage is not totally prevented and it may depend on either how near the lease is or what the conditions are in the area at the time.



What happened in this case, when Mr. Cass called my attention to it was after the fact that we had issued a letter, so I wrote a second letter in which I pointed out these things to him, that we had called attention to Texaco that they were operating in this area, and we also called attention to them and to Mr. Cass that this area was leased to the Texaco people by the State of Louisiana.

I don't really know what we can do. I have offered to send people out and to check. He has a perfect right to do several things. He can oppose this thing from the Corps of Engineers point of view and make his opposition known to them, and if the Corps wants to, they can hold a public hearing on it. He and anyone else can write his opposition in. I think this is his perfect right.

He can get any service from us with respect to studying the area and to developing information to see what, if any, damage has occurred and if damage will be in the form of a report that will be public evidence that can be used in any type of litigation that might occur, and any



of our people that operate in the area and work on it can serve as expert witnesses. This is the standard procedure.

Now I understand his position. It is a position that is not new. It has one that I think any oysterman in here will tell you has been going on for 25 or 30 years. It is in many instances a conflict of interest. I don't know anything we can do about it at the present time unless we can change the law of the state.

MR. WILLE: What about directional drilling?

DR. ST. AMANT: You can directionally drill in many areas, but at the present time with the lease we don't have any authority to demand directional drilling. This is something that could probably be done if the Corps got enough evidence stating and asking to do it. The thing is that when you directionally drill, if you put them on land someplace, you apparently change the way the royalty goes. I think this has been one of the problems with drilling these water areas. I may be wrong on that; you might ask one of our attorneys



but I think we have had some problems with this directional drilling setup.

MR. WILLE: Is it standard that we always just type out a letter of no objection now, Doc, when something like this comes up?

DR. ST. AMANT: We go through a standard procedure. Every one of these mineral companies that operates, if they are anywhere in an oyster area, they are requested to come in, they are supposed to, and examine the oyster maps. They determine the location of these leases. They are then made aware of the proposition that they are working in an oyster area, and they do in some instances contact the oyster people. Some companies are a little more difficult to deal with than others.

Then the oysterman has a right to make his complaint known to us and back to the Corps and the oil companies, and we also furnish a service to determine whether or not there is any damage. If we get requests early enough, we do a survey before and after the fact, which you can compare. Sometimes we don't get this request and sometimes we are not able to schedule them as



rapidly.

MR. LUTTRELL: Doc, a point of information. Is it possible for us to send our biologists out there to get more facts on what is happening and what has happened, with the point of view that we might alleviate this thing?

DR. ST. AMANT: Yes, sure, it is possible. I mentioned that in the letter to him and I referred the letter to Mr. Schafer, if he wants somebody to go out there and look at it. The thing that we run into is there is a good many of these things and we do have a scheduling problem. I had a group in here yesterday that wanted the same thing. They were opposing it and they wanted a study before and after the fact, and it takes time to make these studies, but we are in a position to do that.

MR. LUTTRELL: I wouldn't want anyone to think I was favoring the hindering or destruction of our oil industry but at the same time I certainly think that we should act as a mediator to save the oyster industry as much as we can, if that is within our power.

MR. WILLE: Well, I definitely think that



the position of the Commission would be to side in with the oyster people. I realize that we need the natural resources but as a wildlife commission, I think if they are going to destroy oyster beds that we definitely should voice an objection to it.

MR. GILBERT: Dr. St. Amant, don't we have the right and the responsibility to protect this oyster bed property?

DR. ST. AMANT: We have gone into that a long time ago, Mr. Gilbert. This is not a new question. Twenty-five years ago we tried to determine whether the Wildlife and Fisheries had the right to ask for an injunction against the oil companies in these areas. We were not able to establish that fact, because when you ask for an injunction, you have got to put up the money and the bond to determine how much damage you do the oil company. Moreover, in the early days, before the Revised Statutes of 1950, there was a clause in the regulations, in the law -- I think some of the people who have been around long enough will know this -- that stated that before an oil company could go into an area, that they had to first



contact the oyster people and get permission and do all that business ahead of time.

This apparently during the 40's and the early 50's caused a problem, at least to the oil companies. It slowed them down to the point that they were operating at a high cost level and apparently somewhere in the Revised Statutes, when they went back to the legislature in the 1950's, this clause was taken out. The oyster industry, the Wildlife and Fisheries Commission, Mr. McConnell when he was here, he fought as hard as he could to get that thing put back in there. We were not able to get it put back in.

