

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MEETING MINUTES

May 6, 2021

**Jerri G. Smitko
Chair**

Baton Rouge, Louisiana



The following constitute minutes of the Commission Meeting
and are not verbatim transcripts of the proceedings.

Audio files of the meetings are kept at the
Louisiana Department of Wildlife and Fisheries
2000 Quail Drive
Baton Rouge, Louisiana 70808

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AGENDA
Louisiana Wildlife and Fisheries Commission
May 6, 2021 – 9:30 AM
Baton Rouge, Louisiana

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Adoption of April 1, 2021 Commission Meeting Minutes
5. Approval of May 6, 2021 Agenda
6. Commission Special Announcements / Personal Privilege
7. Enforcement Report, April 2021
8. Consider Adoption of Conditionally Approved Amendment and Final Approval of the Notice of Intent for Rule Changes in Wild Quadrupeds and Wild Bird Rules and Regulations, Including General and Wildlife Management Area Hunting Rules and Regulations, General and WMA Turkey Hunting Regulations, Resident Game Hunting Season Date Adjustments for 2021-2022 and 2022-2023 and Migratory Bird Season Adjustments for 2021-2022
9. Review of Wildlife and Fisheries Hunting Preserves and Hunting Preserve Regulations
10. Receive and Consider a Declaration of Emergency to Set the Opening Date for the 2021 Spring Inshore Shrimp Season
11. Review and Consider a Letter to be sent from the Wildlife and Fisheries Commission in Opposition of the TED Rule
12. Receive an Update on the 2021 Recreational Red Snapper Season
13. Receive and Consider a Notice of Intent to Add Coastal Buffer Zones to Menhaden Harvest Regulations through 2023
14. Receive and Consider a Notice of Intent to Amend the Domesticated Aquatic Organisms Rule
15. Receive a Report on the 2021 Regular Legislative Session and Consider Taking a Position on Certain Legislative Instruments
16. Receive Public Comments
17. Adjournment

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, May 6, 2021

The regular meeting of the Louisiana Wildlife and Fisheries Commission was **Called to Order** at 9:30 AM on May 6, 2021, in Baton Rouge, Louisiana at the Louisiana Department of Wildlife and Fisheries Headquarters Building in the Joe L. Herring Louisiana Room by **Chair Smitko**.

Commissioner Reynolds led the **Pledge of Allegiance**.

Chair Smitko asked for the **Roll Call**. The following Commissioners were present:

Andrew Blanchard
Dusty Guidry
Bill Hogan
Joe McPherson
Gene Reynolds
Jerri Smitko
Al Sunseri

Secretary Jack Montoucet was also present.

Next, **Chair Smitko** called for **Adoption of April 1, 2021 Commission Meeting Minutes**. **Commissioner Guidry** made a motion to adopt the April 1, 2021 Commission Meeting minutes and it was seconded by **Commissioner Blanchard**. The motion passed with no opposition.

Chair Smitko asked for **Approval of May 6, 2021 Agenda**. **Commissioner Blanchard** made a motion to approve the May 6, 2021 Agenda, seconded by **Commissioner Hogan** and unanimously approved.

For **Commission Special Announcements/Personal Privilege**, **Chair Smitko** announced **Commissioner McPherson** was involved in an accident on his way to the meeting and asked that prayers be sent his way.

Secretary Montoucet stated he wanted to recognize recent outstanding efforts by the Hunter Education Program staff. The Department has a robust shooting sports program, Archery in Louisiana Schools (ALAS), and with impacts from Covid, several tournaments were cancelled last year. When this year's tournament season came around, the staff figured out ways to give students the opportunity to compete while maintaining safety. Instead of the traditional two regional tournaments, staff worked with coaches and held 35 smaller, local tournaments. The Hunter Education staff also did the same for the state 3-D tournament and modified the Bullseye

tournaments' format to allow as many students as possible the chance to compete. Mr. Chad Moore, the Department's ALAS coordinator, and his staff spent many nights and weekends to get the job done. Altogether, there were 48 tournaments held within 3 short months which allowed 1,124 archers to compete regionally and 1,540 competed at the state level from 48 different schools. Secretary Montoucet then extended his thanks to Mr. Chad Moore and the Hunter Education Program staff for their tireless effort in service of Louisiana's student archers.

Major Edward Skena began the **Enforcement Report for April 2021** stating there were 8 boating incidents with 2 injuries and 1 fatality. A total of 373 written citations and 218 written warnings were issued during April and agents responded to 10 public assists. News releases discussed included agents cited 9 subjects for turkey hunting violations during the opening weekend of the 2021 turkey season; 3 Slidell men were cited in St. Tammany Parish for taking deer during a closed season and hunting from a public road, the deer meat and a pistol were seized and the men could face civil restitution totaling \$1,624 for the replacement value of the illegally taken deer; and 2 subjects (one subject was cited on 2 previous occasions for the same violation) were cited for shrimping during closed season in Pumpkin Lake in St. Bernard Parish with 1,046 pounds of shrimp being confiscated and sold to the highest bidder. For a third and subsequent conviction of shrimping during a closed season, courts can revoke or suspend the convicted person's gear licenses for 10 years; however, the violator can be on a vessel harvesting or possessing shrimp or possessing nets only if the vessel has and operates a vessel monitoring system. **Chair Smitko** asked about the habitual offender having his licenses revoked but can be on another boat to which Major Skena stated they can only be on a boat that has a vessel monitoring system or unless he has actually been physically barred by a court order. Then **Chair Smitko** asked if agents have noticed fishermen turning off their devices, Major Skena stated it occurs but not very often. Then the **Chair** asked if everything possible was being done to make sure their devices were on and Major Skena answered yes. **Commissioner Guidry** asked if this month's numbers for written violations and citations were less and Major Skena stated this time of year there was a different type of patrol effort going on which reduces the number of public contacts.

Mr. Tommy Tuma, Biologist Director, was asked to come forward for his agenda item, **Consider Adoption of Conditionally Approved Amendment and Final Approval of the Notice of Intent for Rule Changes in Wild Quadrupeds and Wild Bird Rules and Regulations, Including General and Wildlife Management Area Hunting Rules and Regulations, General and WMA Turkey Hunting Regulations, Resident Game Hunting Season Date Adjustments for 2021-2022 and 2022-2023 and Migratory Bird Season Adjustments for 2021-2022**. Mr. Tuma began his presentation stating the public comment period ended March 4, 2021 with 16 comments received on the proposed changes as well as 59 general comments. He noted an email was forwarded to the Commission that was received on Richard K. Yancey deer season and a comment was received on using air rifles for big game hunting. A listing of general comments received was shown. The next slide was the potpourri amendment and was reviewed by Mr. Tuma. He then mentioned the mandatory public hearing was held on April 21 with one person in attendance (Louisiana Wildlife Federation) who was in favor of the amendment. Also a comment was received from the Responsible Hunting Scent Association. Then Mr. Tuma asked the Commission to favorably pass the conditionally approved amendment and then

favorably pass the proposed Notice of Intent as amended. (A copy of Mr. Tuma's presentation is included in the Appendices Section of the Minutes.)

Hearing no questions, **Commissioner Hogan** made a motion to add the Potpourri amendment to the conditionally approved proposed rule, seconded by **Commissioner Guidry** and approved with no opposition. Then **Commissioner Hogan** made a motion to adopt the proposed Notice of Intent as amended and it was seconded by **Commissioner Reynolds**. This motion was unanimously approved.

Chair Smitko then announced the next agenda item was a **Review of Wildlife and Fisheries Hunting Preserves and Hunting Preserve Regulations** and would be presented by Mr. Larry Reynolds, Waterfowl Biologist. Mr. Reynolds noted his presentation would have special emphasis on released mallards and felt it was prompted by a request for a license to provide mallard tower shoots in an area where regulations do not allow. The authority to regulate Hunting Preserves falls within state statute in R.S. 56:651, R.S. 56:652 and R.S. 56:655 and the Commission has the authority to regulate the hunting preserves (set seasons, bag limits or any other rules and regulations). The regulations within Title 76 (LAC 76:V.305) were reviewed by Mr. Reynolds which included application requirements, operational plan, revocation of permit if deviation from that plan, suitability of area (100-2,000 acres), on-site inspection by Department and the areas where licenses for these preserves will not be issued. Mr. Reynolds then talked on concerns regarding released mallards, going back to 1992 Commission Meeting minutes and the supporting documents when the Notice of Intent was initially presented. The Department received 8 requests for pen-reared mallard releases but 5 were denied so the staff had to come with a desire to provide this recreational opportunity and the responsibility to protect the wild bird resources. Concerns for these releases were transfer of disease to wild populations, genetic implications of pen-reared mallard releases (major issue was interbreeding between mallard and black ducks; it was found that there are now 2 genetically distinct mallard populations in North America with 90% of those Eastern mallards showing traits of game farm mallards; 11% of Florida mottled ducks are showing genetic traits of mallard hybridization). A similar study in Louisiana was conducted from 2012-2014 and the mottled duck population was currently 5-7% as opposed to 11%. Another concern was repeated conflicts on baiting or hunting over live decoy regulations. There are 2 types of releases: the first being a direct release of pen-reared free-flighted mallards into wetlands which are then harvested by hunters (those not taken remain in the wild) and the second is a tower or controlled shoot when mallards are released to proceed over positioned shooters (it was estimated 20% are not accounted for). Mr. Reynolds noted the Mississippi Flyway Council passed a formal recommendation in 1989 opposing pen-reared mallard releases into the wild without regard to release type and a similar recommendation was passed in 2012; the Department has been consistently opposed to direct releases and tower shoots near natural wetland habitats, however, the Department does not oppose tower shoots in areas and habitats where interaction with wild ducks was low. He reminded everyone of the regulation that no pen-raised or wild animal, fowl or fish, of any species from within or without the state shall be liberated within the state except upon written permission of the Department's Secretary. Other regulations for hunting preserves include: all mallards must be banded with permit and identification number, pen-reared birds brought into the State must comply with Livestock Sanitary Board regulations, basic hunting or hunting preserve license and a duck license is required of all shooters, and season dates are currently October 1-April 30. Currently, there are

16 active hunting preserves this year, 8 advertise hunts for the public, 8 are private and 3 offer mallard hunts. (A copy of Mr. Reynolds' presentation is included in the Appendices Section of the Minutes.)

Commissioner Sunseri asked if the Department has concerns if there are mallards released and not shot during a hunt and these birds staying on the ground; Mr. Reynolds stated that was the Department's single biggest concern. Then the **Commissioner** wondered what would be the problem if the mallards go into the wild and Mr. Reynolds commented increased hybridization mallards are extremely aggressive during breeding. He added that this increase hybridization was an issue that has generated widespread concern with the Atlantic Flyway mallards and the problem for increased hybridization for Florida (this type hunt is completely illegal in Florida out of concern for the mottled duck). **Commissioner Reynolds** asked Mr. Reynolds to explain the deviation from normal for the occurrences of ducks being released and he was told it was often not observable. Mr. Reynolds added that now there is the capability to show the 2 separate populations of mallards by comparing mallards from western part of the continent versus the eastern part and can see the genetic differences. The differences were clearly tied to the game farm strain and are less well adapted to the environment which may be a reason for the decline in eastern mallards. If there is a concern, Mr. Reynolds felt some may ask why allow it at all and noted the job as a management agency was to balance these concerns by allowing hunting and economic development with protection of the resource. The **Commissioner** then stated, if the genetics were making the ducks weaker, this was a need that should be addressed. **Chair Smitko** understood that the problem was 2 prong – prevalence of the farm-raised birds compromising the genetics of the wild birds and mallards breed with any bird which results in the potential of depredation of genetics of the mottled ducks and asked if it was fair to say these were the 2 issues; Mr. Reynolds stated they were part of the same issue. Then the **Chair** stated if the farm-raised mallards are different because they are easier to raise to mass produce, but if someone obtained genetically proper wild broodstock, would it eliminate one prong of the problem. Mr. Reynolds stated the Federal regulations require that the birds must be 2 generations from the wild. **Chair Smitko** felt having bird's generations from the wild and having the appropriate DNA markers are 2 separate things and a different question from having broodstock with appropriate genetics of a wild bird that could be polluting the DNA of the wild birds and Mr. Reynolds noted that made sense to him. The **Chair** noted control cannot be done to prevent mallard ducks from breeding with mottled ducks whether they are farm-raised or flew in from a specific place; Mr. Reynolds mentioned that mallards that flies in from a specific place flies back to that specific place and will not be in Louisiana when mottled ducks are right for breeding. **Chair Smitko** asked if a released bird gets past a tower shooter, they are staying and Mr. Reynolds answered absolutely. He added that they have tried to rebuild stock with pen-reared birds and it has never worked to which **Chair Smitko** asked if it was because they do not migrate and was told yes. Then she asked if there were any other species of ducks could pose the same potential danger of interbreeding with the mottled ducks as the mallards do. Mr. Reynolds felt some species could and others could not, example, blue-winged teal have difficulty hybridizing with mottled ducks but gadwalls or other species may. **Chair Smitko** asked if it would be a problem if a person raises from wild broodstock wood ducks and releases them south of I-10; Mr. Reynolds knew there were wood ducks south of I-10 that are here year round and added that one problem was that was a violation of state law. **Commissioner McPherson** asked if there were any overwintering populations of mallard in Louisiana, would they leave before

mating season and Mr. Reynolds answered yes. Then the **Commissioner** asked how many of the permitted preserves use pen-raised mallards and he was told only 3. Next **Commissioner McPherson** asked where were those 3 preserves and how did they get permitted; Mr. Reynolds stated they were all north of the coastal zone boundary (Covington, north of Welsh and Dry Creek). In response to **Commissioner McPherson's** question on whether these preserves are relicensed annually Mr. Reynolds stated yes they do; then he asked if data was captured on the number of birds not retrieved and in response to Mr. Reynolds answer of no, the **Commissioner** asked if it should be done. Mr. Reynolds commented, in 1992, 20% of the birds were unaccounted for and it would be interesting to know what the risks really were but, from a policy standpoint, he felt it did not really matter. **Commissioner McPherson** wondered if pen-reared mallards have the ability to fly long distances and Mr. Reynolds stated yes they can go far but they have poor survival skills (5-20% survivable) by having genetic weaknesses and being raised in a pen. Based on a data base from South Carolina, when thousands of pen-reared mallards were released, they ended up over a period of time in a variety of states. **Chair Smitko** asked about a study from 1992 that notes 20% may get away to which Mr. Reynolds corrected by stating that came from a quote in a Notice of Intent in 1992; and from that 20%, only 5% may make it through to the next year with 95% being killed quickly and she said received a yes response. The **Chair** felt that 5% going out and indiscriminately breeding drops way down and wondered where was the best mottled duck population south of I-10 and I-12, Mr. Reynolds stated they are south of New Orleans, in Biloxi Marsh and in southwest Louisiana that goes up into the rice growing areas north of I-10. As a side note, Mr. Reynolds stated there was probably 50% of the mottled duck range that does not get surveyed. **Commissioner McPherson** asked why was this on the agenda with their not being any proposed action or proposed legislation; Mr. Reynolds advised that an application was made from an existing hunting preserve to add pen-reared mallard releases (mallard tower shoot) to their license but because they are south of the coastal zone, the application was denied and was now being challenged. **Chair Smitko** then asked for public comments.

