

COPY

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

P R O C E E D I N G S

BOARD MEETING

Tuesday, August 29, 1972

10:00 o'clock a.m.

J. G. JONES, Chairman

Wild Life & Fisheries Bldg.
400 Royal Street
New Orleans, Louisiana

Mary Cave,
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

. . . The Board Meeting of the Louisiana Wild Life and Fisheries Commission convened at 10:00 o'clock a.m. on Tuesday, August 29, 1972, at the Wild Life and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Jerry G. Jones, Chairman, presiding . . .

PRESENT WERE:

J. G. JONES, Chairman

H. C. WRIGHT, Vice-Chairman

L. J. AUTIN

D. G. BERRY

J. THOMPSON

J. L. WALKER

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A G E N D A

1. Approval of the minutes of the meeting of July 7, 1972. (4)

KENNETH SMITH:

2. Discussion of management plan for Lake Bistineau. (4)
3. Consider request from Northwest Fish and Game Preserve prohibiting the use of nets for (7)



the taking of commercial fish.

RICHARD YANCEY:

4. Consider request from Mississippi Game and Fish Commission for 50 alligators for restocking purposes. (10)

LYLE ST. AMANT:

5. Request of Marshland Dredging Company, Inc., of Baton Rouge for renewal of permit issued 8-22-67 and expired 8-22-72 to remove fill material from Mississippi River at Mile 230.2 to Mile 230.65 AHP. (13)
6. Scenic river enforcement procedures. (14)

ALLAN ENSMINGER:

7. Construction of bulkhead at State Wildlife Refuge, reimbursement of OEP funds. (16)

TED O'NEIL

8. Setting of the fur-bearing season for 1972-73. (20)

GEORGE STRINGER, JR.

9. Discussion of settlement between Leo Bowie General Contractor, Inc., et al, vs. Louisiana Wild Life and Fisheries Commission. (27)

10. Hearing - Clark M. Hoffpauer.



THE CHAIRMAN: If everyone will take their seats, we will get started with the meeting. Everyone is here except Mr. Autin and I think he is around the building.

We will proceed down the agenda. We have nine items on the agenda. This sort of reminds me of our setting of the shrimp season. We draw a large crowd then.

The first item of business is the approval of the minutes of the meeting of July 7, 1972. A copy of the minutes have been furnished to you. What is your pleasure?

MR. BERRY: I so move.

MR. WALKER: I second.

THE CHAIRMAN: It has been moved by Mr. Berry, seconded by Mr. Walker. Is there any objection? Hearing none, it is so ordered.

Item No. 2, Kenneth Smith.

MR. KENNETH SMITH: Mr. Chairman and Members of the Commission:

The first item we have for consideration here today is the management plan on Lake Bistineau. We fluctuated the water level on Lake Bistineau for



the past six years. We have taken a pretty hard look at our fish data and our aquatic vegetation information on this lake, and we feel like at this time we would like to recommend that the water level on Lake Bistineau be stabilized for a period of possibly one to three years. Each year we would go in and check the fish population plus the aquatic weeds on the lake and then make our recommendations somewhat on an annual basis after that, but at this time we would recommend, at least for this year, we stabilize the water level on Lake Bistineau and not draw it down.

THE CHAIRMAN: Now, we are not giving them an assurance that we are going to do that for three years.

MR. KENNETH SMITH: No, sir.

THE CHAIRMAN: Just for this year.

MR. KENNETH SMITH: Right.

MR. THOMPSON: It is an experiment?

MR. KENNETH SMITH: Yes, sir. We want to take a look at it each year and stay closely on top of this. We have a research project going on with aquatic weeds in Lake Bistineau now which will give



us some real good information, so for the time we would like to stabilize it for at least this coming year.

THE CHAIRMAN: You have heard the recommendation.

MR. THOMPSON: I so move.

MR. BERRY: Let me ask the question.

THE CHAIRMAN: Yes, Mr. Berry.

MR. BERRY: What effect is that going to have on those people downstream if you don't turn that water loose?

MR. KENNETH SMITH: It's going to continue to move over at a regular rate, Mr. Berry, and we don't think there would be any adverse effect downstream from the lake itself.

MR. BERRY: I'll second that motion.

THE CHAIRMAN: It has been moved by Mr. Thompson and seconded by Mr. Berry. Is there any further discussion? Is there any objection?

