

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BATON ROUGE, LOUISIANA

December 16, 1980

FORMAL
BOARD MEETING

Chairman J. C. "Sonny" Gilbert, presiding.

Members present:

Members absent:

Mr. J. C. Gilbert, Chairman
Mr. Charles A. Riggs, Vice Chairman
Mr. Wayne Ducote, Member
Mr. James C. Farrelly, Member
Mr. Jesse M. Knowles, Member
Mr. M. Bobby Orgeron, Member
Mr. Donald F. Wille, Member

None

Also present:

Mr. Joseph V. Colson, Secretary
Mr. Gregory A. Weimar, Undersecretary

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Chairman Gilbert called the regular monthly Commission Meeting to order.

Mr. Jim Farrelly moved that the minutes of October 28, 1980, and November 25, 1980, be adopted and was seconded by Mr. Bobby Orgeron.

Chairman Gilbert stated that there were two corrections that should be made. The cover page of both set of minutes shows Joseph V. Colson as a member of the Commission which should be corrected. He asked if this had been done. This will be done by substituting a corrected page for the incorrect one in the minutes.

Mr. Joe Herring requested approval for lease renewals on Union Parish Wildlife Management Area. Mr. Jesse Knowles moved the leases be renewed as recommended by Mr. Herring. Seconded by Mr. Don Wille. Motion carried without objection.

Mr. Kenneth Smith recommended that the closure on Lake Bistineau be continued. This closure ends January 1, 1981, and Mr. Smith recommended that it be continued to January 1, 1984. Due to failure to get this announcement in the State Register

it will be necessary for the Commission to take emergency action in order that there not be any lapse in the closure period.

Mr. Don Wille moved that the Commission adopt the closure of netting on Lake Bistineau and that there be no break in the time period. Motion was seconded by Mr. Farrelly. No further discussion and without objection, motion passed.

Mr. Wayne Ducote said several months ago the Commission undertook to organize the laws and rules pertaining to seized merchandise or equipment, such as, nets and guns. He pointed out that some laws give the Director the authority and other laws give the Commission the authority to destroy or hold certain items at certain different time periods.

Mr. Ducote stated that the Department does not have a clear policy for its enforcement people for disposal. The Department now has 216 nets in storage, 101 guns (some are over 5 yrs. old), and something needs to be done. This could be done by destruction, by sale at public bid or auction, or by return to the lawful owner. Very few items are illegal per se since it might be illegal to use for one purpose and not for another.

Mr. Ducote asked the Commission to consider the proposed policies and at the next meeting any proposed changes or amendments could be discussed at that time. He said Peter Duffy, Attorney, is in the process and should have before the next meeting any discrepancies in the law or any conflicts in the law so that this can be ironed out as well. It will be put on the agenda to adopt policies for confiscations and forfeitures. If anyone has any ideas prior to that time to contact Ray Montet and have it added into the proposed policies.

Mr. Jesse Knowles said this is all part of legislative acts and, particularly, the fines; the penalty is there. He asked if this Commission has the authority to rescind a legislative act.

Chairman Gilbert answered that the Commission does not.

Mr. Knowles said the Commission could recommend to the legislature and they would have to amend the act.

Mr. Wayne Ducote said we are not going to change any of the fines or terms of the law. We are trying to clarify the confiscation provisions because many are in conflict. Our people need some direction and have the legislature amend these laws to reflect our resolutions.

Mr. Ducote said the Commission might ask Peter Duffy to look into this as to what the Commission should do in case there is a conflict of laws right now. If there is a conflict, what course of action should we pursue.

Mr. Ray Montet said if you notice under Section 102, it says that anyone found violating the law whatever he has will be confiscated. The last sentence says "and disposed of as the Commission may determine by general or special order."

Mr. Montet stressed that we have no general or special order to dispose of this equipment and the law gives the Commission the authority to dispose of it. In the last sentence of Section 127, it says "and hold same subject to disposition by general or special order of the director." The director can give orders on this one and the other one, the Commission can give orders.

Mr. Ducote said he thought some of this could be accomplished without legislative approval if the Commission feels it is the director's position to authorize disposition. He felt the Commission should not be involved in it and it should be left with the Director with the Commission's approval. He asked if the Commission would have to go before the Legislature for this.