Mr. Michael Blake along with his son Mr. Beau Blake stated they own The Island Hunting Company, a licensed hunting preserve since 2018 (white-tailed hunting, exotic hunting, alligator hunting and bird hunting). He added that there are 16 licensed hunting preserves in Louisiana of which 9 are for private use primarily for quail and 7 are open to the public with only 3 having permits. Mr. Blake noted that his company was the only licensed shooting preserve outside of the coastal zone area and has been contracted for father-son hunts. A map of the actual coastal zone waterfowl survey was shown and The Island Hunting Company was located north of that zone; however, another map of the current coastal zone for release of pen-reared mallards shows the company was south of the zone. Mr. Blake was requesting a temporary permit to collect data on the few mallards that may escape will be harvested and the mottled duck population will not be impacted as that information was not being collected and furnished to the Department by the 3 mallard release preserves. Other aspects of what was being requested include performing a 5-year study to show in detail data on every bird that may be released, harvested, returns to the pens or unaccounted for; all birds will be banded and will come from a licensed breeder; and all birds that escape and killed elsewhere will be identified when and where they were killed with this information being reported back to the Department. Mr. Blake felt the mottled duck preferred a brackish to saltwater environment and, since 2018, they have never killed a mottled duck. Concluding, Mr. Blake felt the release of pen-reared mallards on his property would not

endanger mottled duck population or even interbreed with them; the data they provide will show no damage to the mottled duck population; and again asked for a permit to conduct pen-reared mallard hunts. Following his presentation, he assured the Commission they did not want to release thousands of birds and go hunt them; he stated they would control the birds, control the environment, where the hunters are positioned, the birds will be banded and then provide that data to the Department. **Commissioner McPherson** asked how was it certain that a bird killed elsewhere would be reported to them; and Mr. Blake felt hunters may want to know where the birds came from. The **Commissioner** thought Mr. Blake's statement was being made that could not be backed up and also did not want to document any breeding of pen-reared mallards with mottled ducks or to show that it was occurring. Mr. Blake commented that Mr. Reynolds' survey lines do not go far enough north to intersect their property to see if mottled ducks were there to which **Commissioner McPherson** did not think Mr. Reynolds was concerned with mottled ducks being on that property, but he was worried about the pen-reared ducks going where the mottled ducks may be. The **Commissioner** then asked how many ducks may be released (50, 100, 1000 or 2000 birds) and he mentioned that Mr. Reynolds stated that a domestic breeder brags on the flight range of these mallards. Mr. Blake explained he did not want to do pen-reared ducks but since there are no wild ducks in Louisiana, this is what was needed. **Commissioner Sunseri** asked Mr. Blake if he would consider doing a study with the Department on a small scale to see what happens and Mr. Blake noted it cannot be done with a small number such as 20-25 birds especially if they are all shot. The **Commissioner** stated he would ask the biologists what number ducks would make for an accurate study over a 5-year period. Mr. Blake commented he would be glad to do a study with Mr. Reynolds and set up to gather what information he wants and added that if a few ducks make it off their 3,100-acre property and goes to the next property, those hunters would be glad to kill that duck.

Commissioner Sunseri appreciated the request as he was a person that wants to see businesses in this State but was concerned with what can get out and cause problems with ducks in this area. The **Commissioner** added that over the last 10 years Louisiana has had a lot of environmental conditions impact duck hunting and other wildlife or fisheries. **Commissioner Guidry** stated, if given a one-year study with release of 1,000-2,000 birds, it may be known how many get away or how many were killed, but commented he would not agree to a 5-year study, instead maybe a year to year depending upon the numbers. Mr. Blake did not have a problem with doing a one-year study. **Commissioner Blanchard** asked where do these birds come from and Mr. Blake stated they come from South Dakota which was the same place they get their quail, pheasants and chukars which are guaranteed disease free. The **Commissioner** asked how are the pen-reared mallards raised to which he was told they are raised on an open water lake and they are banded and shipped. **Chair Smitko** stated putting a phone number on a band may not work, but if the word "reward" was added, it may help get the data. Mr. Blake responded they would make the bands and could put anything on them. **Commissioner Reynolds** wondered if the purpose of the study was to establish the range of how far pen-reared birds may travel; Mr. Blake stated they would have the data to know exactly the number of birds that escape and where they go. The **Commissioner** asked if that was the only thing being reported and Mr. Blake's concern was the pen-reared ducks breeding with wild ducks. **Commissioner Reynolds** explained he used to teach genetics and one thing that concerns him was the possibility of getting a defective gene into the pool. He thought if a study was conducted with the Department it would help him with his concern. **Chair Smitko** asked Mr. Blake if he thought of putting transponders on some of

the ducks and release them one at a time only to find out where they end up and not used for hunting.

Commissioner McPherson felt information from other states has shown that what Mr. Blake wants to do has already been proven on pen-reared mallards and the genetic implications and could lead to this gentleman wanting to do a study and then a request from another wanting to do another study. The **Commissioner** stated he did not want to allow pen-reared birds in hunting preserves in Louisiana but asked if mottled ducks were a threatened species and Mr. Reynolds noted they were strongly declining with an estimated 37,000 being in Louisiana down from 100,000 in 1994. **Commissioner McPherson** thought that was a rapid decline and with a lot of unanswered questions, he thought it was a slippery slope the Commission should not go down. The **Commissioner** asked Mr. Reynolds if other states have already seen the implications and documented it and he was told yes. **Chair Smitko** stated this was purely an informational agenda item.

Moving on, **Chair Smitko** asked Mr. Peyton Cagle, Marine Fisheries Biologist, to come forward for the next agenda item, **Receive and Consider a Declaration of Emergency to Set the Opening Date for the 2021 Spring Inshore Shrimp Season**. Mr. Cagle began the presentation talking on the 2021 hydrology data showing a graph on the monthly southeast area rainfall and the monthly Mississippi River discharge (years 2020, 2021 compared with the long-term average); a map showing the north Barataria and south Barataria sites; south Barataria Bay monthly water temperatures (deviations from 68°F for 2021 versus long-term average); south Barataria Bay daily water temperature deviations from 68°F for February through April 2021 (comparing 2021 with long-term average); and north Barataria Bay monthly salinity (deviations from 10 ppt comparing 2021 versus long-term average). The predicted May 2021 tidal range for Barataria Pass was shown with the greatest tidal cycle occurring with the new moon. Next, Mr. Cagle talked on the actual data showing a map of the different Coastal Study Areas (CSA 1 makes up Zone 1, CSA 3 and 5 makes up Zone 2 and CSA 7 makes up Zone 3); 85% of the data collected by staff was done on Sunday, May 2 even with the terrible weather that occurred; Zone 1 size frequency (count per pound) and projections for weeks 18, 19, 20 and 21; crossover date when 50% of the available brown shrimp data are at 100 count or larger occurs on May 27; Barataria size frequency and projections for weeks 18, 19, 20 and 21; after analyzing this data, the Barataria crossover date was May 22, but an additional 6' trawl sample taken the next day showed 677 were caught in one sample out of the 1322 caught in the 9 samples the day before which skewed the data (crossover date from 16' samples will be May 19 while the crossover date from the 6' skewed sample was May 26); Terrebonne size frequency and projections for weeks 18, 19, 20 and 21; Terrebonne crossover date was May 22; Vermilion-Teche size frequency and projections, a white shrimp fishery, for weeks 18, 19, 20 and 21; that crossover date for Vermilion-Teche was well over the 50 or 100 count, but to not open one area before the others in Zone 2, it would be rolled in all of Zone 2 with a date of May 22; Zone 3 (Calcasieu, Mermentau and Sabine) frequency and projections showed good numbers of brown shrimp in week 18; Zone 3 crossover date had 48% available on May 27 and 52% on May 28 (May 27 would be recommended which was traditional to open Zones 1 and 3 on the same date). Again, Mr. Cagle stated the Department's recommendation was to open Zone 1 on May 27, 2021 at 6 AM, Zone 2 would open on May 22 at 6 AM and Zone 3 would also open on May 27 at 6 AM. (A copy of Mr. Cagle's presentation is included in the Appendices Section of the Minutes.)

Chair Smitko asked why not open all zones the same day; Mr. Cagle stated that would require moving Zone 2 to May 27 which would take 5 days from a primary brown shrimp area or if you move Zones 1 and 3 to May 24, only 36% of the shrimp would be at 100 count for Zone 1 with 34% for Zone 3. The **Chair** asked if the Monday data was better and the Sunday data was bad due to the weather and what day were test trawls taken in Terrebonne. Mr. Cagle stated samples for Terrebonne were taken on Sunday, May 2 along with all of the 6' samples except for the one sample taken Monday in Barataria. He added that data from the 6' samples were used to look at recruitment to set the season when the majority of the shrimp would be at the threshold. **Chair Smitko** again asked if the weather played a part in the data and Mr. Cagle did not think so as both days had bad weather. **Commissioner Sunseri** asked what the comparison was for the volume of available shrimp versus the last 5 years; Mr. Cagle felt Zone 1 was fairly below the long-term but the highest recruitment was seen with the latest sample taken, the available shrimp in Barataria, Terrebonne and Calcasieu was above the 10-year average. The **Commissioner** thought there have been bad brown shrimp seasons due to low salinities and wondered if salinity was needed for brown shrimp. Mr. Cagle noted salinity allows for distribution and more available habitat for juvenile brown shrimp which increased food for them; and he added temperature was important for growth. **Commissioner Sunseri** heard that the last front through the State would probably be the last as temperatures probably would go up; then he asked how much does a shrimp grow in a typical week to which Mr. Cagle answered, with proper nutrition and the right temperature, they could grow 10 mm's per week. **Commissioner Blanchard** commented the weather has been unusual this year with the water temperatures being down and felt the later the opening date would be better to help with recruitment. The **Commissioner** felt Mr. Cagle did an excellent job but with the data being close, he preferred a statewide opening. **Chair Smitko** then asked for public comments.

Mr. Barry Rogers stated he did not have a specific date but wanted a statewide opening.

Mr. George Barisich, a commercial shrimper and oyster fisherman from St. Bernard Parish, stated he sits on the Shrimp Task Force and agreed that this is a very unique year. He usually does side by side sampling with the Department but this year that was cancelled. Mr. Barisich thought it would be advantageous for a statewide opening and suggested a date between May 22 and May 27 which could disburse the boats and make for a longer season.

Mr. Douglas Olander, Big D Seafood from the port of St. Mary, asked for a statewide opening due to the mild winter. He also requested opening in between the 2 dates.

Hearing no further comments, **Commissioner Blanchard** made a motion to open the brown shrimp season statewide on Monday, May 24 at 6 AM. He again commented Mr. Cagle did an excellent job on the presentation, but needed to compromise with what the fishermen want. **Commissioner Sunseri** seconded the motion. General Counsel Cole Garrett noted a comment was received through the Commission's email portal from Mr. Donald Dardar asking the season to open as early as possible. The motion passed with no opposition.

(The full text of the Declaration of Emergency is made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Opening of 2021 Spring Inshore Shrimp Season
May 6, 2021

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2021 Spring Inshore Shrimp Season in Louisiana state waters to open as follows:

All Louisiana inshore waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line will open at 6 a.m. on Monday, May 24, 2021.

The Commission hereby grants authority to the secretary of the Department of Wildlife and Fisheries to delay or advance these opening dates if biological and technical data indicate the need to do so, and, to close any portion of Louisiana inside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

Jerri G. Smitko
Chairman

Mr. Peyton Cagle, Marine Fisheries Biologist, handled the next agenda item as well, **Review and Consider a Letter to be sent from the Wildlife and Fisheries Commission in Opposition of the TED Rule**. Mr. Cagle reminded everyone that at the last meeting during Personal Privileges, **Commissioner Blanchard** asked the Commission to write a letter opposing the NOAA TED and skimmer rule. A copy of the letter was included in the packets for review. Assistant Secretary Patrick Banks also stated the Commission passed a motion for the Department to draft a letter for consideration and if happy with it, staff could forward it to NOAA. Hearing no Commission discussion, **Acting Chairman Hogan** asked for public comments.

Mr. Barry Rogers stated he was at a meeting with NOAA and the Department and asked the NOAA representative why a 40-foot boat was being used versus a 39-foot vessel and the answer was it was financially not viable for a 39-foot boat to pull a TED. He felt there was something wrong with that reasoning. Mr. Rogers then asked the NOAA representative why have a 3-inch bar ruling and was told it was due to the mortality rates of the juvenile turtles. He then stated

NOAA's TED rule was not right and would appreciate any assistance from the Commission to help straighten it out.

Mr. George Barisich, commercial shrimper from St. Bernard, Louisiana, stated he has been fighting NOAA for 30 years and felt he was \$1.5 million short in catch which results in a 5 times quantifier for economic loss. Several years ago, NOAA and representatives from California indicated they would leave Louisiana alone if TED regulations were enforced, but since he was on a Task Force, he knew he could not vote for it, so he stepped down and let the alternate take the vote. In less than 2 years, now there was a regulation making shrimpers pull TED's in skimmers which Mr. Barisich was not biologically quantified, no reason for it, and economics were terrible as a TED in front of a skimmer net will cause a fisherman to lose money, but NOAA will do what they want. The Shrimp Task Force initiated this request and knows that the State of Louisiana and the State of Mississippi was in agreement to make NOAA understand there are 22,000 nesting sites as compared to 800 when he started. He then asked for the Commission's support for the shrimpers of Louisiana.

Mr. Douglas Olander stated he spent \$1,200 to have a TED made for his 52-foot boat only to have the regulation postponed. He felt it was not fair and any help for the fishermen from the Commission would be appreciated.

Ms. Chrystel Olander stated she agreed with what was already said. She did not think this would be a good regulation for the industry.

General Counsel Cole Garrett stated the letter in the packets addressed the regulation for vessels 40-foot and greater which was suggested in January with an implementation date August; however, since that time NOAA has announced including vessels 40-foot and under. He felt, based on the bycatch study, the Commission opposes TEDs for boats 40-foot and greater and 40-foot and under, so he requested the Commission may authorize the Department to draft a letter in opposition. Assistant Secretary Patrick Banks also thought adding 40-foot and under vessels in the letter to NOAA would be appropriate. **Commissioner Sunseri** made a motion to send a letter to Dr. Strelcheck with copies going to those in the original letter, include the vessels General Counsel Garrett and Assistant Secretary Banks spoke on, and even have the letter state the Commission was strongly opposed to TED's in Louisiana territorial waters. **Commissioner Blanchard** seconded the motion but wanted to clarify that the skimmer boat industry was the shrimping industry in Louisiana and they should be protected as much as possible. The **Commissioner** also recommended making the letter as strong as possible opposing TED's in the territorial waters as skimmers are pulled up every 30 minutes. Hearing no further discussion, the motion passed with no opposition.

(A copy of the letter is included in the Appendices Section of the Minutes.)

Acting Chairman Hogan announced the next agenda item, **Receive an Update on the 2021 Recreational Red Snapper Season** would be presented by Mr. Jason Adriance, Marine Fisheries Biologist. Mr. Adriance began his presentation with a review of the 2020 season stating it opened on May 22 for weekends only (Friday, Saturday and Sunday); the season closed from August 10-September 3 but reopened for the Labor Day weekend (total of 41 days for red

snapper fishing). Private recreational harvest was 769,296 pounds; charter harvest was about 8,000 pounds; average weights for private recreational fishermen was 7.68 pounds and about 9 pounds for charter fishermen. The Federal charter harvest was estimated at about 81,000 pounds. A graph of the season was shown. Mr. Adriance then talked on the 2021 recreational red snapper season stating the allocation may be as high as 832,493 pounds which will depend on the Gulf Council's action; if no action is taken, then the quota will be 816,233 pounds. There is no need for Commission action due to the season structure matches the regulations that exists in Title 76. The 2021 season will open on May 28 for weekends only (Friday, Saturday and Sunday) and will also be open on Monday, May 31 (Memorial Day). The Federal for-hire season opens June 1st and goes through August 3rd. The Department will continue monitoring through LA Creel, and the bag limit and size limit will remain the same. (A copy of Mr. Adriance's presentation is included in the Appendices Section of the Minutes.)