(No response.)

Hearing none, it is so ordered.

(Text of the resolution
is here made a part of



the record.)

WHEREAS, Lake Bistineau has been fluctuated annually since the fall of 1966, and

WHEREAS, a study of fish population has been conducted which indicates a stabilization of the water level for a period of one to three years will be beneficial to the game fish population in the Lake, and

WHEREAS, a constant check will be made on the aquatic vegetation on the Lake.

THEREFORE BE IT RESOLVED, the Louisiana Wild Life and Fisheries Commission hereby approves the stabilization of water levels (no drawdown) for a period of at least one year and no more than three. If at any time during this period the aquatic vegetation becomes too dense the Lake will be drawn down during the following fall and winter.

THE CHAIRMAN: Number 3.

MR. KENNETH SMITH: The other item that I have, Mr. Chairman, we have a request from the Northwest Fish and Game Commission. This is a com-

mission which regulates Black, Clear and Saline Lake at Natchitoches and Winn Parish. They have requested that we approve or pass a resolution to the effect that would close these water bodies to netting during the drawdown period which is currently undergoing, in effect on the lake now.

Within the last month we have looked at the commercial fish population and it is down to pretty close to zero in these lakes. We don't think it will do a great lot of good but neither will it do any harm to close it, so in order to back these people up at this time I would recommend we go ahead and close netting in these three water bodies.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. BERRY: I so move.

MR. WRIGHT: Second.

THE CHAIRMAN: It has been moved by Mr. Berry, seconded by Mr. Wright. Is there any further discussion? Is there any objection?

(No response.)

Hearing none, it is so ordered. Thank



you, Kenneth.

(Text of the resolution
is here made a part of
the record.)

WHEREAS, the Northwest Game and Fish
Preserve Commission has requested the use of
netting for taking commercial fish be pro-
hibited in the Preserve (Clear, Black and
Saline Lakes), and

WHEREAS, recent fish population
samples indicate the commercial fish popula-
tion is very low in the lakes of the Preserve,
and

WHEREAS, there are few people in the
area who use netting for taking of commercial
fish in the lakes.

THEREFORE BE IT RESOLVED, the Louis-
iana Wild Life and Fisheries Commission hereby
agrees to close the lakes in the Northwest
Game and Fish Preserve to the use of netting
to take commercial fish from this date until
the end of the calendar year 1973 (August 29,
1972 through December 31, 1973).



THE CHAIRMAN: Mr. Yancey.

MR. RICHARD YANCEY: Mr. Chairman, Members of the Commission:

Louisiana alligators have been very much in the news in recent weeks, and as a result we have a request from the Mississippi Game and Fish Commission for 65 alligators to be used for restocking purposes in that State. Now, these can be easily captured on the Marsh Island Wildlife Refuge, and Mississippi will send a truck and personnel down to Marsh Island to transport these alligators back to their State, and we would recommend that you authorize the transplanting of these 65 alligators from Marsh Island to Mississippi.

THE CHAIRMAN: As I understand this is what? the third transplanting we have authorized?

MR. YANCEY: Yes, it is.

THE CHAIRMAN: What are the others, Dick?

MR. YANCEY: Well, 48 went to Arkansas two weeks ago, and another hundred will go to Arkansas that will be captured at Marsh Island tomorrow night, and these for Mississippi will be taken Wednesday night. We understand they are



going to call them rebelgators when they get over to Mississippi.

MR. THOMPSON: Is this enough 'gators to replenish their supply?

MR. YANCEY: They want to transplant these into some beaver pond areas that they have in the state that has good habitat but no alligators.

MR. CHAIRMAN: What are they going to do with the beavers? How are they going to live with the beavers?

MR. YANCEY: I assume that these alligators are going to help thin their beaver population a little bit. They are getting a lot of timber damage from beavers, apparently, in the state, and they are hopeful that this will help partially solve that problem, while at the same time establishing a population of alligators in those areas.

MR. THOMPSON: The only reason I questioned it, all the other states that we have given alligators to have come back with a subsequent request for more, and it was my feeling that maybe



we should give them enough in the beginning, or is it better to give them in two segments? If this is enough alligators, this is what you recommend?

MR. YANCEY: This is what they are asking for, so we would recommend that you approve their request.