Mr. Jesse Knowles answered "no" since the law says "as the Commission may determine" so we make the determination.

Chairman Gilbert introduced the new Secretary, Representative Jesse J. Guidry from Cecelia, Louisiana, who will be the new Secretary early in January, 1981. He thanked Mr. Guidry for coming and said the entire Commission was looking forward to working closely with him.

Chairman Gilbert then introduced Dr. Theodore B. Ford, the new Assistant Secretary, Office of Coastal and Marine Resources. He said Dr. Ford has been with the Department previously and he has a good background. He is a much needed addition to the Department and each Commission Member is glad he is here and is looking forward to working with Dr. Ford.

Mr. Harry Schafer presented five permit requests for renewals. He said they have all met the requirements of their past permits and they now meet the requirements for the new ones. Mr. Schafer asked that they be renewed at the current rate of royalty.

Mr. Schafer then read the following requests:

1. T. L. James & Company for renewal of permit to remove sand, gravel, and fill material from the beds or water bottoms of the Mississippi River, right descending bank, near Boothville, Louisiana.
2. Atlas Construction Company, Inc., for renewal of permit to remove fill material from the Mississippi River, left descending bank between Mile 134.3 and Mile 135.0 AHP, in St. John the Baptist Parish, Louisiana.
3. Atlas Construction Company, Inc., for renewal of permit to remove fill material from the Miss. River in the vicinity of CS 1941+00 to CS 1840+00 in Plaquemines Parish, Louisiana.
4. Atlas Construction Company, Inc., for renewal of permit to remove sand, gravel and fill material from the beds or water bottoms of the Miss. River at Mile 148.5 AHP, left descending bank, near Lutcher, at Paulina, St. James Parish, Louisiana.
5. Kitchen and Ostarly, Inc., for renewal of permit to remove fill material from the Miss. River at Mile 108 AHP, Jefferson Parish, La., and Mile 105.3 AHP, Jefferson Parish, Louisiana.

Mr. Wayne Ducote moved that the five recommendations by Mr. Schafer be adopted. Seconded by Mr. Jim Farrelly. Motion passed without objection.

Mr. Ducote said some time ago the Commission had approached the subject of new royalty rates on new leases. It was under discussion and study by some Commission Members and some of the staff. He wanted to know where that stands and what the Commission proposes to do about the rates.

Mr. Schafer said the Committee has met twice on this matter but no decision has been reached as yet.

Chairman Gilbert said the Chairman of the Committee was Mr. James Farrelly and he would be asked for some information about this at the next meeting.

Mr. Harry Schafer spoke about the proposed closure of the oyster season. He requested the area between Mozambique Point and Stone Island and westward along this island chain to the western boundary of the seed grounds known as Black Bay be closed on January 1, 1981.

Mr. Schafer also requested that the lower end of the grounds incorporated within a line from California Point to Telegraph Point westward to the western edge of the seed grounds be closed on February 1, 1981.

All other seed grounds and seed reservations will close on April 1st.

Mr. Schafer further requested that the size limitation on the commercial harvesting of oysters from the oyster seed grounds be removed.

Mr. Ralph Pausina, representing the Louisiana Oyster Dealers and Growers Association, said they have no problem at all with the northern area as recommended but would like to recommend a slight change in the southern area. Mr. Pausina said there could possibly be some problem with the flow of water from the Mississippi River in that area. If the Department of Health in their monitoring should show there is a problem, he would like the Commission to have the authority to close the area. He also requested the date be changed to February 15th but no longer than this date. He said if the waters remain good and clean, he wanted this area to be allowed to remain open until the 15th.

Mr. Schafer said there was nothing wrong in Mr. Pausina's proposed change as long as they have the authority to close if there should be polluted water entering the area. Mr. Schafer added one more provision in the resolution and that was for the Commission to give the Secretary the authority to close the seed grounds should an enforcement problem develop.

Mr. Jim Farrelly proposed the motion with an amendment that the southern portion be kept open to the 15th of February and authority be given the Secretary to close it prior to any forced closure by the Board of Health in order to avoid any undue bad publicity for the oyster people. Mr. Wayne Ducote seconded the motion.