Commissioner Sunseri felt the Department has done a good job for Louisiana since the recreational red snapper fishermen can get the most out of the fishery; and he was happy that there will be more fish for the fishermen.

Chair Smitko asked Mr. Jason Adriance, Marine Fisheries Biologist, to continue with his next agenda item, **Receive and Consider a Notice of Intent to Add Coastal Buffer Zones to Menhaden Harvest Regulations through 2023**. Mr. Adriance began the presentation stating this came about due to concerns between the recreational and charter sectors and the menhaden industry and mentioned a briefing was given to the Commission at their July 2020 meeting. Then at the November 2020 Commission Meeting, a Notice of Intent was presented by a Commissioner with no action being taken except to instruct the Department to hold meetings with the user groups. Meetings were held from November through March which eventually included Legislators and resulted in what appeared to be a proposed buffer but some constituents could not agree on the proposal. There are 2 bills in the current legislature session – House Bill 535 by Representative Orgeron (1/2 mile coastwide with an additional 1/2 mile from western Timbalier Island to eastern edge of Grand Terre, an additional 2 miles from Caminada Pass to Barataria Pass, 1/2 mile from the double-rig line, 1/2 mile seaward of Chandeleur Islands and no sunset or bycatch study requirement) and House Bill 551 by Representative Cormier (1/4 mile coastwide buffer with an additional 1 mile from Belle Pass to Caminada Pass, 3 miles from Caminada Pass to Barataria Pass, 1 mile from Barataria Pass to eastern end of Grand Terre Island, 1/4 mile seaward for the Sounds, and a sunset after a bycatch study was completed or April 1, 2024, whichever occurs first). The proposed Notice of Intent would establish a 1/4-mile buffer seaward of the inside-outside line along the entire Louisiana coast except there would be a 1-mile buffer seaward from Belle Pass to Caminada Pass, a 3-mile buffer from Caminada Pass to Barataria Pass, a 1-mile buffer from Barataria Pass to the eastern edge of West Grand Terre and the same 1/4 mile buffer seaward off the double-rig line. Mr. Adriance then showed maps of the current and proposed buffer zones with the red line being the inside-outside line and the lighter pink would be where the 1/4 mile buffer. (A copy of Mr. Adriance's presentation is included in the Appendices Section of the Minutes.)

Commissioner McPherson asked if House Bill 551 by Representative Cormier was close to the compromise that was reached and Mr. Adriance answered yes. The **Commissioner** then asked how is the sunset provision after a bycatch study was completed interpreted; General Counsel

Cole Garrett understood that there may be a 6-month window after the bycatch study was completed and results made public but the legislation did not say what happens after the study. Mr. Adriance added that the Notice of Intent would sunset after the 2023 fishing season.

Commissioner McPherson wondered why a sunset was put into the proposed action, and Mr. Adriance felt it was in a spirit of what had been discussed even though an agreement was not reached. **Commissioner Reynolds** understood that the Legislature was the oversight for the Commission and asked, if they desire to change a Commission's proposal, can they do that? General Counsel Garrett stated once a proposed Notice of Intent was established under the Administrative Procedure Act, there will be legislative oversight. The **Commissioner** thought both bills would come before the Committee next week with House Bill 535 having momentum but not so for House Bill 515. **Commissioner Reynolds** asked if it would be beneficial to not make a decision until the posture of the bills was known; Mr. Adriance felt that was a Commission decision. **Chair Smitko** then opened the meeting for public comments. Prior to the public comments, General Counsel Garrett mentioned 3 comments were received through the Commission's email portal and they each asked for a 2-mile buffer.

Mr. Ben Landry, Omega Protein, stated they support the Commission taking the lead on this issue as there was access to biologists that can advise them whereas politics can play a big role in the Legislature and can result in actions that are not a result of the best available science. Mr. Landry supported the proposed Notice of Intent and noted there could be dramatic economic impacts to a ½ mile buffer with estimates of \$40-\$50 million for not having access to the shore. He added they look forward to working with the Commission and staff to see this proposal through. A question on who this may affect next was asked by Mr. Landry. Again Mr. Landry noted they support the NOI and was sad that there was no compromise reached which could have made the Commission's decision easier. **Commissioner McPherson** asked if there was a fiscal note on the legislative bills to which Mr. Landry and General Counsel Garrett stated they did not remember seeing one but did not specifically look for it. The **Commissioner** thought there would be a fiscal note especially with the impact that Mr. Landry spoke of and Mr. Landry mentioned they were not contacted by anyone that looks at economic impacts.

Mr. Francois Kuttel, Westbank Fishing, stated he was President of one of the 2 pogie operators and wanted to provide clarity on Representative Cormier's bill. During negotiations, an understanding was made that the user conflict was not the fault of either business, but the problem was bycatch as recreational fisheries feels the menhaden fisheries was responsible for significant numbers of bycatch. Mr. Kuttel noted, from an industry point of view, they do not think much has changed in how they prosecute their business and a new bycatch study would probably show the same results as achieved so far. As a part of the bill, time would allow for good science to prevail and then what should happen should be based on that good science. Mr. Kuttel did not feel that the proposed buffer zone was based on science. Then he added that 20% of their catch was caught within the ½ mile buffer zone which equates to 2.2% of all menhaden that swim along the coast. As stated by Mr. Landry, a 20% loss of income to the industry could equal \$50 million and may further result in a loss of 450 jobs in Louisiana. Not one person lost their jobs due to Hurricane Katrina, the B-P oil spill, and even Covid pandemic to which Mr. Kuttel stated he would hate for anyone to lose their jobs due to legislation that was not backed up by science. **Commissioner McPherson** asked Mr. Adriance if the last bycatch study was done in 2012 to which he was told 2011 with results published in 2012. The **Commissioner** then

asked if the bycatch was about 1% in that study and previous studies; Mr. Adriance showed a slide on bycatch using minimum, median and maximum scenarios (using the median scenario, recreational and commercial spotted seatrout landings was less than 1% and recreational red drum landings was less than 2.1% from the menhaden bycatch). This information came from sets that had bycatch, but there were 47% of the sets that did not even have any bycatch in them. Mr. Adriance added that other studies back in the 1990's off the coast of Louisiana were very extensive. **Commissioner McPherson** was asking about the sets with no bycatch that were not counted to which Mr. Adriance restated that a total of 47% of the sets looked at did not have any bycatch. Combining all species from the study, the bycatch overall was between 1%-2%. The **Commissioner** asked if the allowance was 5% which was set in statute and Mr. Adriance answered yes. Mr. Adriance added that the menhaden fishery has operated the same since the other studies were conducted and with no changes, the Department stands behind the science.

Mr. Richard Fischer, Louisiana Charter Boat Association, stated he was opposed to any action now by the Commission and wanted to assure everyone he was not speaking against the NOI but the procedure of doing a NOI concurrently with 2 bills in this year's legislative session. Mr. Fischer asked that the Legislature be allowed to run its course and then, if needed, meet again and continue these conversations.

Mr. David Cresson, CCA, did not wish to speak but was opposed to the proposed action.

Commissioner McPherson stated he recognized that the Legislature has the final word on this issue but felt it should be based on science and biology and with there being 2 bills, he wanted to see if it makes them through the process and learn what the Governor may do if one bill does make it through the process. The **Commissioner** then made a motion to table this proposal, it was seconded by **Commissioner Hogan** and unanimously approved. Following the vote, **Commissioner McPherson** asked that the Legislature know the Commission has a proposed Notice of Intent prepared and for that information to be presented at Committee Hearings. **Chair Smitko** added that the Legislature needs to know that decisions by the Commission was based on science as opposed to a knee jerk reaction.

Chair Smitko announced the next agenda item would be to **Receive and Consider a Notice of Intent to Amend the Domesticated Aquatic Organisms Rule** by Mr. Rob Bourgeois, Fisheries Biologist. Mr. Bourgeois began his presentation reminding the Commission they asked for more information on adding 4 new species to the approved species list. The changes in the Notice of Intent were mandated by the Legislature such as removing species from the approved list the Department does not have authority over and removing size limits from certain fish. Other changes in the proposal further defined what the size and composition of the technical committee was and changes to the Tilapia regulations to make them more stringent that would protect the State. Mr. Bourgeois listed the prohibited species that were illegal to possess without a special permit – electric eel, rudd, all members of the swamp eels, snakeheads, walking catfish, pencil catfish, all species of tilapia and carp (except common carp) and goldfish. Requirements for the new species included: closed systems with no discharge to public waters of the state; water must be treated or filtered; no predators can gain access to the grow-out system; inspections of the security and filtration systems; no release to the waters of the state; and all facilities must be 1 foot above the 100-year flood plain. Mr. Bourgeois then talked about rainbow trout and a map

showed its range and where it has been introduced across the U.S. Rainbow trout has been successfully stocked in Louisiana as a winter fishery and none of those fish usually survive past March or April, so it was noted that the impact of being established in Louisiana was very low. Next talked about were the aquarium livestock species with the African Rift Lake Cichlid species being the first specie. This fish is legal to purchase and own throughout the U.S., was not for human consumption, and will not survive due to cold weather. Then reviewed was the Bristlenose Catfish which Mr. Bourgeois noted was legal to purchase and own in all of the U.S.; it was unknown what the population numbers of this catfish are that may be in Florida as none have been found since the initial sampling; and there was a very low chance of this species surviving Louisiana's winters. Fancy guppy was the last aquarium livestock species to be added and even though there are thousands of this fish none seemed to get established except for 2 populations in extreme south Texas and southern Florida; there was a low to moderate chance of survival due to Louisiana's winter temperatures; and this species does not breed with any native fish so there was a low chance of hybridization. Then Mr. Bourgeois talked about adding Freshwater Prawns beginning by showing a map of the only location in the U.S. for this species was in Mississippi but it was noted there has not been an established population and no more of this shrimp can be found there; 10 states, including Louisiana, had experimental or permitted populations and none were established as these Freshwater Prawns cannot survive the cold weather. Next shown was an updated list of the Domesticated Aquatic Organisms list which included Cocohoe minnows. (A copy of Mr. Bourgeois' presentation and the full text of the Notice of Intent are included in the Appendices Section of the Minutes.)

Chair Smitko asked if Louisiana already has Cocohoe minnows and Mr. Bourgeois answered yes but there is no legal production in any aquaculture facilities; then she asked if they are native and was told that this proposal would allow for them to be raised in a facility. The **Chair** then asked if Common Carp were native and was told they were not even though they have been here since the mid-1800's coming from Europe. **Chair Smitko** wondered if the Triploid Grass Carp cannot reproduce and Mr. Bourgeois stated that was correct but there were special permits to allow for this fish. Next, the **Chair** asked why would Louisiana want the non-native Fancy Guppy to be allowed to be raised, bred and sold if it could establish itself here. Mr. Bourgeois stated it was to promote aquaculture; however, he added that this fish has never been established in Louisiana because of its bright tail resembling a fishing bait and the temperatures it can tolerate. To that, **Chair Smitko** commented that the Fancy Guppy looks like a fishing bait in Florida and Texas and are established there and the temperatures are very similar to Louisiana which causes her concern. Then the **Chair** stated that the Freshwater Prawns were established in Mississippi to which Mr. Bourgeois stated they were never established, they recorded one catch and died as soon as temperatures reached 65°. **Chair Smitko** asked how soon after the Freshwater Prawns escaped were they reported found in the wild and Mr. Bourgeois replied that the winter immediately after they escaped, there were none found. Then it was asked what regulations would be in place for the Freshwater Prawns; Mr. Bourgeois stated it would be an inside facility, isolated from the waters of the State, above the 100-year flood plain by 1 foot, a required \$25,000 performance bond subject to inspections, and adequate filtration system. The **Chair** wondered if a kill switch was required and was told no it was not included because of the temperatures. Mr. Bourgeois mentioned that Freshwater Prawns are raised all around Louisiana and there has no established populations outside of their aquaculture facility. **Chair Smitko** then asked if kill switches were required for any species being added and was told no, Louisiana's

temperatures were the ultimate kill switch. In response to **Chair Smitko's** question on whether a kill switch can be added to this proposal after it has been approved, Assistant Secretary Patrick Banks stated the Commission can add that to the Notice of Intent if it was their desire. He added that these regulations were what was developed to provide an economic opportunity for what was already occurring. From that comment, **Chair Smitko** wanted to know what was already going on and Assistant Secretary Banks felt there was guppies in commerce already; and she felt if they were being grown here, the Department should find them and give those people a ticket as they were violating the law. Assistant Secretary Banks commented that the aquarium trade was very difficult to control and this proposed action was just a way to control their activities even if it was requested to include a kill switch. The **Chair** then questioned when would you hit the kill switch; Mr. Bourgeois spoke of 2 examples of a Tilapia farmer staying in constant contact with the Department when the flood of 2016 occurred and with an approaching hurricane on the kill switch. **Chairman Smitko** noted she would not be in favor of adding the Bristlenose Catfish, Fancy Guppy and a kill switch should be included for the Freshwater Prawns. Hearing no further discussions, **Commissioner McPherson** made a motion to move the Notice of Intent forward as these species to be added need to be regulated, the motion was seconded by **Commissioner Hogan** and approved with no opposition.

Then Mr. Cole Garrett, General Counsel, came forward for his agenda item, **Receive a Report on the 2021 Regular Legislative Session and Consider Taking a Position on Certain Legislative Instruments**. Mr. Garrett began the presentation talking about House Bill 691 (Comprehensive LDWF License Fee Restructure) stating this bill involved all 3 components of licenses (recreational, commercial and boat registration), had a fiscal note of about \$20 million, successfully passed through the House Natural Resources Committee with 2 amendments added (technical changes and a substantive change by Representative Kerner which reduced the amount for commercial fishing licenses and vessel licenses as well as reduced the cost for the EEZ Offloading Permit) with the next step being dual referred to the House Appropriations Committee. **Commissioner McPherson** asked for the rationale in reducing the commercial fees and General Counsel Garrett felt it was overly burdensome for fishermen to pay such a stark increase. **Commissioner Reynolds** thought the posture of this bill would change when it goes to the House Floor; General Counsel Garrett stated, from what he has heard, there are several amendments that may come forward and noted the Department was seeking to address a \$34 million deficit in the budget. The **Commissioner** asked if the bill does not pass this year, would the Department have to wait 2 years for the next fiscal session and General Counsel Garrett commented it could be added during a Regular Session except for excise taxes listed in the original bill which have been removed. Wildlife bills reviewed included House Bill 239 (Prohibits Harvest of Cypress Trees on State Property) which moved favorably from House Natural Resources Committee; House Bill 366 (Authorizes Land Swap on Russell Sage WMA) passed the House Floor and referred to Senate Natural Resources Committee. **Commissioner McPherson** asked if the 219 acres was adjacent property and was the Department in favor of the swap and Assistant Secretary Randy Myers answered yes as it provides and helps solve an access issue. Going on with the presentation, General Counsel Garrett stated House Bill 530 (Hunting License Fee Increase) was a diversion of license fees that would be beyond the control of the Department, however, the bill was withdrawn from the House Natural Resources calendar; HCR 55 (Outdoor Conservation Study Group) by Representative Zeringue would look at ways to fund conservation. **Chair Smitko** asked conservation of land, conservation of species, conservation

of what and General Counsel Garrett answered yes, it would be a broad study. The 2 public access bills, House Bill 331 and House Bill 399 (Constitutional Amendment Authorizing State to Alienate Navigable Water Bodies) were both functionally dead. Fisheries bills included House Bill 75 (Fisherman's Gear Compensation Fund) was withdrawn by Representative Kerner; House Bill 226 (Lake D'Arbonne Crappie Limits) by Representative Turner made it through House Natural Resources Committee and moved to House Floor; Senate Bill 134 (Prohibits Nighttime Shrimping in Lake Pontchartrain) by Senator Lambert was voluntarily deferred and may be converted to a Study Resolution; House Bill 535 (Half Mile Menhaden Exclusion Zone) and House Bill 551 (Quarter Mile Menhaden Exclusion Zone) were discussed earlier in the Commission meeting but it was noted these bills may be heard the next week in the House Natural Resources Committee; and House Concurrent Resolution 26 (Oyster Shell Study). One Enforcement bill reviewed was House Bill 655 (Conversion of Certain Criminal Violations to Civil Fines) and General Counsel Garrett stated it was well received in the House Natural Resources Committee and moved unanimously to the House Floor. **Commissioner McPherson** asked if House Bill 655 would have an impact on collecting civil fines and General Counsel Garrett answered absolutely yes as it should generate good revenue and could serve as a deterrent. (A copy of Mr. Garrett's presentation is included in the Appendices Section of the Minutes.)