MR. THOMPSON: I so move.

MR. WALKER: I second.

THE CHAIRMAN: It has been moved by Mr. Thompson, seconded by Mr. Walker. Is there any further discussion? Any objection?

(No response)

Hearing none, it is so ordered. Thank you, Dick.

(Text of the resolution
is here made a part of
the record.)

WHEREAS, the Mississippi Game and Fish Commission has requested approximately 65 alligators for transplanting and restocking purposes in their state; and

WHEREAS, these are readily available



and can be easily obtained from the Marsh Island Wildlife Refuge; now

THEREFORE BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby authorize the trapping, removal, and transportation of 65 alligators from the Marsh Island Wildlife Refuge for the purpose of fulfilling the request of the Mississippi Game and Fish Commission.

THE CHAIRMAN: Dr. St. Amant.

DR. LYLE ST. AMANT: Mr. Chairman, Members of the Commission:

I have one item. It is a request for the extension of a permit which has been in existence for five years to dredge for sand fill material at Mile 230.2 to 230.65 above the head of the passes. This permit was operated satisfactorily. It expires in the month of August, 1972, and a request has been made to extend it, and I recommend that we do extend the permit.

THE CHAIRMAN: You have heard the recommendation.

MR. BERRY: I so move.



THE CHAIRMAN: It has been moved by Mr. Berry. Is there a second?

MR. WRIGHT: Second.

THE CHAIRMAN: Seconded by Mr. Wright. Is there any further discussion? Any objection?

(No response.)

THE CHAIRMAN: Hearing none, it is so ordered.

(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 MARSHLAND DREDGING COMPANY, INC. to remove fill material from the Mississippi River from Mile 230.2 to 230.65 A.H.P. at Baton Rouge.

THE CHAIRMAN: The next item, I will just mention, we have received a request from the Sierra Club in New Orleans concerning sort of a clarification of the way that we are to administer our responsibilities under the Scenic Rivers Law that was passed by the Legislature a year or



two ago, and we have also recognized at this time that the Legislature in special session adopted a resolution which called to our attention the responsibilities which the Wild Life and Fisheries Commission possesses in connection with that.

This act is not very specific. If you recall what it is, the Legislature placed numerous streams in the State in a Scenic River system to preserve the streams, and they prohibited certain types of work on the streams and the like. One aspect of it is to get people who adjoin the stream with their property to grant servitude to the State that they would abide by certain restrictions. The purpose is to preserve the scenic rivers of Louisiana.

We are going to approach the problem in this manner: When people make applications for any type of modifications or work on any one of the scenic rivers, we will handle it like we normally do a request for letters of no objection and for permits on streams, and Dr. St. Amant will handle the matter. If it appears that it is one that we may have some objection to, that may need some airing, then he is going to place it on the



agenda and then we will hear the matter at our regular meeting.

This is an area that we are really exploring into. We perceive that we might get into something that we really couldn't handle in the sense that we had to have a hearing on each application; so we are going to attempt to fulfill our responsibilities that way until such time as we see that it doesn't work, and then we will change it. One of the problems we have, of course, is that we don't have the people that can devote their full time to doing that. So that is the manner in which we propose to fulfill our responsibilities.

Mr. Ensminger, Number 7.

MR. ALLAN ENSMINGER: Mr. Chairman,
Gentlemen of the Commission:

Several months ago we made applications to the O.E.P., Office for Emergency Preparedness, for funds to repair some storm damage on our State Wildlife and Marsh Island Wildlife Refuges. This application was subsequently approved, and the Department of Public Works prepared plans and



specifications for the construction of a steel bulkhead to enclose a break that had occurred on Vermillion Bay shore between a little lake known as North Lake on our State Wildlife Refuge, and they have advertised for bids and received a low bid in the amount of \$150,113.40 for this repair work, and I would like to request that the Commission go ahead and approve this contract at this time. These funds will be reimbursed to the Commission in their entirety by O.E.P.

THE CHAIRMAN: As I understand, we have some additional funds that we have obtained also, correct?

MR. ENSMINGER: This is correct. We are presently working on a \$10,000.00 purchase order of shell at Marsh Island. We are doing this work ourselves with our own Refuge equipment, and in addition to this, the Department of Public Works has received a low bid from McDermott for some levee restoration work on Marsh Island, and that contract will be coming up shortly and that work will proceed immediately after.