Since that time we have had to operate on a parallel basis with the Mineral Board and the rest of the state. They give a lease and we give a lease and we have problems keeping them separated.

THE CHAIRMAN: Let me say this and I think maybe we can separate the apples from the oranges. When we lease a piece of property to this gentleman or anybody else to raise oysters on, the oysters on that property are his personal property, they don't belong to this Commission and we have no



say-so over it.

DR. ST. AMANT: That's right.

THE CHAIRMAN: Then his fuss is not with this Commission or this Commission's responsibility to protect his personal property, whether it be oysters or dogs or cats or rabbits or his household. Although we are a commission to protect the wildlife and fisheries of this state, when this becomes his personal property, it is his fight between him and the oil companies. I don't think it behooves this Commission to get involved in it and I don't think we have any legal right to be involved in it. I am in sympathy with his problem. I appreciate his problem but his remedy is not with this Commission on his private property. His remedy is through the courts, with Texaco or whoever else he is involved with. Am I right, Mr. Dupuy?

MR. WILLE: Well, I think it would certainly be our responsibility to voice our opinion.

MR. DUPUY: I think we have the responsibility to --

THE CHAIRMAN: When we lease a man a



piece of property, we can tell him what to do with it?

MR. WILLE: No, I am not saying that, Doyle.

THE CHAIRMAN: We are supposed to protect it for him? We are not his protectors on his personal property.

MR. CASS: I didn't ask for myself. Remember what I said, the seed ground reservation of Hackberry; that is what I am concerned about. I brought in my part to show what I have done and it can be done. We talk about putting money up, I put up \$100,000 cash bond but I made Texaco back off because they were illegal. They called my bluff but they found out it wasn't a bluff. This is the first time; you check with the Wildlife and Fisheries.

THE CHAIRMAN: I am not taking anybody's side, I am just stating that as far as we are concerned, that lease is your personal property.

MR. CASS: Right, but that reservation I think is you all's concern because that is for all the fishermen. I just brought in my answer.



This is the first time Texaco has ever submitted a formal bid that is known in the history of Bay du Chene, and they have about 300 wells sitting out there. This is what I am concerned about. It is a seed ground reservation and I think, you know, this is your concern. My concern is whether I am going to have to fight them when they do the damage. But remember one thing, by this letter of no objection, they go in and do this damage to the reservation. Fine, all those oysters are gone and the state has no loss, the fishermen lose. O. K.?

But, this mud from this same operation is coming right in my --

THE CHAIRMAN: No, you are wrong there. When the fishermen lose, the state loses.

MR. CASS: O. K., but this operation in this reservation is going to pull mud down into my private leases. This is where I start getting concerned, but the court told me that I have to prove that that mud came from that operation, which we are doing right now. We have the proof to do it. But why should I have to keep fighting all this stuff and the Wildlife and Fisheries, it



would be much easier to issue no letter at all, because they are using this to say the Wildlife and Fisheries says there is nothing wrong with it. It is just a simple matter of twisting things around, I am sure.

THE CHAIRMAN: Because the bureaucratic process requires us to issue a letter one way or the other, objection or no objection.

MR. CASS: I don't think it does.

THE CHAIRMAN: Yes, sir, it does. We have no problem with that. And again, I am not defending the big oil but they have got to get the energy out of the ground. We have got a terrible energy crisis in this country. I am well aware of it and you are, too, and I think they should pay for your damages which they caused. I agree with you 100 percent. But if you go up there to get fuel for your boat to go oyster fishing and you haven't got any fuel, your oysters are not going to do you much good.

MR. CASS: Only one problem, if we don't have no oysters to fish, we don't need that fuel anymore.



THE CHAIRMAN: But the rest of the nation needs it.

MR. CASS: The problem is, I have been bent over backwards with Texaco and they ran over me afterwards. I have let them drill on areas, went and showed them where there was no oysters and not accepted one red cent and let them drill to keep them out of my oysters, but it is a different story when they start destroying what the state owns. Then I think it is the state's responsibility.

THE CHAIRMAN: I agree with you.

MR. CASS: And I don't think there is a conflict between the Mineral Board and the Wildlife and Fisheries, because the Wildlife and Fisheries board I don't think has nothing to do with oil, but they have to preserve the seed ground reservations or why have them, let's turn them back. Just a few months ago an oyster fisherman who had been in this area for 35 years had his bedding grounds taken away to make this a reservation, and now all of a sudden the oil company has the free run of this.