Mr. Ralph Pausina said that with their problems in marketing oysters, there is no oyster season in the State of Louisiana and they would not like the word "season" used in the resolution.

Mr. Schafer explained the resolution saying it reads "closure of the oyster season on public oyster seed grounds and reservations."

Mr. Pausina agreed that it was Okay.

There was no further discussion and the motion passed without objection.

Mr. Huey Sanders presented a resolution regarding requiring visual distress signals be on board all boats. He asked that this be made a part of our boating laws in Louisiana. He pointed out that the federal regulations become effective January 1, 1981, requiring boats in coastal waters of Louisiana carry these visual distress signals. The cost of compliance with these regulations was estimated to be about \$3.50 per boat.

Mr. Wille said he felt this would be the Legislature's responsibility to pass this into law and that he had put together another resolution urging the Legislature to take action on this as soon as possible.

Mr. Wille said Huey did an excellent job on this but thought the Board should adopt a resolution urging the Legislature to go ahead and approve our resolution and make it into law. Mr. Wille then read his resolution. Mr. Charles Riggs seconded the motion that Mr. Wille's resolution be adopted.

Mr. Ducote asked Mr. Sanders for clarification of coastal waters.

Mr. Sanders said a definition is in the regulations but he felt there was a need for further determination with the Coast Guard because there were some questions that were pretty vague as far as definitions of the coastal waters. He said there would have to be a compromise worked out in the future.

Mr. Jesse Knowles suggested we add to this resolution prior to adoption that a copy of this be transmitted to the Natural Resources Committee of the House and Senate.

Mr. Wille said he had no objection to the addition to the resolution and said it should have been in there.

Mr. Colson asked Huey Sanders if he could foresee any problems by delaying this action.

Mr. Sanders said he would see a problem if the Legislature did not act on it this year because by the end of 1981 the Coast Guard would start enforcing these regulations. He added that we would not want to have a state law saying one thing and a federal law saying another. If the Legislature does act on it this year, there would be no problem.

Chairman Gilbert asked if there were any further comments on the resolution as amended by Don Wille. There was no further discussion, no objections, and motion passed.

Mr. Joseph V. Colson, Secretary, then gave his monthly activities report. He first called on Dewey Wills to report on land acquisitions.

Mr. Wills stated the 6,100 tract at Sicily Island in Catahoula Parish is moving on schedule. The title examination had been made and the title policy will be submitted to our Attorney, Peter Duffy. If there are no problems, the act of sale can be signed within the time framework.

Mr. Wills said the 18,000 acre tract in Caldwell Parish is on schedule. The title policy has been issued and the title examination will be sent to Peter Duffy. He said he thought these two land acquisitions will be brought to a favorable conclusion within a short time.

Mr. Colson said the Department is negotiating with the Department of Natural Resources for a memorandum of understanding to conduct an investigation for permits for the Coastal Zone Management Area.

In addition to that, Mr. Colson said, the Department is working with the Department of Energy concerning a menhaden study with the Hackberry area. He said the contract was just received and he passed it on to Dr. Ford and Mr. Harry Schafer to check it out as far as the monitoring of the ongoing project to cover our expenses for the Hackberry energy project.

Mr. Colson said the Department is now into marketing and we have just had an emergency plan offered by the Federal Government of \$1,000,000.00 to help the shrimp industry. This has been broadened to include the oyster industry also. This was supposed to have been an emergency regional project but they want to make it national.

Mr. Colson said he has assigned Frank Davis to represent the agency in behalf of this marketing and other projects. He said he planned to submit a recommended program to the new incoming Secretary to promote marketing.

Mr. Colson said he would be leaving on January 5th since this was a temporary appointment. He will be with the Office of Emergency Planning. He said he looked forward to working with the Commission very closely because they would be needing enforcement agencies, agents and our boating equipment. He said it has been a pleasure working with the Commission.

Mr. Farrelly asked Mr. Colson did he have any plans underway right now in regards to the freeze on personnel or has

any work been done along this line.

Mr. Colson said Greg Weimar, department heads and Mary Mitchell are meeting this afternoon concerning this. The Department had been cut twenty-nine positions and that he was given this information just a few minutes ago.