THE CHAIRMAN: Thank you.



You have heard the recommendation. What is your pleasure?

MR. WRIGHT: I so move.

THE CHAIRMAN: It has been moved by Mr. Wright. Is there a second?

MR. BERRY: Second.

THE CHAIRMAN: Seconded by Mr. Berry. Is there any further discussion? Is there any objection?

(No response.)

THE CHAIRMAN: Hearing none, it is so ordered.

(Text of the resolution is here made a part of the record.)

WHEREAS, the Louisiana Wild Life and Fisheries Commission has received approval from the O.E.P. for repairs to certain facilities on State Wildlife and Marsh Island Refuges as a result of Hurricane Edith in September of 1971 and,

WHEREAS, the Department of Public Works has prepared the necessary plans and



specifications for these repairs and,

WHEREAS, the Department of Public Works received bids for the steel bulkhead on State Wildlife Refuge in the amount of \$150,113.40 which meets the specifications in their entirety and,

WHEREAS, a bid in the amount of \$31,683.75 was received from J. Ray McDermott, Incorporated for repairs to the Marsh Island Levee,

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wild Life and Fisheries Commission does hereby accept this bid and request the Department of Public Works to issue a contract to the firm of Houston-New Orleans, Inc.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a contract be issued to J. Ray McDermott for repairs to the Marsh Island levee.

THE CHAIRMAN: Mr. O'Neil.

While he is coming to the microphone I will explain that Mr. Autin was late. He is never



late. His watch showed 9:15 when it was 10:15.
A pretty watch to be wrong.

MR. TED O'NEIL: Mr. Chairman, Gentlemen of the Commission:

We are going to set the trapping season, and it is my recommendation that we just open it for all fur bearers on December 1 and continue through February 28.

THE CHAIRMAN: Okay. Ted, as I understand, last year we had a little problem about some of the trappers felt that they didn't have the opportunity to get their say, and we promised them we would have some hearings throughout the south part of the State. As I understand, you have already made a census of the trappers and gotten their opinions, but you are going to go to some strategic locations and have advertised public hearings to get any objections which they might have. Is that correct?

MR. O'NEIL: That is correct.

THE CHAIRMAN: We promised them that. You have heard the recommendation. What is your pleasure?



MR. WALKER: I so move.

THE CHAIRMAN: It has been moved by Mr. Walker. Is there a second?

MR. AUTIN: Second.

THE CHAIRMAN: Seconded by Mr. Autin. Is there any further discussion? Is there any objection?

(No response.)

THE CHAIRMAN: Hearing none, it is so ordered.

(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 set the trapping season for nutria, beaver, mink, muskrat, otter, raccoon, opossum and skunk for the 1972-72 season, from December 1, 1972 through February 28, 1973.

BE IT FURTHER RESOLVED: That if additional time is required to prevent the overpopulation of nutria and muskrat in some areas, recommendations for an extended season



be presented to the Commission's January, 1973, Board Meeting.

THE CHAIRMAN: Mr. Stringer. George? Peter? Is Peter Duffy in? Have you seen George Stringer?

MR. PETER DUFFY: No, I haven't.

THE CHAIRMAN: In his absence I'd like to recognize the dignitary in the room as Representative Dick Guidry. Glad to have you come, Dick. Dick always helps us with legislation.

We have another item of business involving George Stringer, one of the Commission's attorneys, and George was supposed to be here this morning. We will just take about a ten minute recess. Here is what we will do. When George comes in, we will finish his item of business and we will proceed with Item No. 10, which is the hearing on Mr. Hoffpauer. Okay?

(Recess taken.)

THE CHAIRMAN: Let's return to order, please, if you will take your seats. Thank you.

MR. MILTON BRENER: Mr. Jones, if I could interrupt before you call your next item



of business.

THE CHAIRMAN: Mr. Milton Brener, who represents Mr. Hoffpauer.

MR. BRENER: Yes, sir.

Gentlemen, if it meets with the approval of the Commission, I would like to request a delay until 3:00 o'clock this afternoon for the hearing. I have certain preparations that I really need to participate in prior to the commencement of the hearing, and if you gentlemen could see fit to allow that, it would be very much appreciated. I have talked to Mr. Duffy and he has no objection.