Mr. Douglas Olander stated he noted in the year 2000, there were about 900 fishermen fishing black drum but now in the years 2020 and 2021, those numbers were between 350 and 400 fishermen (loss of 500 fishermen). He commented he and his wife own Big D Seafood and own 5 boats and felt there was a serious situation that needed to be looked into; then he noted there was a small quota for black drum that was turned over to the largest fishing industry. Mr. Olander then talked about shrimpers catching large quantities of fish which does not leave much fish left. He asked the Department staff that comes to his docks to check otoliths to learn how old his fish were to which he was told those samples were turned over to LSU. One black drum that Mr. Olander caught was tagged at Sabine River at 16 inches and when caught it weighed 9.75 pounds and was 5 years old. He did not think enough information was known about the black drum and thought a bycatch study was needed. **Chair Smitko** asked Assistant Secretary Patrick Banks to explain what was being requested and Assistant Secretary Banks stated the bycatch study referred to by Mr. Olander was important and an attempt was made to replicate the study but it never was accomplished. The **Chair** wondered if thousands of pounds of black drum were being caught in shrimp trawls and Assistant Secretary Banks stated there were fishermen that pull large nets for the purpose of catching fish and trip tickets show between 20-30 landings of significant amounts of fish using a trawl. **Chair Smitko** then asked if these fishermen were licensed to trawl for fish to which Assistant Secretary Banks mentioned there was no specific license for that but it was a legal method because bycatch is allowed in trawls. The **Chair** asked if this was similar situation to the flounder issue out west and General Counsel Cole Garrett thought so and added that the Finfish Task Force never took a vote on the fish trawls, but the flounder issue was similar to what was occurring with the black drum. Assistant Secretary Banks felt the bottom line was the Department needed to look at the bycatch issue of fish trawling but have had to reevaluate how best to get that data without being on a shrimping vessel. Mr. Olander explained how the shrimpers were targeting the fish and how he was trying to stay away from the shrimp boats when he was actively fishing but noted he continues to lose his equipment. **Commissioner McPherson** asked why were the shrimpers not catching red

drum along with the black drum and Mr. Olander stated they are catching everything. He added that the black drum currently has a high value with his dock receiving \$2 per pounds. The **Commissioner** then asked if red drum could be sold in commerce and he was told no, that was a gamefish. **Commissioner McPherson** wondered why the Department could not pull a shrimp trawl just like when it was pulled for shrimp sampling and Assistant Secretary Banks thought the gear used for shrimp sampling was far too small to be effective. **Chair Smitko** thought the Department could find some nets to which Assistant Secretary Banks agreed but the Department's vessels were too small to pull the bigger nets. Mr. Olander stated he had the vessel to pull the nets but never felt safe to pull them as there was no license for this specific fishery, to which Assistant Secretary Banks noted that was not correct, there was a trawl license. **Commissioner Blanchard** asked Mr. Olander if he was wanting limited entry or did he want a limit put on all fishermen and he was told that the shrimpers should have to use a 2-1/4-inch mesh to eliminate catching the large numbers of fish. **Chair Smitko** responded to **Commissioner Blanchard** that Mr. Olander wanted to eliminate the trawling for drum.

Ms. Chrystel Olander, stated they have been dock owners beside commercial fishermen for 20 years and specialize in drum fishery by using the hook and line gear since 1995 due to the gill net ban. When the gill net ban occurred and their nets were sold, they were told they would only be able to fish with hooks and line. For over 20 years, the Olander's have tried to keep outlaws away from the docks; the price for the drum has gone from \$0.30 to \$2 per pound due to the hook and line industry which Ms. Olander noted they could not work like that due to the expense of the labor, bait and shrimp. She added in the 20 years in this industry, they have not had any tickets or violations. **Chair Smitko** commented that they would attempt to address this issue. Ms. Olander added that bycatch was based on the interpretation by a judge and asked how these species except flounder could be sold. She knew that Enforcement has tried to stop this activity. The **Chair** stated it was important when members of the commercial industry brings these problems to the Commission's attention to try to address them. Ms. Olander felt they could not come to the Commission as they have had problems with the Finfish Task Force to which **Chair Smitko** answered they came to the right place. Ms. Olander also stated they were opposed to the license increases as the fees would go from \$1,000 to \$3,000 which was a 150% increase. Then she stated that since 1995 most of the violations were Class 3 which could affect a fisherman getting a permit; but the proposed change in violations could bring those fishermen back into the industry which caused her concern. **Chair Smitko** asked if the violations would be retroactively changed and General Counsel Garrett answered no.

There being no further comments, **Chair Smitko** adjourned the meeting. However, the meeting was reconvened and Secretary Montoucet asked the Commission for a letter of support for the Department's bills in the Legislature especially for the License Restructure bill. **Commissioner Reynolds** made a motion to support the Department's legislative bills, seconded by **Commissioner Guidry** and unanimously approved.

There were no **Public Comments** this month.

Again, **Chair Smitko** adjourned the meeting.

APPENDICES



2021 Summary of Public Comment for Conditionally Approved Hunting Season(s) NOI & Potpourri Amendment

Tommy Tuma | Louisiana Wildlife & Fisheries Commission Meeting | 05/06/2021

Public Comment received

- January 7 – March 4, 2021
- **Comment period closed March 4, 2021**
- **Comments related to proposed changes to NOI**
 - 16 comments related to proposed changes (email, zoom chat window)
- **General Hunting Seasons and Regulations comments**
 - 59 comments received (email, phone, letter, zoom chat window)



Public Comments related to proposed NOI

Proposed Regulation

	<u># COMMENTS RECEIVED</u>	<u>SUPPORT</u>	<u>OPPOSED</u>
West Zone waterfowl season	5		5
Light Geese	1		1
East Zone waterfowl season	1		1
Youth waterfowl season	1		1
Waterfowl season length and bag limits	3		3
Youth and Veterans waterfowl days	2		2
White- Fronted Geese	3		3
<u>Total comments related to Proposed changes to NOI</u>	<u>16</u>		<u>16</u>



General Public Comments received

Crow hunting regulation	1
Tunica Hills deer hunting season	1
Buckhorn and Big Lake WMAs deer seasons	2
Air Rifles	1
Blow guns	1
Deer Area 1 baiting regulations	1
Deer Area 1 season bag limit	1
Deer Area 4 season limit	1
Primitive weapon legal gear	1
Richard K Yancey WMA deer season limit	1
Richard K Yancey WMA daily deer limit	1
Baiting on private lands adjacent to Richard K Yancey WMA	1
Deer season either-sex days on private lands adjacent to Richard K Yancey WMA	1
Richard K Yancey WMA either-sex deer days	1
Richard K Yancey WMA deer season	1
Statewide Deer baiting	1
Area 9 deer limit	1
Private Property deer stands	1
NOI reporting	1
NOI reporting	1
NOI reporting	1
Deer Area 5 & 9 season regulations	1
Deer Area 5 benchmark closure	1
Primitive weapon deer season	1
Boeuf WMA greentree reservoir	1
Pearl River WMA surface drive use	1



General Public Comments received

Richard K Yancey WMA deer season	1
Richard K Yancey WMA deer season	1
Richard K Yancey WMA deer season	1
Richard K Yancey WMA habitat management	1
Boeuf WMA Limited Access Areas	1
Antler Restrictions	1
WMA deer Antler restrictions	1
Boeuf WMA deer season	1
Pass-A-Loutre WMA deer season	1
Richard K Yancey WMA deer managed hunt	1
Small game WMA season	1
Sherburne WMA rules and regs	1
Kisatchie National Forest rules and regs	2
Legal gear for raccoons	1
Salvador WMA small game season	1
Maurepas Swamp WMA	1
Cormorants	1
Questions about waterfowl zones and splits	2
Question about natural migration of waterfowl and other states management	1
Questions about ending date of waterfowl season	2
Question about why white-fronted goose season does not coincide with duck season dates	1
Request to give tribal rights for hunting and fishing for sustainment when hungry	1
Question about eliminating afternoon waterfowl hunting	1
Question about East Zone youth/veterans waterfowl hunt days	1
Question about starting small game season in September	1
Comment about Lottery night pig hunt on RKY WMA with supervision	1
Comment that Salvador/Timken WMA hunting should close for all at 2 pm	1
Comment that user prefers evening hunting on Salvador/Timken WMA	1
Comment that Richard K Yancey WMA needs a hunting season that will protect does to 70% of carrying capacity	1



Potpourri Amendment General and Wildlife Management Area Hunting Rules and Regulations (LAC 76:XIX.1.111)



LAC 76.XIX.1.111.E.11

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in ~~the~~ either the Responsible Hunting Scent Association (RHSA) or Archery Trade Association Deer Protection Program, and which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

Public Hearing

A public hearing on proposed substantive changes was held by the Louisiana Department of Wildlife and Fisheries on April 21, 2021 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808.

- 1 person in attendance
 - 1 comment received in support



Potpourri Public Comment received

- March 4 – May 6, 2021
- **Comments related to proposed Potpourri Amendment**
 - 2 comments received in support (1 from email, 1 from public hearing)
 - 1 comment received in opposition (email)

Questions?



Review of Wildlife and Fisheries Hunting Preserve Regulations

With special emphasis on released mallards

Larry Reynolds
LWF Commission
5/6/2021



Hunting Preserves: State Statute

Title 56: Wildlife and Fisheries

CHAPTER 1: GENERAL PROVISIONS FOR WILDLIFE AND FISHERIES

PART IX. HUNTING PRESERVES

§651. License

Any person, firm or corporation desiring to establish, maintain or operate a hunting preserve within the state of Louisiana to permit the releasing and shooting or taking of pen-raised quail and pen-raised mallard by the public for a fee or otherwise may apply to the Louisiana Wildlife and Fisheries Commission for a license to do so ...

§652. Rights under license

Any license issued hereunder shall permit the licensee to propagate, possess, and release for shooting or taking on the preserve covered by such license any pen-raised quail and pen-raised mallard and in addition thereto, import, propagate, possess, and release for shooting or taking on the preserve covered by such license any foreign game bird not a native of the state of Louisiana, if approved by the Louisiana Wildlife and Fisheries Commission.

§655. Regulation of operations

The Louisiana Wildlife and Fisheries Commission shall have the authority to regulate the operations of hunting preserves licensed hereunder, and to set seasons, bag limits, and any other rules and regulations on the operation of said hunting preserves as are deemed necessary for the best interest of the public.

Hunting Preserve Regulations

Title 76. WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

§305. Hunting Preserve Regulations

1. Application Requirements

- Application on a Department form including:

Proof of ownership or verification of exclusive hunting rights from the landowner of the property the hunting preserve is to be operated.

Written operational plan detailing the type(s) of birds to be released, the methods(s) and time of release, and location(s) of release. A description of hunting activities that occur or are likely to occur on the preserve and surrounding property

To utilize mallards, a map must be included in the operational plan which indicates the release site, water areas, and shooting areas.

- Operational plan approved by the Department, and deviations are allowed only with Department consent.

- Department may revoke/deny hunting preserve license for failure to comply with any fish or wildlife laws, disease or public health issues, for deviation from an approved operational plan, or failure to abide by the rules and regulations established for this hunting preserve program.

New applications must be received prior to August 1 for operation during the forthcoming hunting preserve season.

Hunting Preserve Regulations

§305. Hunting Preserve Regulations

2. Suitability of Area

- On-site inspection by Department to evaluate:

Conflicts with wild migratory birds or migratory bird hunting

Potential violation of federal regulations concerning waterfowl feeding or hunting over live decoys

If the establishment will be in the public interest

Potential detrimental effects on wild migratory or resident game birds

Hunting Preserve Regulations

§305. Hunting Preserve Regulations

2. Suitability of Area (cont.)

- No license shall be issued for any hunting preserve using mallards:
 1. Situated on a marsh, lake, river, or any other place where there are, or operations may attract concentrations of wild waterfowl.
 2. Located within 5 miles of any wildlife areas with significant waterfowl concentrations owned or leased by state or federal governments or an NGO.
 3. Located in the coastal zone defined as south of I-10 from Texas to Baton Rouge, I-12 from Baton Rouge to Slidell, and I-10 from Slidell to Mississippi.

Concerns Regarding Released Mallards

From the May, 1992 Notice of Intent supporting documentation:

- 1) Transfer of disease to wild populations:
 - Numerous propagation facilities experienced disease losses
 - Large-scale mallard releases in Maryland correspond to increased prevalence of disease outbreaks.
- 2) Genetic implications of pen-reared mallard releases:
 - interbreeding with wild mallards and black ducks
 - *Recent work on Atlantic Flyway mallards shows extensive genetic shift
 - *Genetic impacts to Florida mottled ducks have led to harsh restrictions
- 3) Repeated conflicts with regulations regarding baiting or hunting over live decoys.

*

Concerns Regarding Released Mallards

From the May, 1992 Notice of Intent supporting documentation:

2 Types of Releases:

1. Direct release of pen-reared, free-flighted mallards into wetlands which are then harvested by hunters. Those not taken remain in the wild.
2. Tower/controlled shoots when mallards are released to proceed over positioned shooters. It is estimated that 20% released in this manner are subsequently not accounted for.

Concerns Regarding Released Mallards

From the May, 1992 Notice of Intent supporting documentation:

As a result of these concerns:

1. The Mississippi Flyway Council passed a formal recommendation opposing pen-reared mallard releases into the wild without regard to release type in 1989.
2. LDWF consistently opposed direct releases as well as tower shoots near natural wetland habitats.
- 3) LDWF does not oppose tower shoots in geographic areas/habitat types where the potential for interaction with wild ducks is low.



Hunting Preserve Regulations

§305. Hunting Preserve Regulations

3. Type of Releases Allowed

- Limited to those operations whereby domestic mallards are released in a controlled fashion to proceed over positioned shooters in their flight path.

Title 56(20): No pen-raised or wild animal, fowl, or fish of any species from within or without the state shall be liberated within the state except upon written permission of the secretary.

- All mallards must be banded with permit and identification number.
- Pen-reared birds brought into the state must comply with Livestock Sanitary Board regulations.
- Basic hunting or Hunting Preserve license and LA Duck License is required of all shooters.
- Season dates are currently October 1 – April 30.