Mr. Farrelly requested that before Mr. Colson took any action or do anything on this particular issue, he would like to wait until the new Secretary comes aboard so that he would have some input into this.

Mr. Colson said the new Secretary was invited to the meeting to be held this afternoon.

Mrs. Mary Mitchell stressed that this matter would have to be resolved immediately because certain reports have to be submitted in early January. She said they are allowing us to choose which positions we can freeze but there is a lot of statistics that have to accompany this January 15th report. A decision is needed so that the necessary information can be assembled.

Mr. Don Wille made a motion that no action be taken on any personnel until the new Secretary approves it.

Mrs. Mary Mitchell said Mr. Guidry was asked to attend the afternoon meeting and that the main report would not go out until it has Mr. Guidry's final approval.

Mr. Farrelly said Mr. Wille has stated what he was in the process of stating.

Mr. Wille said he was sorry and that Mr. Farrelly made the motion and he would like to second it.

Mr. Wille asked if the Commission could say that the new Secretary will sign the report, the new report, going to the Governor on the freezing of these positions.

Chairman Gilbert said that whatever the Commission wanted could be put in the resolution and asked if he is going to propose the resolution, or Mr. Farrelly.

Mr. Farrelly said Don Wille could propose the resolution.

Mr. Wille said on the freeze positions, no action is to be taken other than the fact that the recommendations and report be drawn up and the document itself does not go out unless the new

Secretary signs it.

Mr. Farrelly seconded the motion.

Mr. Colson said he has spoken with the incoming Secretary and he has concurred with him on one of the actions he planned to take and that it was a very, very pleasant transition.

Mr. Wille said that was not it but he didn't want to see it come to pass where those positions would go in and then the Secretary would have to live with it and he is the one taking over.

Chairman Gilbert asked if there was any further discussion. There was none and the motion carried without objection.

Mr. Corky Perret said in January 1980 the Gulf of Mexico Fishery Management Council by a very close vote approved its shrimp plan. One measure of the plan objected to by Louisiana and some supporters on the Council was the closure of Texas waters. Since that time the Commission passed a resolution against implementing that particular measure.

Mr. Perret continued by saying the House and Senate at its special session in the spring of this year passed a concurrent resolution against it and numerous other organizations have opposed it. As designee for the Secretary, we submitted a minority report against the particular measure and two other council members submitted minority reports against it. There have also been numerous letters in opposition. This has appeared in the Federal Register in the second week of November and it is now up for public comment. The comment period closes January 1, 1981, and then there would be a 30 day cooling off period as the feds call it. If no change comes about from the written testimony and written material submitted, then it would become Federal Law. Legal action could be taken after that time, if we go the legal route. We will be submitting our formal comment probably within the next week against the measure.

Mr. Perret said that all along since he had been on the Council and at every public hearing he attended, the question was asked who is going to enforce the regulations. It was answered that the Coast Guard and the National Marine Fishery Service. He said that now the National Marine Service has started with their personnel limitations, their head counts, their budget restraints, etc. They are now seeking aid from the states to help enforce fishery conservation and management requirements. The states pointed out they worked under the same

personnel and budget restraints that the federal agency works under except the states' budgets are smaller. He said they will be coming into the different states asking for assistance where they can in aiding in regulation.

Mr. Jesse Knowles said he wanted to express the administration's appreciation and his personal appreciation to Mr. Colson for the efforts he put forth in the seven months he was acting as Secretary.

Mr. Knowles said at the present time the Department of Civil Service is reconsidering change of classification of certain classified technical personnel and scientists within the Department of Natural Resources and in so doing this, they are going to create some serious problems with our type of people, our technical people, who are biologists with bachelors degrees and Ph. D's. This could create a problem of hiring people since they will be going over to Natural Resources because of the fact that the monies are there and our people are not being considered.

Mr. Knowles presented another resolution concerning the employees of the Department of Wildlife and Fisheries in other capacities, such as, clerk typists, secretaries, utility laborers, and wildlife enforcement people. He said it takes all of these people to run the Department and the Commission recognizes the need to increase efficiency and improve operational functions within all state departments and a change in salary classification was needed in order to encourage employment in the Department. He requested that this also be sent to Mr. George Hammer, Director of the Louisiana Department of Civil Service for action. Mr. Knowles' motion was seconded by Mr. Orgeron. Motion passed without objection.