THE CHAIRMAN: Let me say this, the State of Louisiana owns the minerals under that ground and we are required by law to let them operate in drilling, there is no question about it.

MR. CASS: In a reasonable manner, but it is not a reasonable manner what they have been doing. In other words, I am telling you right here, this same location, I can show you how to get in with little or no damage, but they don't want it. When you suggest it to them, we are going where we want to go, and when they start doing that, I think it is a matter of start stopping them, and they can be stopped, they have been stopped. I think, to keep you all from getting in trouble, if you meet this situation head-on, you are going to stop it. But these other oil companies are going to look around and see Texaco getting by with murder and I think they are going to want it, too. I don't think the fishermen have been unreasonable, because Bay du Chene has almost as many oil wells as oysters left in it. The boats went in there this year and in two weeks it was clean. In fact, I would like to see the thing



closed, it is so clean. There is nothing but shells to be hauled out of there.

Now you are talking about an 800-900 acre reservation or a 2,000-acre reservation, and in two weeks you clean it out, there is something wrong. And there are some of the finest oysters in the State of Louisiana in there.

THE CHAIRMAN: Thank you, Mr. Cass. Yes, sir.

MR. PETER VUJNOVICH: Gentlemen, my name is Peter Vujnovich. I have been in the Louisiana oyster industry since the age of 13. I was the past owner of 121 acres of seed ground, of leases in this Hackberry Bay. It was taken away from me in the beginning of September and truthfully I feel a little heartbroken since it was taken away from me without no repayment, without anything, and I did file suit against the Department of Wildlife and Fisheries, which was a very, very sad thing for me to do because I have always been a good fighter for the Louisiana oyster industry. But when my personal things got hurt and my living was being taken away from me without no kind of repayment for



me, I don't say the state didn't have the right to do it, they probably did, but the courts will prove who was right or who was wrong.

But this is the thing. These leases were taken away from me, which I made a living from for myself, my wife and my six kids, for the past 35 years off those leases. I am known as one of the best, among the best oyster farmers in the State of Louisiana, so I had to come back and sue you all and now I say this. I am here and how in the world can you all take my leases away from me and the state can't protect them from the Texas Oil Company coming on there, doing this, destroying them completely? There is something wrong, gentlemen.

That is all I have to say. There is something wrong. The oyster business is going to be no more if we don't do something. I come before you to the Department of Wildlife and Fisheries and I asked, I say, what is the matter with you all. You are not doing this, you are not doing that, and they say we don't have no money. I ask you all, the oyster industry can stand it, raise the acreage to \$5 an acre but do something, give us some



kind of protection so we can be in the oyster business. I don't need the money of the Texas Oil Company or any oil company. These are honest hands. Give me oysters to work and I can feed and I can bring money to the state of Louisiana, to the federal government, if we had the seed oysters.

That is what we are after. The way it is going, our oyster industry will be completely demolished within a period of four years.

Thank you, gentlemen.

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

DR. ST. AMANT: Gentlemen, I only have one recommendation in view of this. This is not a new argument and anybody who says it is, is wrong. This argument went on in the 1940's, the 50's, the 60's and it will probably go on in the 90's. My only recommendation to this Commission and to the oyster industry is let them get a lawyer and we have a lawyer and let them go up to the Attorney General's office and see who is running this thing. Let them look at the laws and let's see how much power we have. We tried it once and I am willing



to try it again, but I am not going to do it without legal support.

Now if somebody says we can get an injunction against these people, if we can run them out of Hackberry Bay, we will run them out, but I don't believe they are going to run and I believe you are going to lose more than you are losing now. I think what is going to happen, you are going to find out what the law says. You haven't taken the opportunity to read the laws. We have. And you are going to find that the Mineral Board has the same right to issue these leases as we have. You are not going to be able to stop this stuff as easily as it looks like.

We can issue a letter of objection and what is going to happen is that we are going to be challenged in the courts on it immediately because they have the legal right to go into this area and we have tested it. Now the best thing we have been able to do is what we are doing on the seed grounds on the east side. When they go in there, we examine them, and if they go in an oyster area we try to get some replacement in kind. We try to



move them around through the system, to keep them off the oysters.

As best I understand it right now they are not plowing through any oysters. They have used a lot of that Hackberry Bay, but they are not on the oysters except in those areas where the oysters have come back after they dredged them with spoil banks.