Current Louisiana Hunting Preserves

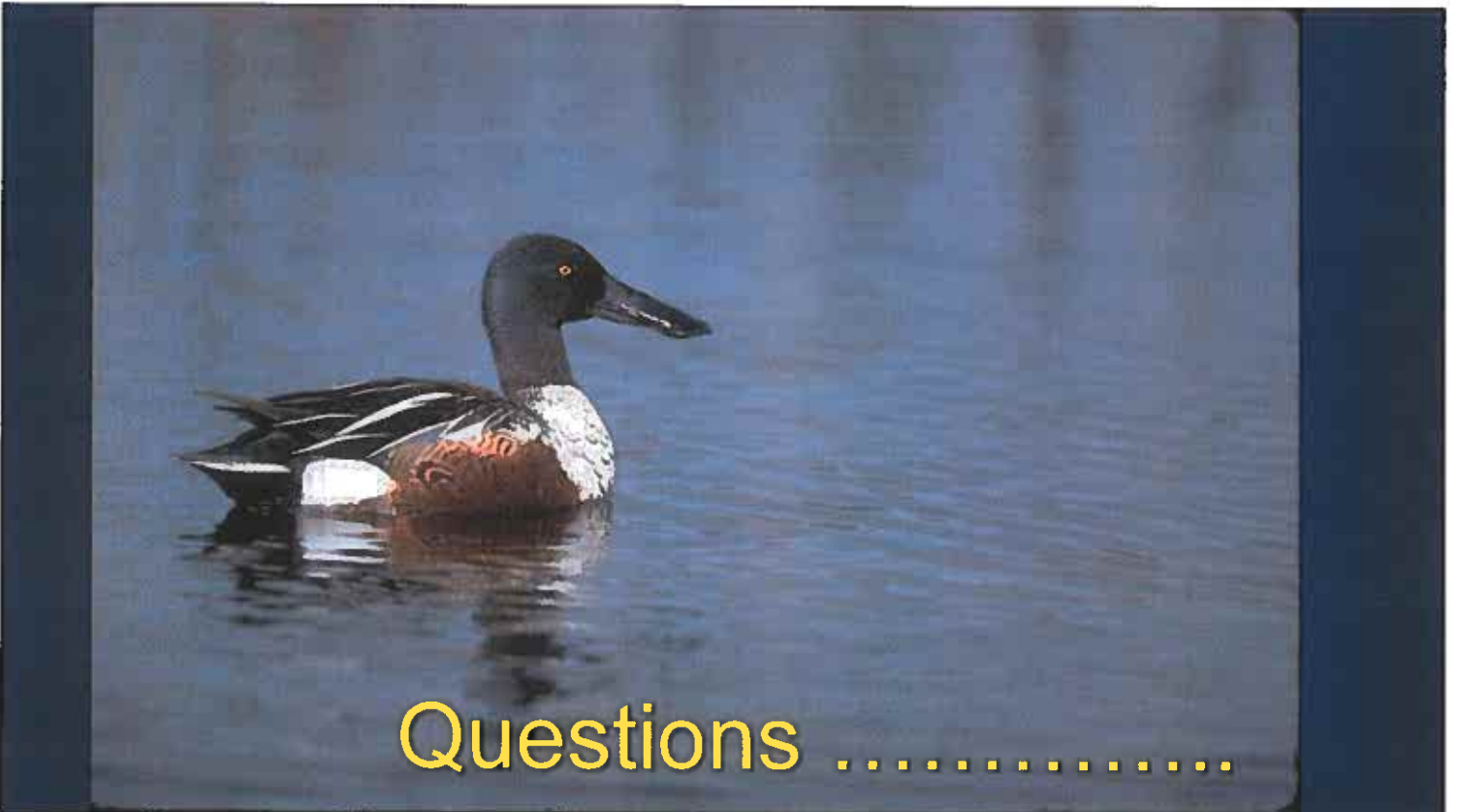
There are typically 15-20 active Preserves each year

16 active Hunting Preserves in 2020-21:

8 Advertise hunts to the public

8 Private

3 Offer mallard hunts



Questions

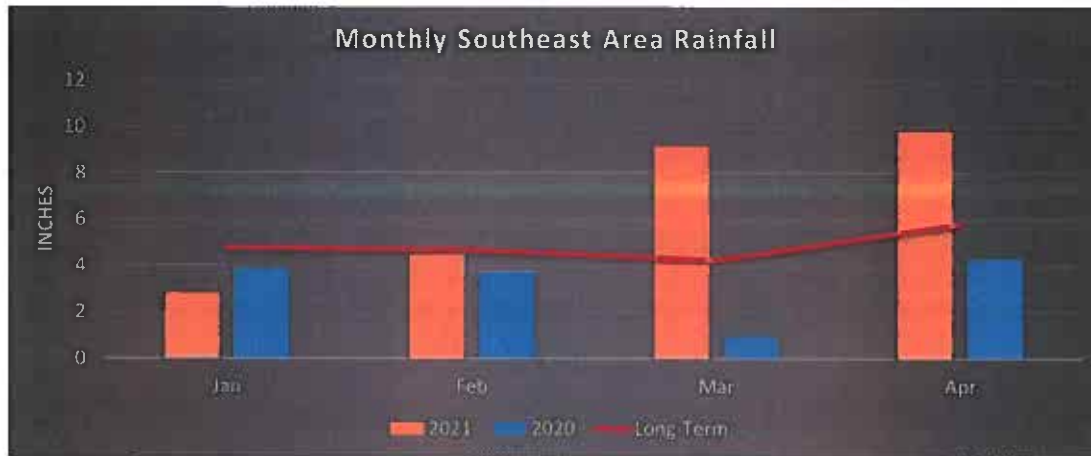


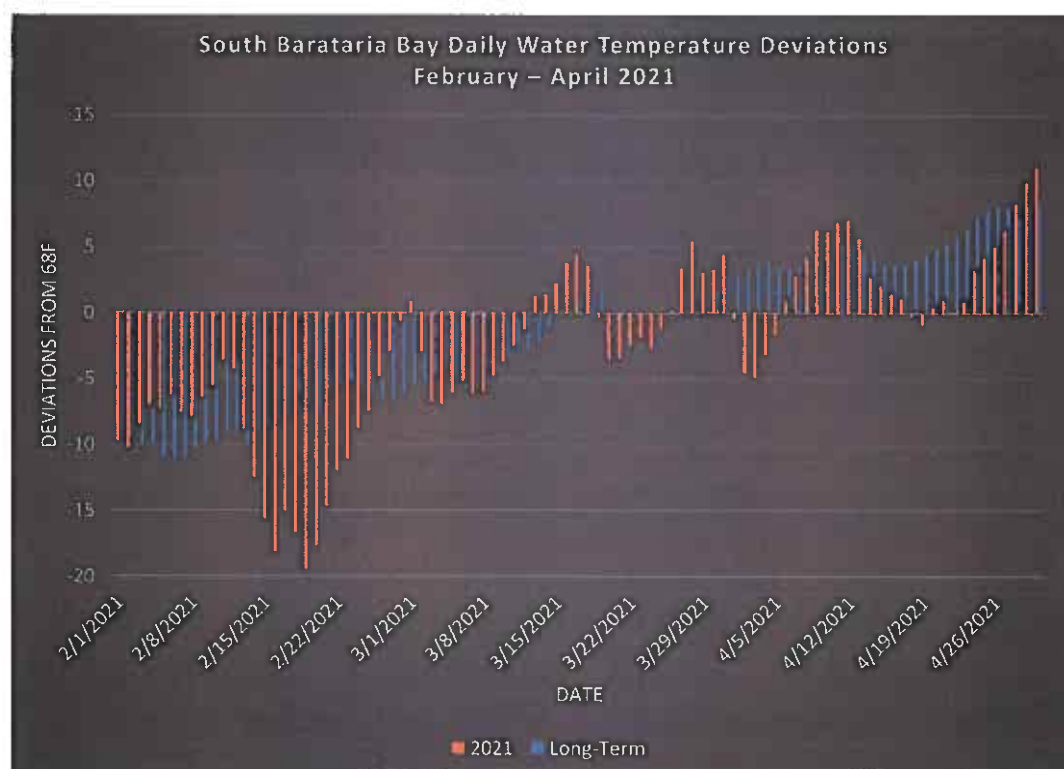
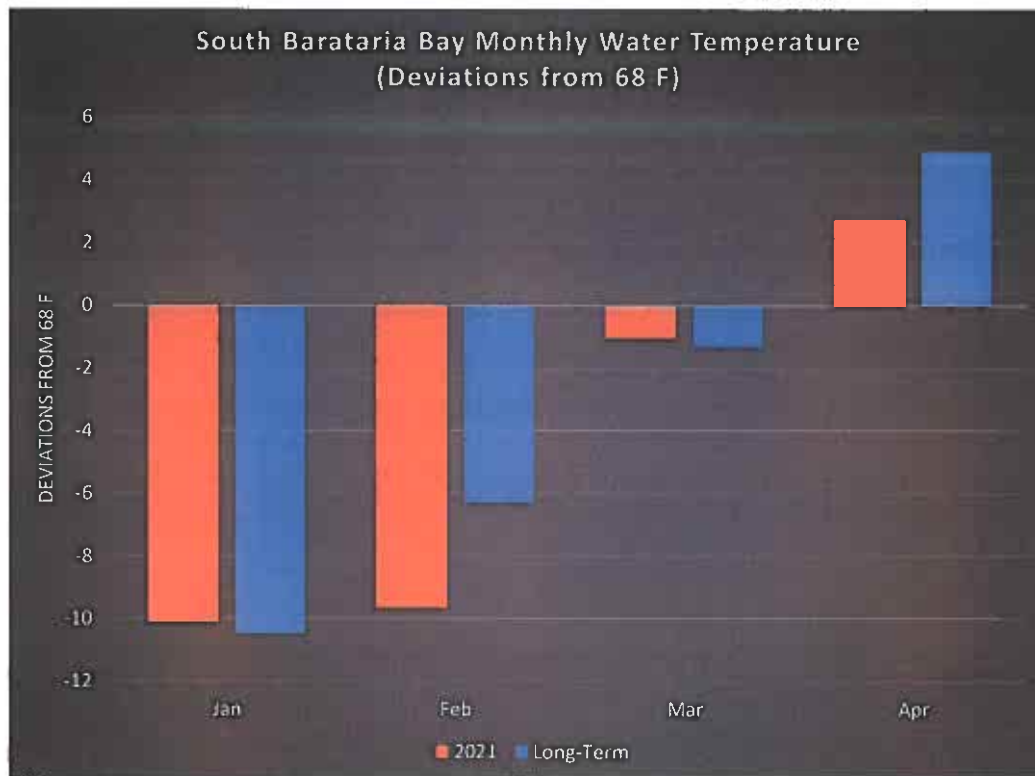
Spring Shrimp Presentation

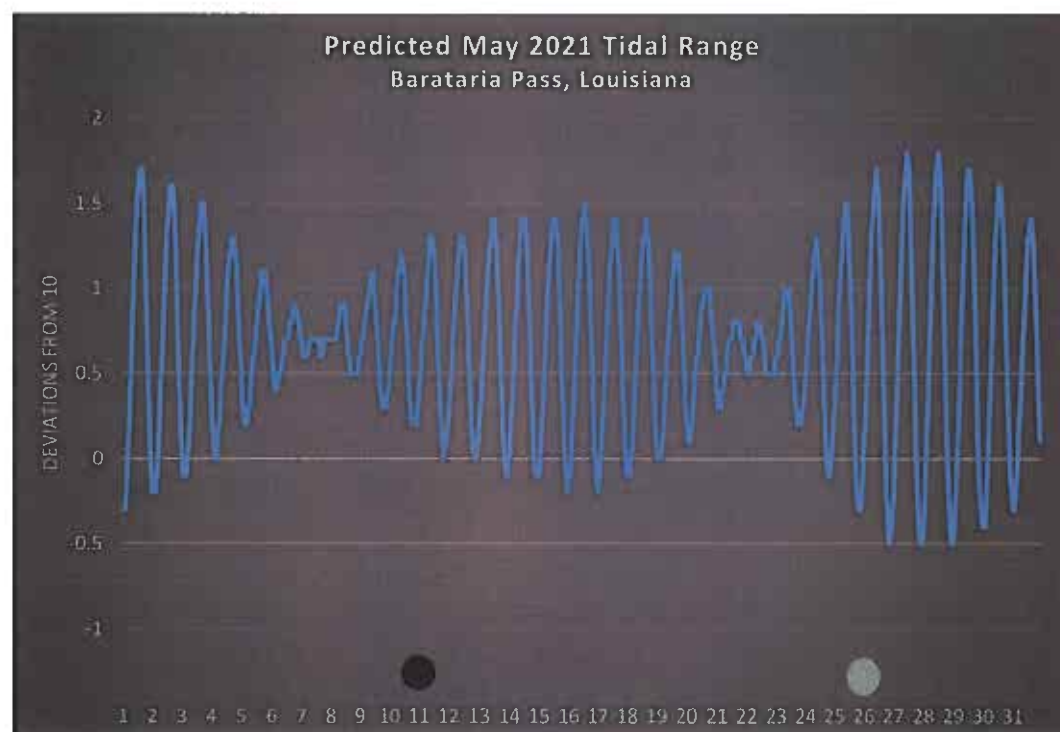
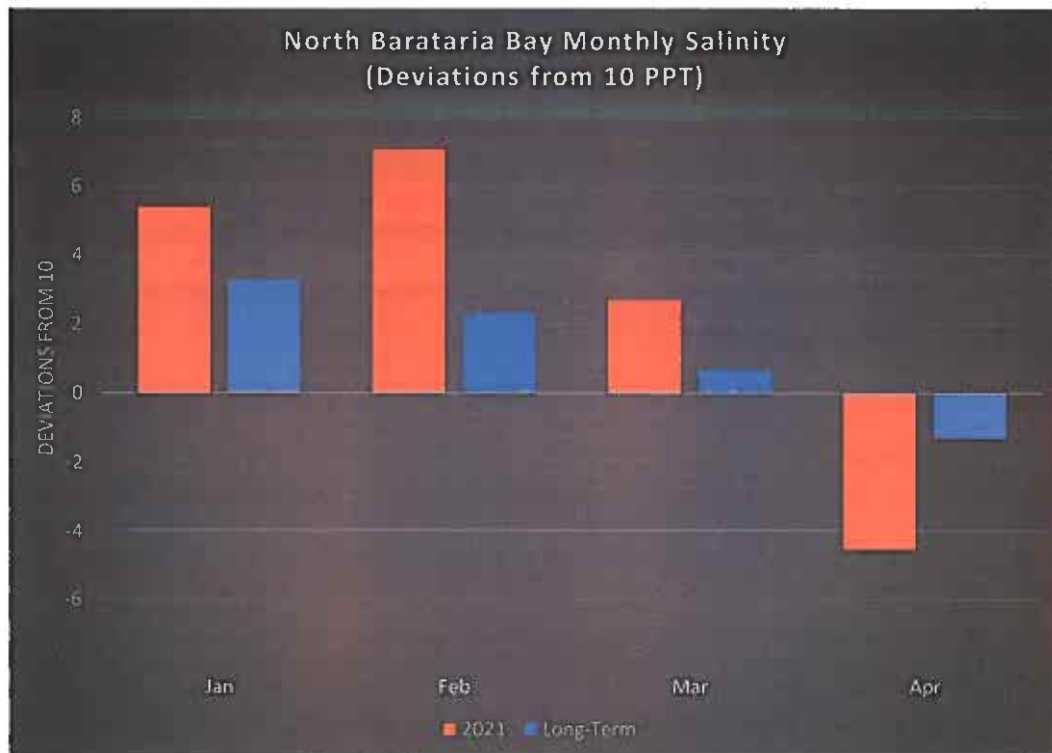
Peyton Cagle | LWFC Meeting | May 6, 2021