THE CHAIRMAN: Let me ask you something. If we do that and we come back at 3:00, you will be ready to go?

MR. BRENER: There won't be any further request for delay after 3:00 o'clock.

THE CHAIRMAN: Now, Peter? The Commission is represented by Peter Duffy.

MR. PETER DUFFY: I have no objections to the delay. I am prepared to present the evidence in support of our allegations; however, I



would like all witnesses that have been subpoenaed to be instructed to return at 3:00 o'clock here subject to the subpoena.

THE CHAIRMAN: Here is the other problem we have. We come back at 3:00 o'clock. We don't want to stop our work day at 5:00. In other words, if this proceeds -- does anyone have any objection to us --

MR. VERNON CUBBAGE: I object. The meeting was set for 10:00 o'clock and I think it should go on at that time. They had plenty of time to prepare for it before this. Many of us have come from out-of-town and we have other things to do besides come back to this meeting.

THE CHAIRMAN: What is your name, sir?

MR. CUBBAGE: Vernon Cubbage, President of the Venice Fishermen's Co-op.

MR. NERBY COLLINS: I object too.

THE CHAIRMAN: O.K.

MR. COLLINS: I got a business to run and I can't run it over here.

MR. BRENER: We will see what we can do about perhaps taking the testimony of these



gentlemen during the interim.

THE CHAIRMAN: Were they subpoenaed as witnesses?

MR. CUBBAGE: I wasn't subpoenaed, but I'd like to talk.

THE CHAIRMAN: Were you subpoenaed?

MR. COLLINS: Yes, sir.

THE CHAIRMAN: O.K. Let's get to the heart of the matter. What I am getting at is, if we come back at 3:00 o'clock, does anyone have any objections to proceeding on after 5:00? I mean, you wouldn't have any objections, would you, Peter?

MR. DUFFY: No.

MR. BERRY: Mr. Chairman, I so move we grant them the extra time they request.

THE CHAIRMAN: It has been moved by Mr. Berry. Is there a second?

MR. THOMPSON: Second.

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

(General response.)

THE CHAIRMAN: Those opposed say no.



(No response.)

THE CHAIRMAN: O.K. Now the meeting will be continued at 3:00, until 3:00 o'clock in this room.

Let me just make a little brief statement. All of you who have been subpoenaed or have been requested by either of the parties, by Mr. Duffy on behalf of the Commission or by Mr. Brener on behalf of Mr. Hoffpauer, please be here at 3:00 o'clock.

Secondly, I notice there are a number of Commission employees who may not necessarily be involved in the hearing, and if your business is completed, I would request you go on and go back to work. I don't mean that in a derogatory sense. I am saying that if your presence is not required, then this is a work day and you should go on and go back to work. If we need you, then, of course, we know where we can get you. Thank you.

Thank you, Mr. Brener. We will see you at 3:00.

If you will let us -- we have one



other item on the agenda, if you will let us complete that before you interrupt, please. Thank you very much.

George. I recognize George Stringer, one of the other Commission attorneys.

MR. GEORGE STRINGER: Gentlemen:

I apologize for being late this morning when my case was called, but I had to be over in Gretna on a previously set matter.

I have a matter to take up before you involving a contract with Leo Bowie.

THE CHAIRMAN: Please, let's have order. Proceed.

MR. STRINGER: This contract was originally entered into after the hurricane in 1966 for work on Grand Terre. As you know, the work was completed. There was a problem of payment to the subcontractors. We subsequently put the money into the registry of the Court. After this there was a concursus proceedings. There was litigation involving the subcontractors and the contractor against us for extras. We tried this case for two or three weeks and at conclusion



the Court rendered judgment against Bowie on behalf of the subcontractors, but they did award a judgment of \$5700 on behalf of Bowie against the Commission for extras that had been performed. These extras were in the form of concrete steps they laid, pipe and canal excavation. At the present time these cases are on appeal. Everything has been settled on appeal except the claim that we have for reduction of the judgment that Bowie has, and Bowie has asked for an increase in this judgment. I am recommending to the Board we settle this case. I have discussed this matter with the attorney for Bowie. They are agreeable to a settlement of \$2500, and as your attorney, I recommend the settlement.

THE CHAIRMAN: You have a letter to put into the records so recommending?

MR. STRINGER: Yes, I do. I will leave that with you.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. AUTIN: I so move.