Now you have some differences of opinion on this thing and it is all right with me. If you want to push it, we will go, but I want some legal help to go in there and do it because I think what you are going to find is that you are not going to win this thing as easily as they think it is going to be. It is fine with me, I don't have any objection. I will write the next letter and just stop the first one that comes in, if that is what I am directed to do.

I have been acting on the best information that I could get and that is the best I can say to you.

THE CHAIRMAN: I recommend you continue that, Doc.



MR. CASS: Gentlemen, I would like to add a little something to that. If you sent a letter of objection to the Department of Army, that's up to them to issue that permit. What I was a little disturbed about was that a letter of no objection was written. If you issue this letter of objection and say we object because there is oysters and we would like to know what can be done and what can't be, then they have the right to call for a public hearing, and then they study the facts. But when this letter goes in, no objection, boom, they have got their permit and they are gone.

THE CHAIRMAN: Mr. Cass, I beg to disagree with you. There are about 27 agencies you have to go through now to get a letter of no objection --

MR. CASS: But I meant if all of them said they don't object, then it is automatic. I have permits pending. I know how many you have got to go through. It is a hell of a lot of them. But what I am getting at, I am not trying to get the Wildlife and Fisheries to fight to see who can control Bay du Chene. The oil is there, fine. They are eligible to get it out of there. But how much



damage will you allow to be done to the oyster industry before you say, well, gentlemen, you have got to start doing this in a reasonable manner. The reason I am bringing this out is there was shells planted in Bay du Chene a few years ago. Texaco sat down with the oyster fishermen, we asked them where can we plant some shells that you all don't intend on drilling. We sat down, they come up with a spot. Fine, the shells were put down. Six months later they are dredging in there and tearing the shells to pieces.

Now are we trying to get along, or are they just trying to go against us? They have continued to do this for the last 30 years, but why is it all going to come to a head now? Because there is no more seed grounds, no more seed oysters left out there. When you see that figure drop from 3.8 million barrels just three or four years ago to 600,000 barrels in the whole state of Louisiana, what happens then? Your fishermen start going out of business and there is another burden, somebody else on welfare.

All we ask, fine, let them get the oil



but at least go there and try to get it out in a reasonable manner, not do what they have done in the past, take a dredge boat and sling mud all over the beds. Now they told this to the federal judge. We got up in arms about it because there is a federal law says you can't raise that bottom more than six inches. He said we are not going to do that. We said how in the world can you do it in two foot of water. He said we are going to sling the mud all over the bay.

When you do that, you are covering up the oysters. Why have a seed ground reservation? This is all we are asking, that these type of illegal, and I am calling them illegal because they are -- two federal laws, the '75 Environmental Impact Law says that you cannot put this spoil back in the water without any environmental impact statement and a public hearing. That is the federal law, 1975, and that is what they were stopped on.

Now if it is against the law, I don't see how hard it is to stop them. If they are doing something illegal, let them get legal. That is all I am asking for. But we want to survive in the



meantime. Captain Pete is getting up in age. Fine, he is going to be eligible for food stamps and retirement soon. But what am I supposed to do? I mean I am just looking out for the future and I will tell you right now, I am the president of the Louisiana Oyster Dealers Association and I am looking out in their behalf. My behalf, I am paying my lawyers to fight my side, but when it is the reservation, that becomes the industry's behalf.

THE CHAIRMAN: If you can find something to do where you get food stamps and that kind of stuff for our age group, you let me know!

MR. CASS: All right. I just think if you meet the problem head-on and get this thing solved, it will be better off. It has been lingering too long, and it is not a struggle.

THE CHAIRMAN: We will talk to Dr. St. Amant and our people and we will take it under advisement and see what we can do with it.

MR. CASS: I appreciate it. Thank you, gentlemen.

THE CHAIRMAN: We thank you for being



here this morning, sir.

MR. VUJNOVICH: Could I just say one more thing?

THE CHAIRMAN: Yes, sir.

MR. VUJNOVICH: This past week there there had an oyster boat went out there in Hackberry Bay and started fishing oysters. Man, they was catching them full dredge. He was there about 20 minutes and a Texas Oil Company speed boat came there and say, man, you better get away from there, there is three pipelines with high pressure that is laid on top of that reef; you hook one of them and explode it, 800 pounds of pressure.

Now, gentlemen, this is ridiculous, the way I feel about it. When they do such thing as this, it is a seed ground reservation, yet they lay a gas pipeline that got 800 pounds of pressure, so I guess you all are more familiar with that what can happen if you hook one of them things with a dredge line and bust it, everybody on the boat can just go and that's that.