2021 HYDROLOGY



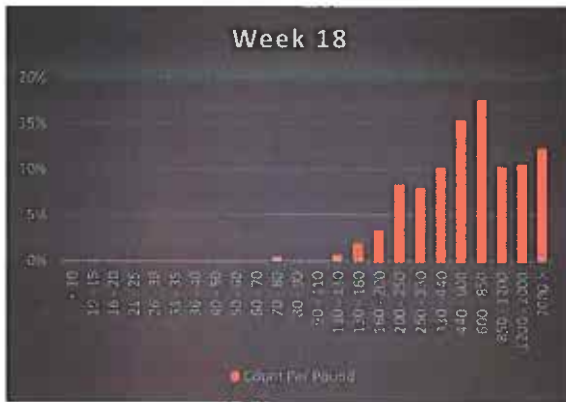








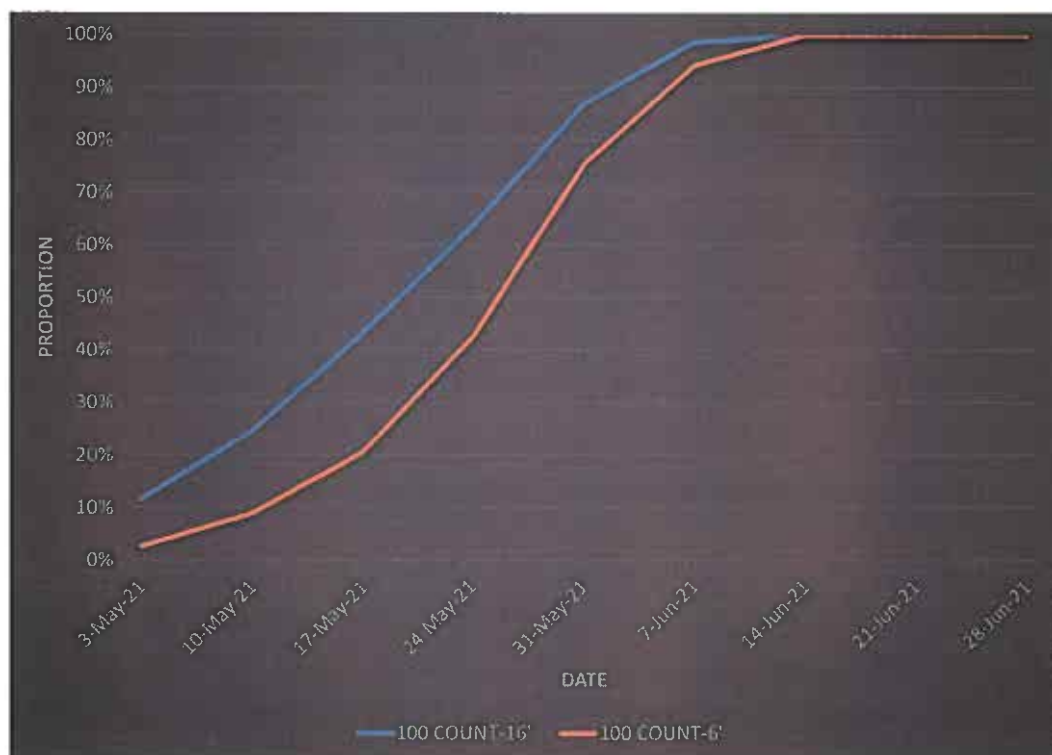
Zone 1 Size Frequency and Projections



Barataria Size Frequency and Projections



Barataria Crossover Date



Terrebonne Size Frequency and Projections



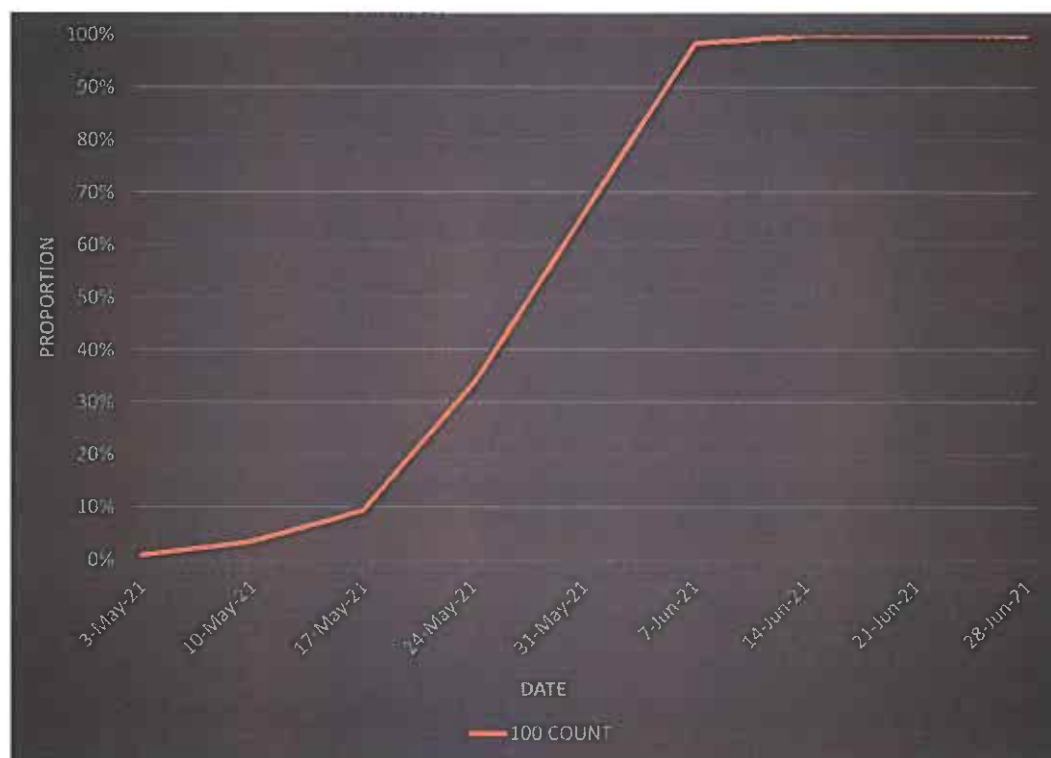
Vermilion-Teche Size Frequency and Projections



Zone 3 Size Frequency and Projections



Zone 3 Crossover Date





Zone 3 – 5/27/21 6am

**JOHN BEL EDWARDS
GOVERNOR**



**JACK MONToucET
SECRETARY**

PO BOX 98000 | BATON ROUGE LA | 70898

May 20, 2021

**Andy Strelcheck
Acting Regional Administrator
NOAA Fisheries Southeast Region
U.S. Dept. of Commerce
263 13th Avenue South
St. Petersburg, FL 33701**

Mr. Strelcheck:

This letter is to serve two purposes. It is intended to comment in opposition to the Advance Notice of Proposed Rulemaking to require Turtle Excluder Devices (TEDs) on all shrimp boats using skimmer gear (86 FR 20475), and to communicate our continued opposition to the implementation of the final rule (84 FR 70048) requiring the use of TEDs in skimmer vessels 40 feet in length or greater.

On behalf of the Louisiana Wildlife and Fisheries Commission (LWFC) and the Louisiana Department of Wildlife and Fisheries (LDWF), I would like to thank you and the National Oceanic and Atmospheric Administration (NOAA) Fisheries for delaying the requirement of TEDs in skimmer vessels 40 feet in length or greater until August 1, 2021. This delay provided immediate, albeit temporary, relief to the Louisiana shrimp fishermen, who have had, and continue to have difficulty obtaining TEDs and associated inspections due to the COVID pandemic, by allowing them to fish in any Louisiana state waters that are currently open to commercial shrimping. Even with the delayed implementation, the majority of Louisiana's shrimp skimmer vessels are unable to comply with the new rule, not from lack of effort, but from a sheer lack of availability.

While postponing the final rule requiring the use of TEDs in skimmer vessels 40 feet in length or greater (84 FR 70048) by a few months is appreciated, it falls short. The LWFC and LDWF have opposed that rule throughout its development and urge NOAA to reverse the decision to unnecessarily mandate the use of TEDs in skimmer gear.

Since 2012, NOAA has attempted to promulgate rules that would require TEDs in skimmer vessels. As documented in previous letters of opposition sent by LDWF to NOAA, the LDWF and LWFC have consistently stated that imposing a TED requirement on skimmer vessels was not necessary in Louisiana state waters and the amended tow time restriction was the preferred

rule. Your agency noted in 84 FR 70048 that the requirement of emptying the net on the vessel deck would result in the intended identification and safe release of any sea turtle captured in a net while minimizing issues to trawling operations, and more clearly identified what is required of vessels to comply with tow time limits for skimmer vessels less than 40 feet in length. The LDWF and LWFC contend that the amended tow time requirement would work just as well for skimmer vessels 40 feet in length or greater.

According to LDWF's trip ticket database, there has been a continual decrease in shrimping activity in both Louisiana and federal waters since the early 2000s, reducing annual trips by a third.¹ This decrease in shrimping effort, by itself, will lessen the probability of sea turtle interactions. At the same time, the amended definition of skimmer tow times continues to be enforced. In addition to our enforcement agents on the water, LDWF now has four drones that are capable of extended flight times and have high powered video capabilities to monitor tow times on an ever-dwindling number of vessels.

An overall reduction in bycatch was observed in the 2019-2020 LDWF state bycatch characterization study.² During this study, thirty-three shrimp fishing trips with 363 tows and 501 hours of tow time were observed without a single sea turtle interaction; twenty-four of the total trips observed were from skimmer vessels, which consisted of 291 tows and 335 hours.³ NOAA has stated that the number of Kemp's ridley sea turtle nesting numbers have increased significantly in the past several decades, although current data indicate the trend has leveled off in recent years.⁴ The overall trend showing an increase in Kemp's ridley nesting sites has occurred without any additional TED requirements in skimmer vessels. Based on the bycatch data suggesting little to no turtle interactions, we feel strongly that TEDs are not needed in the Louisiana skimmer vessel fleet.

In addition, we cannot support the current rule due to the economic hardship it will likely cause on an already suffering Louisiana shrimp fishery. It has been documented that TEDs will reduce the amount of shrimp landed per tow and this would be detrimental to an industry that has faced a multi-year series of disasters and an ever-decreasing dockside price due to competition from imported shrimp products.⁵ NOAA has determined that there would be an average shrimp catch-effort loss of approximately 6% as a result of implementing TEDs in skimmers.⁶ This loss would decimate the Louisiana skimmer vessel fleet, which make up the majority of

¹ LDWF Trip Ticket database. Annual trips declined from 125,851 in 2000 to 39,744 in 2019.

² Louisiana Department of Wildlife and Fisheries, "Evaluation of Commercial Shrimp Fishery Bycatch in Louisiana Waters" (November 2020), attached hereto as Exhibit "A." See also, National Oceanic and Atmospheric Administration, "Observer Coverage of the 2014 Gulf of Mexico Skimmer Trawl Fishery" (2014) and "Characterization of the U.S. Gulf of Mexico and South Atlantic Penaeidae and Rock Shrimp (Sicyoniidae) Fisheries through Mandatory Observer Coverage, from 2011 to 2016" (2020), both of which are attached hereto as Exhibit "B" and "C", respectively.

³ Exhibit A at p.4.

⁴ Exhibits B and C.

⁵ See generally, Exhibits A, B, and C.

⁶ Environmental Impact Statement to Reduce the Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries, at p. 222 (November 4, 2019).

the Louisiana shrimping industry. NOAA recognized in 84 FR 70048, "vessels are already operating on small positive or negative economic margins." According to NOAA, of the 5,660 vessels in the Gulf of Mexico, there are 2,810 vessels that fall into an economic category having the lowest average annual gross revenues and net revenues.⁷ Most of these vessels are the least able to absorb revenue reductions and cost increases and may have to stop shrimping all together. NOAA stated that it expects that the number of affected vessels that will shut down would be around 48% (2,810 vessels). The infrastructure of the fishery could be compromised if 2,810 vessels stop shrimping. Docks and ice plants could possibly close and entire communities could be at risk. Docks and processors would also see a loss in revenue due to shrimp loss through the TEDs. Additionally, TEDs with narrow bar spacing result in excess catch loss and reduced gear performance. Skimmer vessels required to have approved TEDs installed will be operating in the same areas as trawlers and skimmers vessels less than 40 feet in length, thereby creating a competitive disadvantage when compared to trawling vessels with wider bar spacing, or smaller skimmer vessels, without (current) TED requirements other than tow time.

Adding to the economic burden placed on these vessel owners is the up-front costs of obtaining and installing the newly required gear. While some grant assistance may be extended to a few shrimp skimmer vessels, overall the costs will almost be entirely bore by the vessel owners themselves. Costs of buying and installing new TEDs would be the responsibility of the fishermen at a cost of \$325/TED for small vessels and \$550/TED for larger vessels. Combining the costs of TEDs and loss of shrimp (only shrimp, not including finfish) the adverse effect in the first year is about \$13.49 million. As mentioned earlier in this letter, the costs of operating these shrimp skimmer vessels is steadily increasing while dockside prices for the catch remains relatively stagnant. These increased costs combined with the loss in catch creates a scenario in which shrimpers are put out of business⁸.

Recently, we were made aware of a newly-proposed rule (ANPR in 86 FR 20475) which would require all skimmer vessels, regardless of size, to have approved TEDs installed. Previously, NOAA stated that requiring TEDs in skimmer vessels 26 feet in length or greater would have been expected to affect more vessels (3,103) and increase the total expected TED costs and shrimp revenue loss compared to the current TED rule.⁹ The EIS of the rule noted that it would have taken an excessive amount of time to produce TEDs for all skimmer vessels 26 feet and greater.¹⁰ While the overall fleet has diminished, so have the industries that support the industry, so production and installation of those additional TEDs continues to be an issue.

Furthermore, safety for fishermen operating on vessels less than 40 feet in length is also a concern, since deck space is limited and the TEDs increase the possibility of interfering with

⁷ *Id.* at p. 173.

⁸ *Id.* See also 84 FR 70048 <https://www.federalregister.gov/documents/2019/12/20/2019-27398/sea-turtle-conservation-shrimp-trawling-requirements> (last visited, May 19, 2021).

⁹ Draft Environmental Impact Statement to Reduce the Incidental Bycatch and Mortality of Sea Turtles in the Southeastern U.S. Shrimp Fisheries, at pp. 141, 206, 216, and 266 (November 29, 2016).

¹⁰ *Id.*

motor operation when nets are being retrieved.¹¹ NOAA document 86 FR 20475 states that additional testing has been conducted and has produced TED designs that are effective on skimmer vessels less than 40 feet in length, but does not include any of these findings in the advanced notice of public comment. If NOAA proceeds with this proposed rule, it will be essential to demonstrate the effectiveness of the newly developed gear, including the percent loss of shrimp harvest, and how previous safety concerns have been addressed. It will also be incumbent for NOAA to demonstrate why current measures are inadequate for protecting the sea turtle populations, particularly as it relates to Louisiana's territorial waters.

Again, the LDWF and LWFC would like to thank you for previously amending the tow time definition and allowing this regulation to be enforced without the requirement of TEDs, but will ask that you consider the negative impacts that will be brought onto our local fishing communities if TEDs are required in any skimmer vessels. Evidence for the amount of shrimp losses has been documented as well as the increase in population of Kemp's ridley sea turtles. These findings do not support additional gear requirements for a struggling industry. If future research indicates a decline in the sea turtle population, the LDWF and LWFC will gladly work with NOAA on possible alternative regulations. At this time, we respectfully request that NOAA reverse the previous rule mandating TEDs in skimmer vessels 40 feet in length or greater and that no additional rules be developed for TEDs in skimmer trawls.