THE CHAIRMAN: It has been moved by



by Mr. Autin. Is there a second?

MR. THOMPSON: I second.

THE CHAIRMAN: Seconded by Mr. Thompson.
Is there any further discussion? Is there any
objection?

(No response.)

THE CHAIRMAN: Hearing none, it is so
ordered.

(Text of the resolution
is here made a part of
the record.)

RESOLVED, that George C. Stringer, Jr.,
Attorney-at-Law, representing Louisiana Wild
Life and Fisheries Commission, be and he is
hereby authorized to settle the following
case for the sum of TWENTY-FIVE HUNDRED and
00/100 (\$2500.00) DOLLARS. This is full and
complete settlement of Case No. 4438, Leo
Bowie General Contractor, Inc., et al, vs.
Louisiana Wild Life and Fisheries Commission,
et al, now pending before the Court of Appeal,
Fourth Circuit, State of Louisiana.

This resolution was declared adopted



this 29th day of August, 1972.

MR. THOMPSON: Jerry, one comment. As I understand this, we are actually coming out ahead. We had some \$4,000 or \$5,000 damage money that we retained.

MR. STRINGER: We had retained \$4800.

MR. THOMPSON: So we are actually making a profit, so to speak, the difference between the 25 and the 48.

MR. STRINGER: We have gotten the work completed, all the claims have been paid, and actually we will come out ahead.

THE CHAIRMAN: Let me just make one more comment and then we will adjourn, recess until 3:00 o'clock. I know that the Commission's action in agreeing to, granting the request for the delay until 3:00 o'clock is an inconvenience to a lot of people. It is just as much an inconvenience to us as it is to you, but as I have maintained from the beginning, in order to preclude any doubts whatsoever about this being a fair and impartial hearing, the Commission, as far as I am personally concerned, granted a



continuance. We are going to proceed with the matter at 3:00 o'clock, and I apologize to you for any inconvenience it may occasion you; however, I am also inconvenienced just like you are. Thank you.

MR. CUBBAGE: Can any other business be brought up?

THE CHAIRMAN: Sure, sure. Come up to the microphone. State your name and where you are from.

MR. CUBBAGE: I am Vernon Cubbage. I am President of the Venice Fishermen's Co-op in Venice, Louisiana, and some year and a half ago I brought up the subject of crab traps to the Commission, and you had given Dr. St. Amant a month to come up with some idea, and I understand that this was brought up at the legislature but nothing was done about it. Now, we are requesting that --

THE CHAIRMAN: Excuse me just a minute. Is Dr. St. Amant in the room? Would someone get Dr. St. Amant, please? Let's wait until he gets here. I am sorry for not having called on you



before. Go ahead now.

MR. CUBBAGE: Anyway, the legislature didn't pass a bill that was going to control these traps, from what I understand from the Commission here, through the Commission, but we are requesting again that something be done about these crab traps. They are doing too much damage to trawl boats. They are taking up our areas and we feel that the trawlers have the prior rights to the fishing grounds because we are paying a license fee to fish these areas and they are not paying a license fee, and their traps and buoys are dangerous to our craft.

THE CHAIRMAN: I can echo what you are saying from the fisherman who fish in Calcasieu Lake, which is near the area where I live. They have the exact same problem, and they have tried all kinds of means from using identifying different colors on the traps to match the colors on the boats so you'd know whose traps they were. Well, they took the cork off and throw the trap over and when you catch it in your net you can't tell whose trap it is. That is a problem.



Dr. St. Amant? Say something good.

DR. ST. AMANT: You have just said all there is to be said.

THE CHAIRMAN: I have just said bad.

DR. ST. AMANT: It is a problem. There was a bill in the legislature to try to license these traps at a significant figure which we thought would allow us to control it, and I do not think it passed. Is that correct? There was an effort made to get some control over it, and we agree with Mr. Cabbage it is a very difficult problem to the shrimpers. He contends that they have prior rights, but I think this is a legal problem. I don't know anyway to answer it unless somehow or another we could get a legal opinion or get it into the Courts and get it settled, but at the present time I don't know of any regulatory manner in which we can handle it.

THE CHAIRMAN: Let me ask Mr. Cabbage, have the fisherman got any recommendations about how to solve the problem? How do you all think it ought to be solved?