Now isn't this ridiculous? That is a seed ground. Where? I believe the Louisiana state



law says that you cannot pull a trawl without the permission from this department, and that is going on in that Bay? Gentlemen, there is something seriously wrong, not only with the Department but with the people in the oyster industry that let it go like that.

THE CHAIRMAN: Thank you, sir. Any other comments this morning? Yes, sir.

MR. LEONARD KNAPP: Mr. Chairman and Members of the Commission, I am Leonard Knapp with the Louisiana Wildlife Federation. I believe last month I addressed you about the problem with Kistachie National Forest. I would like again to reiterate the position of the Louisiana Wildlife Federation. I am district vice president so I am speaking for local clubs in our district especially.

Last month the Commission took a position which I think stood up for the recreational and the wildlife interests in Kisatchie National Park. I would like to commend the Commission on that stand. I think it was really worthy and I would like to think really there is broad public support for the position of the Commission that you are taking in



following this up.

We have been following this this past month extensively and we have two requests to follow up with our position because we have been studying also the problem extensively. First, we ask that the Commission make available the specifics as to the management practices for wildlife that have been specifically violated by the Forestry Service on Kisatchie National Forest. When we talk about violations, we are talking about the multiple use act, the unit management plans for each of these wildlife units, each of the management units in Kisatchie, and the comprehensive wildlife management plan which was adopted between this Commission and the Forestry Service. I think it makes it clearer what interests exactly the Commission is protecting on behalf of the sportsmen of the State of Louisiana.

Second, we would ask that you look into specifics about possible litigation to encourage better wildlife management practices within Kisatchie National Park. These things are two things which I think really need attention in



Kisatchie National Forest, to make the public aware of exactly what the problem is and why we feel so strongly about the problem. I think the Commission has expressed that and felt that also.

We would ask those two things on behalf of the sportsmen of the State of Louisiana.

THE CHAIRMAN: Thank you very much.

MR. KNAPP: Thank you.

MR. JONES: In connection with that, I would just really like to clear the air, in connection with what Len said about the Commission's position on the use of Kisatchie.

We met yesterday with Mr. Ferrarelli in Mr. Angelle's office. Incidentally, the door was open, partially open. We discussed our position and Mr. Ferrarelli discussed his position and we came to no agreement. The thing that concerns me is that last month Mr. Ferrarelli had been invited to come down, indicated he was coming but he didn't come at our public meeting. I got the impression from him yesterday that he really wasn't that interested in discussing that business publicly.

I know it is the position of this Commission



NO HIATUS HERE.  
INADVERTENTLY  
OMITTED IN NUMBERING

and the Department that we have nothing to hide about it. It is public land and we are talking about public use. That concerns me some.

But in view of the fact that we have sat down with him yesterday and talked with him, I think the public needs to know what our position is after we met with him. We expressed our position publicly last month, and I would like to move that we reaffirm the action that we took last month to inform the employees of this department who are so concerned and to inform the public who is so concerned as to where we stand.

I am not saying that somewhere along the line we can't reach agreement with him, but I think the public needs to know where we stand today on the issue of Kisatchie, so I would like to move that we just reaffirm the action that we took last month.

MR. LUTTRELL: Mr. Chairman, I will second that motion.

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

IN UNISON: Aye.



THE CHAIRMAN: Any opposed?

MR. WILLE: No.

THE CHAIRMAN: We have one opposed, Mr. Wille. Any other nays? (No response) Motion carried.

MR. DUPUY: Mr. Chairman, last month I voted against the motion. My feeling then was that our action was premature and I supported the motion today, and I would like to let the public know that in my view wildlife would be better served by continuing participation in these particularly four areas by the Commission rather than a complete pullout, and I think to that end any agreement that would fully implement the Forestry Service's suggested regulations without any giving on its part is certainly not acceptable to me and I think by like token full acceptance of the Louisiana Department of Wildlife and Fisheries' position is not likely to be acceptable to the Forestry Service.

I feel that two non-giving opposed positions really don't accomplish much, that we lose what we have gained through the past efforts in wildlife management, but I would like to bargain



from a position of strength, and that is why I supported the reaffirmation of what we did last month. I support the concept of cooperation by compromise.