Should NOAA insist on some TED requirements in skimmer gear, we officially request that NOAA designate the state waters of Louisiana as an exclusion zone from the current and any proposed TED rules, based upon Louisiana's recent bycatch studies showing virtually no turtle interaction, Louisiana's shrimp fleet's declining effort further reducing probability of turtle interaction, the potential economic harm to Louisiana's shrimp industry, the risk of injury on small vessels and the efficacy of current tow time regulations.

If additional information is needed, please contact Patrick Banks, LDWF Assistant Secretary, at (225) 765-2370 or via email at pbanks@wlf.la.gov.

Sincerely,



Terri G. Smitko
Chair, Wildlife and Fisheries Commission

CC: George Barisich – Chair, Shrimp Task Force
Paul Doremus – Assistant Administrator, NOAA Fisheries
Jack Montoucet – LDWF Secretary

¹¹ *Id.* at pp 20-21.



2021 RECREATIONAL RED SNAPPER SEASON

Jason Adriance | LWFC Meeting | May 6, 2021

2020 Red Snapper Season Summary

- Season opened May 22nd as a weekends only (Friday, Saturday, and Sunday) season and included the Mondays of Memorial Day (5/25) and Labor Day (9/7)
- Closed from August 10th through September 3rd
- Reopened from September 4th through 7th (Labor Day Weekend)
- 41 total days for red snapper fishing in 2020



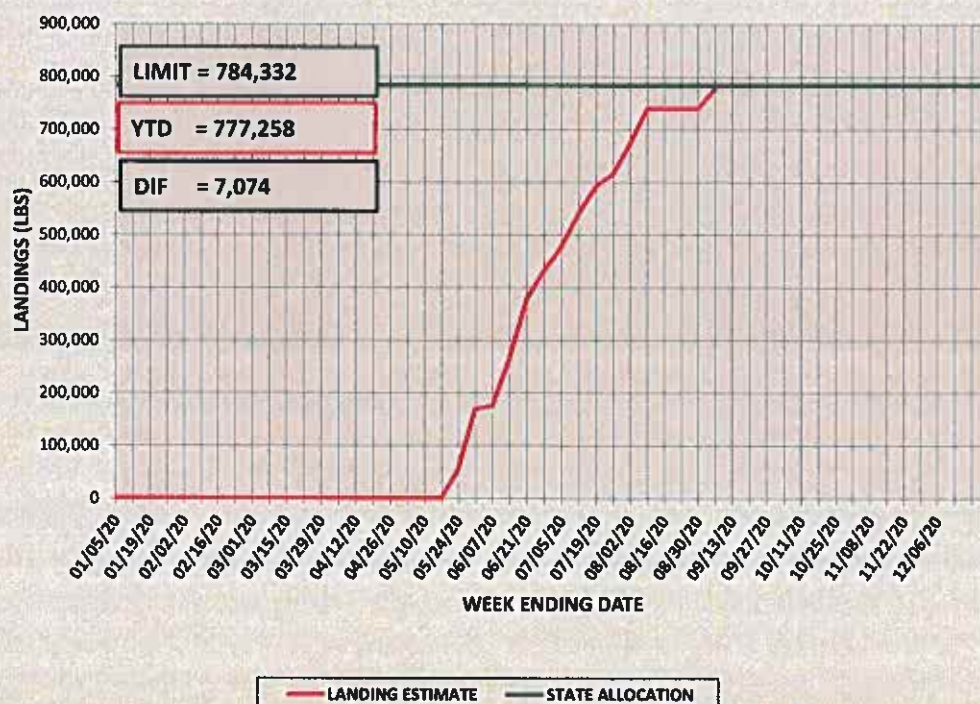
2020 Red Snapper Season Summary

- Private Recreational Harvest was 769,296 lbs
- State Charter Harvest was estimated at 7,962 lbs
- Total harvest (Private Rec + State Charter) at 777,258 lbs
- Average annual weight was 7.68 lbs for Private Recreational and 9.05 lbs for Charter
- 7,074 lbs under quota at the end of the year (self-Imposed limit was 784,332 due to 2019 overage)
- Federal Charter Harvest was estimated at 81,671 lbs



2020 Red Snapper Season Summary

LOUISIANA'S 2020 RED SNAPPER LANDING ESTIMATES
(LA CREEL - PRIVATE ANGLER + STATE CHARTER)



2021 RECREATIONAL RED SNAPPER SEASON



2021 RECREATIONAL RED SNAPPER

- 2021 allocation for private recreational and state charter harvest is 832,493 lbs (816,233 lbs previously).
- Gulf Council action on increased annual catch expected to be approved prior to end of year
- LA Creel allows us to monitor and adjust to either target



2021 RECREATIONAL RED SNAPPER

- Season structure in Title 76 now matches how the LWFC has been setting seasons and will open the Friday (May 28) before Memorial Day as a weekend only season, including 4th of July and Monday of Labor Day, unless changed
- No DE today because LDWF sees no need to change from the season put into place by this Commission



2021 RECREATIONAL RED SNAPPER

- Season opens May 28, 2021
- Weekends Only (Friday, Saturday, and Sunday)
- May 31, 2021 is an open day
- July 4th is a Sunday, so normal weekend
- Federal For-Hire open June 1st through August 3rd
- Will monitor landings through LA Creel and update the LWFC regularly
- Bag limit (2 fish) and minimum size limit (16 inches) remain the same



Questions ?

Jason Adriance
LDWF Biologist DCL-B
504-284-2032
jadriance@wlf.la.gov





MENHADEN COASTAL BUFFER N.O.I.

Jason Adriance | LWFC Meeting | May 6, 2021

Coastal Buffer N.O.I.

- Issue was brought to the LWFC based upon concerns by the recreational and charter sectors. LDWF briefed the LWFC on the menhaden fishery at its July 2020 meeting
- In November 2020 a LWFC commissioner brought forward a Notice of Intent to establish a 1 mile buffer for menhaden fishing coast wide. The LWFC did not move that NOI forward and directed the department to hold workshops with user groups
- Meetings were held with industry and stakeholders and eventually Legislative representatives were added while discussions continued and a buffer was proposed, as shown in this presentation, however; some constituents ultimately could not agree.



Coastal Buffer N.O.I.

- Two bill are in the Legislature

HB 535 (Rep. Orgeron) – ½ mile coastwide

Additional 1/2 mile from Western Timbalier Island to eastern edge of Grand Terre

Additional 2 miles from Caminada Pass to Barataria Pass

½ mile from the double-rig line

½ mile seaward of Chandeleur Islands

No sunset and no bycatch study requirement

HB 551 (Rep. Cormier) – ¼ mile coastwide

1 mile from Belle Pass to Caminada Pass

3 miles from Caminada Pass to Barataria Pass

1 mile from Barataria Pass to eastern side of Grand Terre Island

¼ mile seaward of the double-rig line

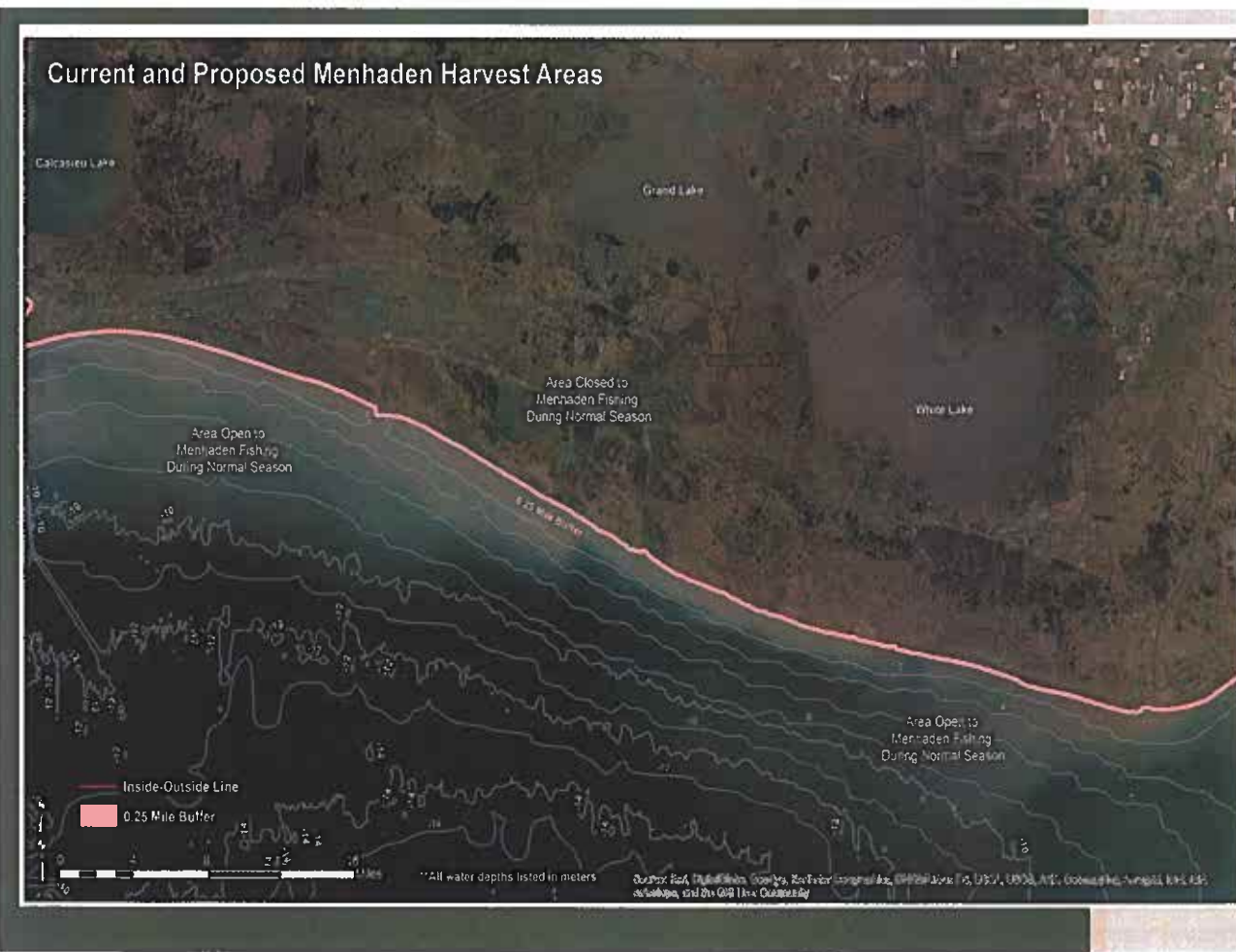
Sunsets after a bycatch study is completed or April 1, 2024, whichever is first



Coastal Buffer N.O.I.

- Establishes a ¼ mile buffer seaward of the inside-outside line along the entire Louisiana coast except areas off of Elmer's Island, Grand Isle, and West Grand Terre Island.
- 1 mile buffer seaward of the inside-outside line from Belle Pass to Caminada Pass (Elmer's Island), 3 mile buffer from Caminada Pass to Barataria Pass (Grand Isle), and 1 mile buffer from Barataria Pass to Pass Abel (West Grand Terre)
- Same ¼ mile buffer is established seaward of the double-rig line in Breton and Chandeleur Sounds.
- Secretary is provided the authority to take any and all necessary steps on behalf of the LWFC to promulgate and effectuate the N.O.I..



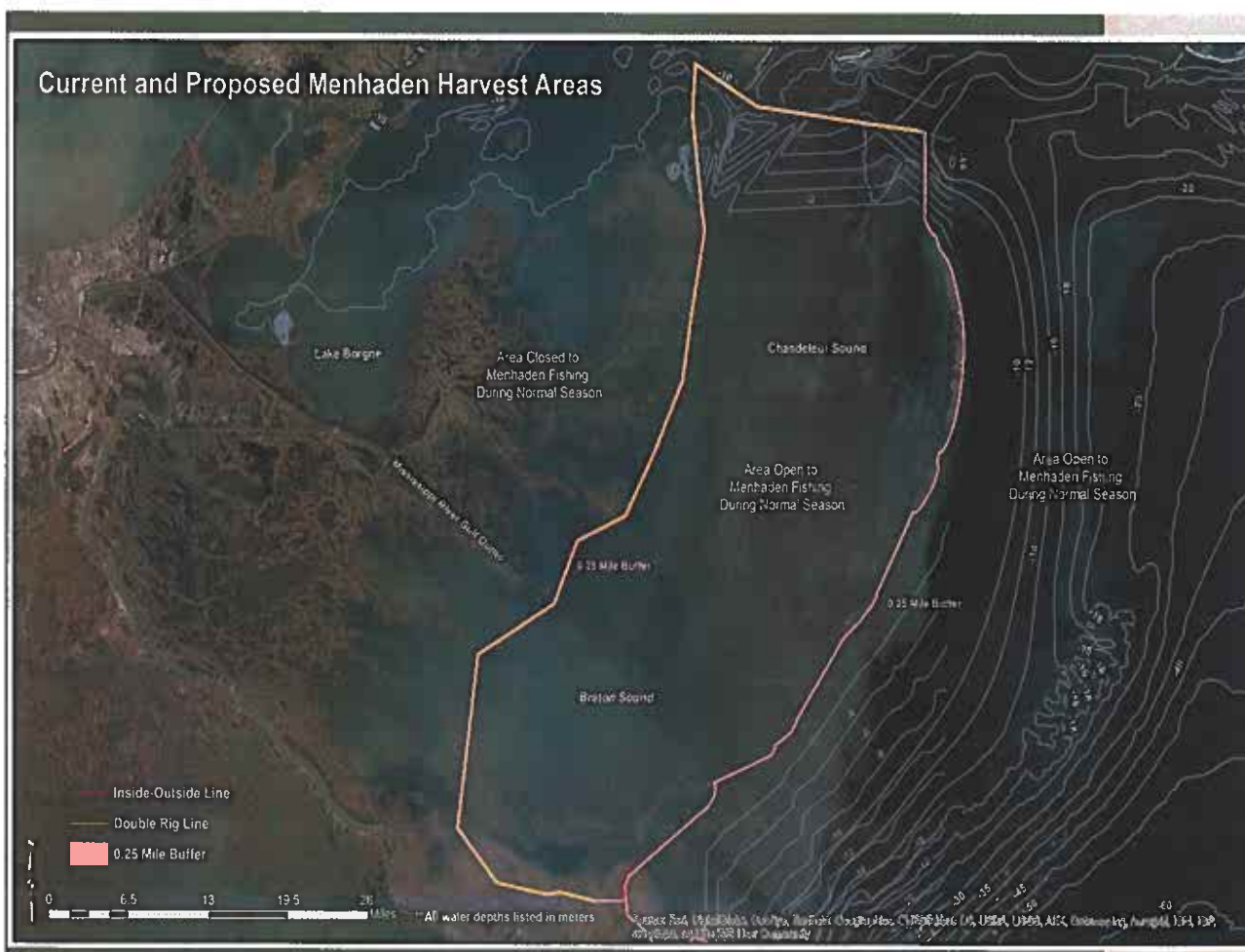
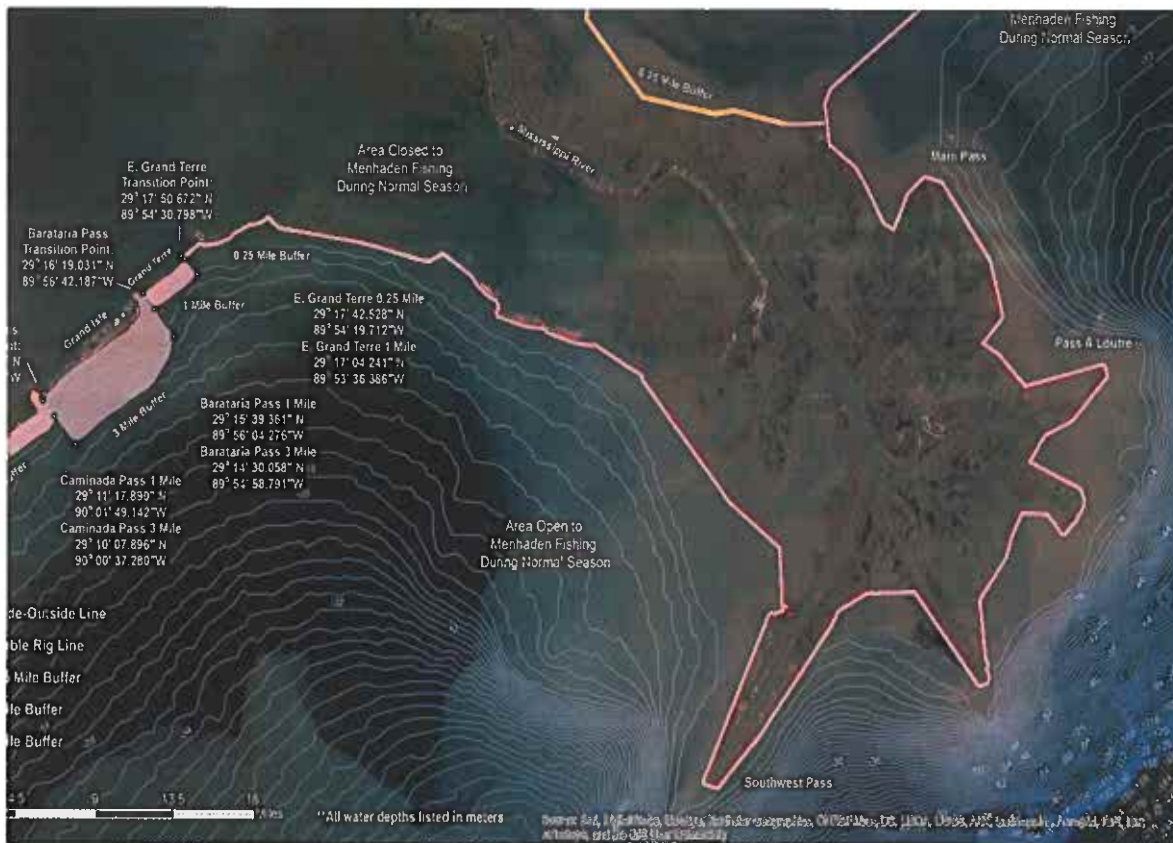