Chairman Gilbert asked what action had been taken on the matter of a surveyor.

Mrs. Mary Mitchell said it has been approved by the Budget Committee and it has to now go back to Contractural Review. She said we should have it by the first of next week.

Mr. Knowles pointed out that the problem we are having with surveyors points up to the problem and the reason for the resolution. Surveyors can do a lot better today working for someone else than they can for the Department of Wildlife and Fisheries. He hoped Mr. George Hammer recognizes this and, also, the Civil Service Board when they give consideration to change of classification and salaries because it is almost impossible to hire these type people.

Chairman Gilbert asked when the surveyor would begin working. Mrs. Mitchell said she was told three days.

Chairman Gilbert said he would be asking about this again at the January meeting. Mrs. Mitchell said she hoped she would be able to tell him that the surveyor was on board.

Chairman Gilbert presented a resolution concerning travel regulations for the Commission since the members had no policy to govern expense accounts. The resolution stated that each commission member be reimbursed for actual expenses incurred in the performance of their duties and that such reimbursement be made promptly.

Chairman Gilbert suggested to the Commission a change in the By-Laws of the Commission. The By-Laws now state that the election of officers shall occur each December. He felt this was an injustice to the new member that becomes a part of the Commission in December of each year. He proposed that the election of officers shall be held in November annually rather than December. Mr. Charles Riggs moved that the resolution be adopted. Mr. Bobby Orgeron seconded the motion. Motion passed.

Chairman Gilbert said he will bring up at the January Meeting for the Board's consideration to have the regular monthly meetings at various sites throughout the state every other month or once each quarter. He thought it would be good publicity for the Commission.

Mr. Jesse Knowles asked that consideration be given to the extra cost of having the meetings around the state since there would be the extra expense involved for chiefs and other support personnel. He wanted to know if the cost outweighs the good benefits.

Chairman Gilbert said the point is well taken and asked Mary Mitchell to have for the January meeting some figures as far as cost goes in the event we would meet at various places in the state.

Chairman Gilbert announced the dates for the January meeting--January 26 and 27, and the February meeting--February 23 and 24, 1981.

The next item was the election of chairman and vice chairman to serve for eleven months until November, 1981.

Mr. Jim Farrelly nominated Mr. J. C. Gilbert to serve again as Chairman. Seconded by Mr. Riggs.

Chairman Gilbert asked if there were any further nominations to come before the Commission. Mr. Orgeron moved that the nominations be closed and this was seconded by Mr. Riggs. There was a roll call vote on that and all were in agreement.

Mrs. Mitchell asked the Commission if they would like to formally approve the budget so that it would be in the minutes.

Mr. Don Wille moved the Commission approve the budget as submitted to the Division of Administration by Mr. Colson. Mr. Wayne Ducote seconded the motion. Motion passed.

Mrs. Mitchell asked the Commission if they would like to have a copy of the budget in its present form.

Mr. Knowles suggested that because of the size of the budget that the members wishing a copy could pick it up at the January meeting.

Mrs. Mitchell said that would help because the budget is approximately 1,000 pages.

Chairman Gilbert asked Mrs. Mitchell to have copies available at the January meeting for the Commission Members.

Mr. Colson asked Mrs. Mitchell to send the Commissioners a recap sheet in the meantime since he thought this might help.

Mr. Jim Farrelly extend his congratulations to Chairman Gilbert on his reelection as Chairman. He said he was the finest Chairman that he has ever seen in the Wildlife and Fisheries. For the way he handled the shrimp hearings, he thought he should be asked to be a lifetime member of all shrimp hearings from now until the end of eternity. He said he was an excellent Chairman, a superior one, patient and a gentleman.

Chairman Gilbert thanked Mr. Farrelly. Mr. Riggs seconded Mr. Farrelly's remarks.

Mr. Colson said he could not vote on it but he wanted to concur with Mr. Farrelly's remarks. Chairman Gilbert has done a wonderful job, he said.

Meeting adjourned.

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Minutes transcribed
by Jan Sommers