MR. WILLE: I would like to make a statement as to why I voted the way I did. I was not here at the last meeting so consequently I did not get to vote on the memorandum of understanding. I was not made aware of the memorandum of understanding until just a few weeks ago when I received a copy of it. Under those conditions and being totally ignorant of the fact that we are talking about public meetings, meetings with the public and so forth and so on and not knowing exactly what the memorandum of understanding was and the Commission is rescinding that memorandum, the memorandum was not acted upon by the Commission to start with except back before my time, but the memorandum of understanding which went in in 1975 was not acted upon by the Commission, I don't feel that the Commission has any right to act on rescinding it because the Commission did not promulgate it or did not authorize it to start with.



I feel the same way Marc does about this cooperation thing. I am definitely with the staff. I feel that when the recommendations from the letter by Mr. Soileau to Mr. Angelle was given to Mr. Ferrarelli and asked if Mr. Ferrarelli would answer this letter, my feelings would be that no action at all should be taken by the Commission until we find out exactly how Mr. Ferrarelli is going to answer this letter. I feel that the Commission is kind of standing in limbo on this thing by rescinding something that never existed to start with. That is my feeling on it.

MR. LUTTRELL: I would like to respond to that, Mr. Chairman.

I have lived in the area, really within just a few miles of the Red Dirt district, for the past 30-35 years. We have been over a period of time, 27 years from 1940, trying very hard to get along with the federal forest people and we have never been able to get any concessions and we have never been able to improve the relations between the Wildlife and Fisheries Commission and the Forestry Service.



I am the author of the resolution of the last meeting, and I have come to the point of view we couldn't solve this thing the way we were going, negotiating back and forth, back and forth, that it was time to bring it to a head. I find that the entire working staff on Red Dirt and Catahoula are in complete agreement with me that it should be terminated.

I believe that the termination of this will do what they want much quicker than it would if we took no action and just kept arguing. I am still convinced that my motion of last month is correct. Let me tell you this, the people who are actually working there, the five or six people who are on the ground, completely agree with me.

MR. JONES: Mr. Chairman, I just wanted to be sure that we got our position out to everybody that I spoke with Mr. Jean Lapeyre this morning. He called me, he is in New York attending some meeting, but he wanted me to say at the meeting that he is solidly in favor of reaffirming the action that we took last month. If he were here, he said he would vote for it.



THE CHAIRMAN: Yes, sir.

MR. ROBERT MURRAY: My name is Robert Murray. I am a self-employed wildlife ecologist from Baton Rouge. I have two things to say and a question to ask.

The first thing I would like to say, I would like to commend the Commission on the action they took last month regarding this Forest Service issue, and on the reaffirmation of that this morning, just now. I think that was great.

I would like to call to your attention something. I am a member of a number of conservation organizations and professional groups, and the Wildlife Society in their annual meeting this month in San Antonio, Texas, next month, in October, beginning October 9, will consider this issue as it has for several years. They made two field trips, the Forest Game Committee of the Southeastern Section of the Wildlife Society has made two field trips into Louisiana in the 1970's and as a result of each of these, certain recommendations have been made regarding the management of habitat on these lands. These recommendations



have been largely ignored by the U. S. Forest Service as well as the recommendations of the Wildlife Society that they conduct research on the habitat problem.

But after last year in Jackson, Mississippi, there was a hectic session and the Forest Service outnumbered the state employees at the Forest Service session and it was the feeling of a number of us that there was a considerable amount of misunderstanding because of the limited time. I have a letter here -- I do not have extra copies of it -- but here is a four-page letter and economic analysis that was done by the Forest Service, and I can tell you from the tone of this letter that the chairman of this Forest Wildlife Committee has done a complete about-face. He was for an economic assessment. Now he has read what the Forest Service provided him as an economic assessment, and he, too, feels as I did at the meeting and all of your staff felt there, that there is no economically feasible resource in these lands that we are talking about in the Kisatchie Forest.

The third thing -- in other words, this



is just to tell you that you are not by yourself. A number of people, including the Wildlife Society, which is a prestigious group in the sense that they are listened to a good deal in Washington, the Wildlife Society is concerned -- this is not just a Louisiana issue. Arkansas and Texas are real prominent in this. They have had similar problems to ours, and it is a bad public land management issue and they have recognized it as such. The Wildlife Society is told to look forward to a spirited meeting on the 10th of October, Monday, the 10th.