MR. CABBAGE: We think they should be



licensed. Of course, if you got rid of them completely it would be the best for us, but we don't want to put nobody out of business, but we want a man to have his traps identified and we want him to be responsible for the damage he does. If he does damage to our craft we want him to be responsible for that damage.

THE CHAIRMAN: I wonder, do we have any authority? Assume we are going to do it. Would have authority to regulate them without the legislative act, Doctor?

DR. ST. AMANT: I feel reasonable certain if we could design a regulatory system that would be equitable, we could. I don't think we would get very far if we arbitrarily designed a regulation that would favor one group against the other. I think we'd get hung up in Court pretty quickly.

THE CHAIRMAN: Is there an organized group of crab fisherman we could deal with?

MR. CUBBAGE: Not that I know of.

THE CHAIRMAN: They have no organization such as the shrimp people have?



MR. CHARLES TURAN: We have a representative of Gulf States.

MR. THOMPSON: While he is coming up, let me ask a question. If these traps are marked then you have no problem? In other words, a float or something?

THE CHAIRMAN: They cut the mark off, you see. When they throw them away, that is one problem, and then you drag and you pick that old thing up in your net and it is hard to get out of there.

MR. CUBBAGE: You need a permanent marker on these traps, something that wouldn't break, not a Clorox jug that the sun will break in a matter of few weeks.

THE CHAIRMAN: Or that you can cut off, really, because when the trap gets rusted they cut the buoy off and throw it overboard.

MR. CUBBAGE: That is correct.

THE CHAIRMAN: And you don't know whose it is.

MR. CUBBAGE: That is correct.

MR. TURAN: I want to get to the



tradition of fishing grounds. This interests me. I know this gentleman for, I guess, about the last seven years, and I believe he became a commercial fisherman about seven years ago. If my mind is correct he moved into this state from out of state and he organized the Venice Commercial Fishermen's Co-op, or whatever you want to call it, but I consider him a relative newcomer into this state, and for him to get up here and say that other people are intruding on traditional fishing grounds just disgusts me.

MR. CUBBAGE: You are wrong. I was born in Burnside, Louisiana, --

THE CHAIRMAN: Let's don't get into anything personal. We are trying to solve a problem. I think I recognize and the Commission recognizes that you have a problem. Let's don't get into anything personal, please.

Let me ask you something. If we were -- we are willing to try to sit down and try to work out something -- maybe there is nothing to work out -- but we'd like to know who in the crab industry we could work with. I think that



is what we need.

MR. TURAN: I think you can work with me. Number one, I believe there should be some sort of restriction for the future of the crab business, period, and maybe this will be a chance for the crab industry to be recognized as one of the big industries in the State of Louisiana, and maybe it would need some protection which we haven't been able to get any other sort of way. Maybe this will be a catalyst that will unite these crab fisherman to do something constructive. I am not going to attack the problem from a bad point of view. I am going to look at it from a constructive point of view and see what we can do for the betterment of everyone, and I will try to make the best of this situation.

THE CHAIRMAN: Well, Dr. St. Amant, could we proceed along those lines? I don't know what those lines are, don't ask me to define them. Could we just proceed along those lines?

DR. ST. AMANT: We will attempt to try to look into it. I have already tried to see what could be done. The Chesapeake Bay Area and



North Carolina uses this system to catch crabs, but they don't have a very big shrimp fishery, and it has made them a leader in crab production in the United States. These three states produce more than the other South Atlantic and Gulf States combined. It is a tremendous industry and we should be able to produce the crab. We are just not catching them.

THE CHAIRMAN: I have a crab fisherman who suggested the perfect solution. He said, "Take the lake, divide it in half and put some buoys in it and say, 'This half is ours and that half is yours,'" but that doesn't work. We know that. Without taking any more time, could we proceed along the lines you can work with these people and let's see what you can come up with?

DR. ST. AMANT: I will suggest this. I will try to get a legal opinion on whether or not we can provide any regulations or do anything that might restrict them, and I will try to get something from other states to see whether or not they have made any attempt at regulating, but I don't think there has ever been the conflict



that we have.

THE CHAIRMAN: O.K. Is that all right?
Everybody friends?

Is there any other business to come up
before the Commission? If not, we will stand
recessed until 3:00 o'clock.

(Recess taken.)

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