A question that I have that bothers a number of us is the contradictory regulations that presently exist on the two national wildlife management preserves. They were formerly Red Dirt and Catahoula Wildlife Management Areas. Now this Commission back at a summer meeting set seasons for regulated taking of either sex deer for a five-day harvest of either sex deer. It is my understanding, and it was in a news release, that the Commission rescinded this season, and yet in spite of this season, with the paramount



authority for the setting of regular sessions for the taking or protection of native wildlife on anybody's land, anywhere in the sovereign State of Louisiana, other regulations are in existence. It might be a mistake on the part of the Forest Service. They may not be well aware of the regulations you have set, but in your rescinding the regulations you took what was a five-day managed either sex hunt, beginning December 17, and for that you substituted the seasons as prevail on the outside, which entail a one-day either sex season in early November and a one-day either sex season on December 17, but the Forest Service is issuing permits right now to hunt on these national wildlife preserves, and they are issuing with that a brochure or printout of their regulations which state -- which is in effect your old regulation except they can't take turkey with a muzzleloader, I don't know how that got in there -- but for some reason they still contend in opposition to your news release.

So, I think you owe this to the deer hunters of the state. I would dread seeing something



that has happened on Georgia-Pacific a good many years ago where the sheriff seized a deer that you had allowed people to take under the right and authority set by you. It didn't keep the deer from spoiling, the fact that you were right and had legally set the seasons, and the sheriff was in error in his interpretation of the law.

This is what we are headed for in this instance possibly, where we will have a confrontation and the deer hunters themselves will be victimized by the lack of clarity in the law.

I would urge the Commission to take whatever action is appropriate to resolve this issue, to clarify. It might be that you want to put it on the agenda of the next meeting, and I think when you want to legally change the season, if I am correct about the Administrative Procedures Act, you would need to have it on the agenda to take action like this. Now under your ability to take emergency action, you have closed the season as an emergency, but now we have from that date till the season opens a considerable amount of time, and you might certainly check with your



legal advisor on this, and check on your authority for regulating this because as it stands today we are headed for a big mess of confusion regarding the taking of deer on these areas.

THE CHAIRMAN: Mr. Murray, I would ask you when you could to summarize it and give us your recommendations as to the time.

MR. MURRAY: Well, I am not an attorney and on the recommendations for what action to take, I think you check with your counsel and see, but I will state that there is confusion on this issue as it stands to date, and it might be necessary for you to reeact -- what I would suggest you do, you invite the Forest Service here and see if they propose to have these regulations. You might consider giving them to them, but first I would want to find out how they would control those last four days when you consider that it is closed.

DIRECTOR ANGELLE: Red Dirt and Catahoula?

MR. MURRAY: Un-huh, because in my judgment and I think the judgment of your staff, they do not have the mechanics. Your staff has a tremendous amount of experience in operating management



areas efficiently and they coordinate it with your enforcement people, certain marking and checking of deer, either sex deer that are legal only on the management area has to be transported off the management area to somebody's freezer at home or to be divided among the members of the party, and there is no provision that the Forest Service has I know of for this. As a matter of fact, the only thing they propose to do is to give you a permit to hunt in there. They have no checks, no measurements or anything, and the seasons that they are announcing are in direct conflict with the season that you have set.

THE CHAIRMAN: I am sure the staff will work on it and work it out. If I read you right, what you have told us, there are two points, and that is, number one, that you think they are running the U. S. Forest Service like they run the U. S. Postal Service and, secondly, that they have screwed up the deer season and the check stations, and I am sure that our biologists will work that out. Thank you very much.

MR. LUTTRELL: I would like to respond



to that. I have done quite a lot of research because, as I told you a while ago, that is near my home.

Now those two preserves are managed under a Presidential Proclamation. Now part of that Presidential Proclamation was that the Secretary of Agriculture would set the rules for taking of game on those two. Now the Secretary of Agriculture has given that right or that power to the Secretary of Forestry, so if the mandate of the proclamation is good for what we think it is, then it is good for them changing these rules.

MR. MURRAY: Well, see, you have researched it and I hadn't, but still the fact remains that -- and my only purpose here is not to give you counsel and guidance except to tell you that a problem does exist and I thought it might be a simple misunderstanding because your published regulations say one thing and the Forest Service published regulations say something else, and so it might be that if this is the case, Mr. Luttrell, I think it would be appropriate to issue new releases, because we don't want that deer hunter, I would certainly hate to



see him caught out there in one of these situations where confusion exists.

THE CHAIRMAN: Well, let me assure you that some problems do exist there. Thank you, Mr. Murray.

MR. LUTTRELL: You are correct and we are all in sympathy with you and now with the reaffirmation of this resolution we perhaps will be in a position to do that.

But I would like to say this, Mr. Vujnovich and Mr. Cass, I believe it was, Dr. St. Amant is completely on your side. There has only been one time since I have been on this Commission I haven't been with him when he comes down to check your regulations on oysters and shrimp. How much he can do to help you, I do not know, but I can tell you this, he will be fighting to the very bitter end to help you. We are the same way with the other thing up there.

THE CHAIRMAN: We will, too. Mr. Jones.

MR. JONES: Sometime ago we decided that we would have the 1978 public hearing on seasons and bag limits in southwest Louisiana and have it



in Lake Charles. I am informed that the following dates are open for the facilities -- either May 11 12 and 13, or May 18, 19 and 20. I believe it would be appropriate if we decide which of those times so we can begin to make the arrangements for the motels and what-not. The dates they have available for the 11th, 12th and 13th, or the 18th 19th and 20th. I think they are talking about doing it all at the Chateau Charles, and they have the meeting rooms available but they would like for us to tell them now.

THE CHAIRMAN: Mr. Jones, the Secretary and the Chair would entertain a recommendation from you as to what date you would like.

MR. JONES: Whatever the Secretary desires is all right with me.

THE CHAIRMAN: All right, Pie, tell them something!

MR. YANCEY: That second date is better.

THE CHAIRMAN: The second date, Mr. Jones.

MR. JONES: The 18th, 19th and 20th. I move that we set it at that time.



MR. WILLE: Second.

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

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

That is when it is going to happen.

Mr. Angelle, you wanted to introduce some new staff members today?

SECRETARY ANGELLE: Yes, sir. Mr. Chairman and Members of the Commission, I would like to introduce to you today one person who is now the Undersecretary of the Department of Wildlife and Fisheries, as provided by our new legislative act in reorganization. The young man has been around since last Monday. His name is Michael Moreau. He comes as a CPA with 14 years of experience with the state government. We are real happy and I think he will be of tremendous help in working out our management and finance problems.

Michael, would you stand up so you can be introduced?

MR. MICHAEL MOREAU: I would just like



to say how good it is to be with the Department and I hope I can live up to the expectations of Mr. Angelle.

THE CHAIRMAN: We are glad to have you with us.

SECRETARY ANGELLE: Thank you, Michael. Also, next to him is Mr. Ed Sharp, who is the new budget analyst from the Division of Administration who is going to be working also in our budget and dealing with management and finance. We are happy to have Ed. He comes in with a lot of experience, formerly with the State Police. Both of them are great hunters and fishermen and outdoorsmen and I think can contribute a hell of a lot to the proper management and efficient operation of our department. Ed, would you stand up.

(Mr. Sharp acknowledged the introduction.)

THE CHAIRMAN: Glad to have you with us, Ed.

MR. WILLE: I heard a rumor here from Mr. Berry a while ago. Ed, is it true that you are Ralph Pearlman's nephew? (Laughter)



THE CHAIRMAN: You didn't hear that from me, I can tell you for sure!

SECRETARY ANGELLE: You take the fifth on that, eh? (Laughter)

THE CHAIRMAN: All I can say is God hates ugly and Wille tops the list! (Laughter)

SECRETARY ANGELLE: One other item, Mr. Chairman, and this deals with the Commission. On October 9 through 12 is the annual Southeastern meeting and convention which will be held in San Antonio, Texas. The Commission members are, as you know if you have received your mail, invited. It is an expense-paid convention and meeting and one that I think you would enjoy attending, gaining a hell of a lot of knowledge from the other directors and other commissioners from throughout the 17 southeastern states.

What I suggest we need is an authorization from the Commission authorizing Commission members to go out of state so we can pay you when you come back. Whoever is interested in attending.

MR. WILLE: So move.

MR. LUTTRELL: Second.



THE CHAIRMAN: Moved by Mr. Wille,  
seconded by Mr. Luttrell. Any opposed?

(No response)

So ordered.

Is there any other Commission business  
to come before the meeting this morning?

MR. JONES: I move we adjourn.

THE CHAIRMAN: We stand adjourned.

Thank you, ladies and gentlemen.

...Thereupon, at 12:00 o'clock  
noon, the meeting 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 (119 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 17th day of October, 19 77.

*Kathryn G. Chamberlin*

Kathryn G. Chamberlin,  
Reporter.