Current and Proposed Menhaden Harvest Areas




Current and Proposed Menhaden Harvest Areas





Questions ?

Jason Adriance
LDWF Biologist DCL-B
504-284-2032
jadriance@wlf.la.gov

The logo of the Louisiana Department of Wildlife and Fisheries is a circular seal. It features a central illustration of a pelican feeding its young in a nest. The words "LOUISIANA" and "DEPARTMENT OF WILDLIFE & FISHERIES" are inscribed around the perimeter of the seal.

Jason Adriance
LDWF Biologist DCL-B
504-284-2032
jadriance@wlf.la.gov



Notice of Intent to Update the Domesticated Aquatic Organism Rules and Make Additions to the Approved Species List

Robert P Bourgeois | LWFC Meeting | May 6, 2021

Domesticated Aquatic Organisms (DAO)

LA R.S. 56: 411 *"The legislature hereby recognizes that the production of aquatic organisms in private facilities in Louisiana significantly contributes to the vitality of Louisiana's economy. Additionally, as stated in R.S. 56:360.2 and 360.3, the legislature also recognizes that the introduction of nonnative aquatic organisms for the purpose of aquaculture may pose a real threat to Louisiana's native species and their environments The purpose of this Subpart is to grant the department the authority to maintain a list of approved domesticated aquatic organisms for aquaculture and the regulatory framework for the orderly development of an aquaculture industry in the state of Louisiana"*



Legislatively Mandated Changes

- LA R.S. 56:411
Granted LDWF authority over all endangered/threatened fish, freshwater gamefish, and all saltwater fish.

As a result LDWF needs to update the approved species list by removing Freshwater Drum, Buffaloes, Golden Shiner, Fathead Minnow and Mosquito Fish

- LA R.S. 56:412 A (6)
" Species of rock bass, white bass, yellow bass, crappie, and bream fingerlings not exceeding a maximum total length of six inches and spotted bass, striped bass, and largemouth bass of any size"

Updates to General Rules

- Provides a program specific email address for all applications and program correspondence
- Further defines the size and composition of the technical review committee
 - Minimum of four members with at least:
 - One LDWF biologist
 - One LDWF enforcement representative
 - One expert not employed by LDWF
- Allows LDWF to propose and review a species for addition without a request from the public.



Proposed Changes to Tilapia Permits

- Increases the notification time for moving fish from 24 hours to 48 hours
- Modernizes the methods for species certifications
- Adds additional liability protection by requiring the in-state tilapia permittee to take responsibility of the fish upon entry into LA
- Adds a record retention requirement of 5-years
- Changed the start and expiration dates to match the calendar year
- Updated species names to reflect modern accepted names
- Increases bonds associated with both tilapia permits to \$50,000 incrementally over the next 5 years

YEAR	Tilapia Culture Bond Value	YEAR	Tilapia Live Holder Bond Value
2022	<u>\$30,000</u>	2022	<u>\$18,000</u>
2023	<u>\$35,000</u>	2023	<u>\$26,000</u>
2024	<u>\$40,000</u>	2024	<u>\$34,000</u>
2025	<u>\$45,000</u>	2025	<u>\$42,000</u>
2026	<u>\$50,000</u>	2026	<u>\$50,000</u>



Domesticated Aquatic Organisms (DAO)

- LA R.S. 56: 319 The only fish that are prohibited to possess without a special permit are freshwater electric eel (*Electrophorus* sp.); rudd (*Scardinius erythrophthalmus*); all members of the families *Synbranchidae* (Asian swamp eels); *Channidae* (snakeheads); *Clariidae* (walking catfishes); *Trichomycteridae* (pencil catfishes); all species of tilapia, and carp, except common carp (*Cyprinus carpio*) and goldfish (*Carassius auratus*).
- All species not listed on the approved DAO list are illegal to raise or breed for sale if they are a LA freshwater gamefish, threatened or endangered fish, marine fish or non-native fish.

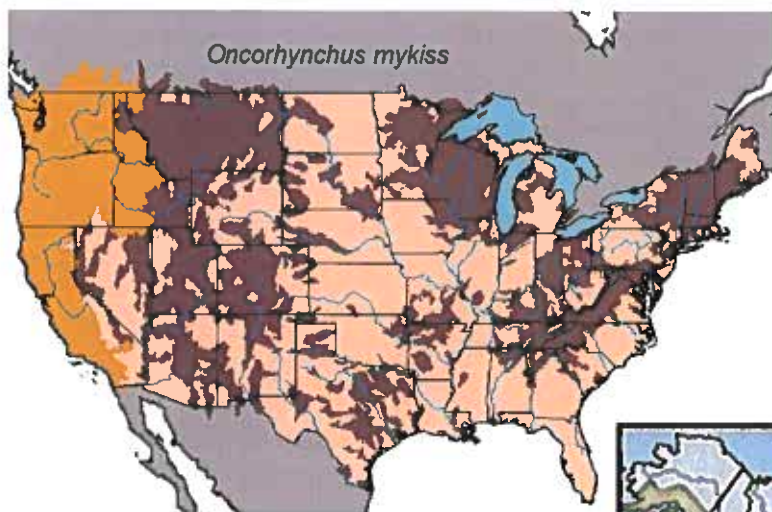


Requirements for New Species

- Closed systems with no discharge to public waters; water must be treated or filtered before discharge; no predators can gain access to the grow-out system.
- Inspections to verify security and filtration.
- No release to the waters of the state.
- All facilities must be 1ft above the 100 year flood plain.
- All will have a \$25,000 bond with the exception of Rainbow Trout (no bond).



Proposed Addition: Rainbow Trout



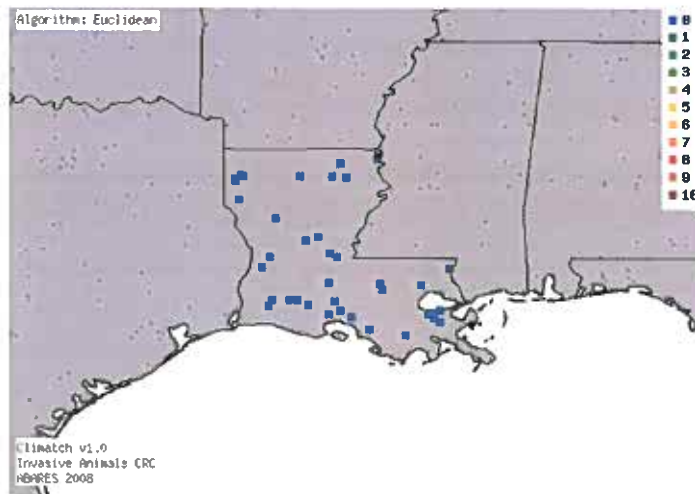
These fish prefer water temperatures of 55 to 60 degrees Fahrenheit, but can tolerate temperatures that vary from 32 to 70 degrees Fahrenheit.



Proposed Addition: Aquarium Livestock

African Rift Lake Cichlid species

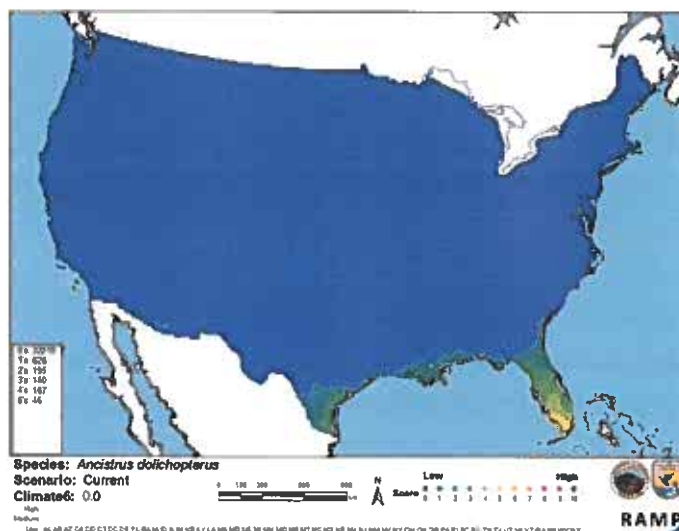
- legal to purchase and own in all of US
- of all the species listed for inclusion, none are present in the waters of the USA



Proposed Addition: Aquarium Livestock

Bristlenose Catfish “*Ancistrus*” species

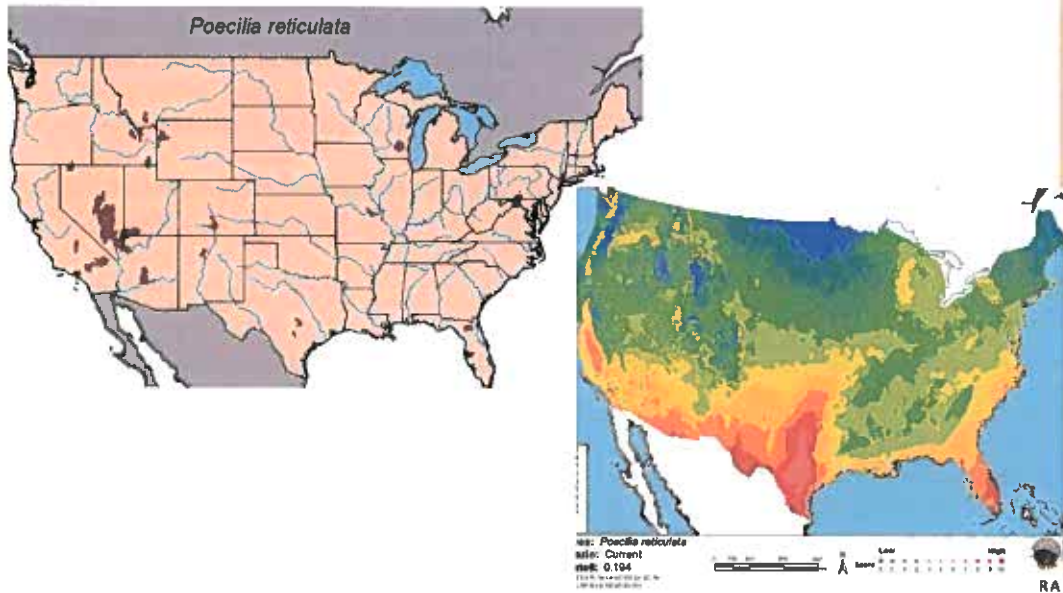
- legal to purchase and own in all of US
- observed at 1 location in FL and the status of the population is unknown



Proposed Addition: Aquarium Livestock

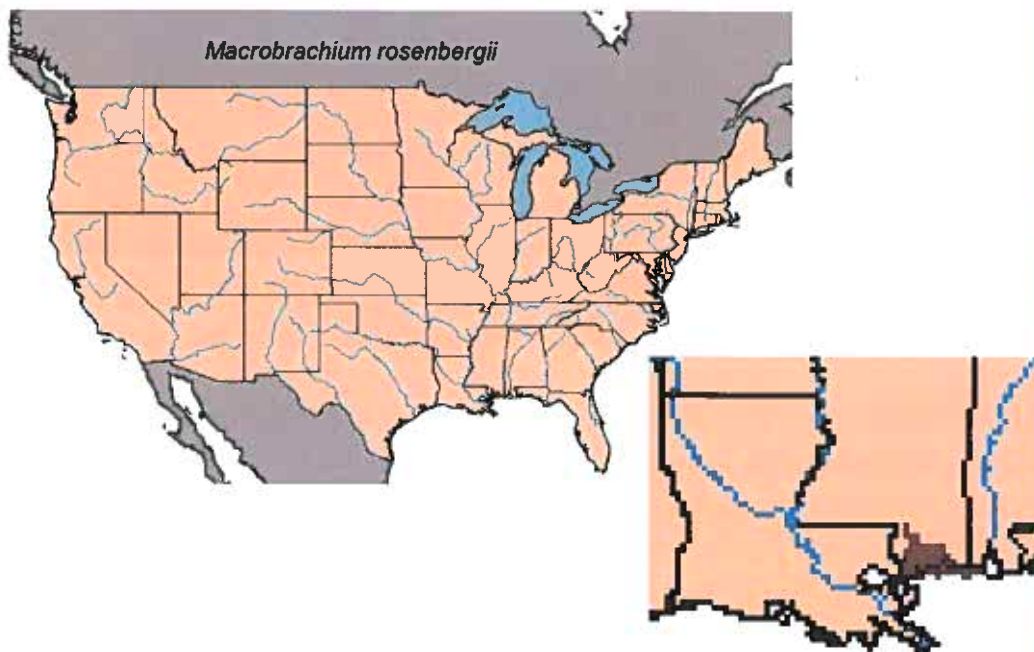
Fancy Guppy

- legal to purchase and own in all of US
- cheap, easily bred but very few established populations- only in south TX and south Florida

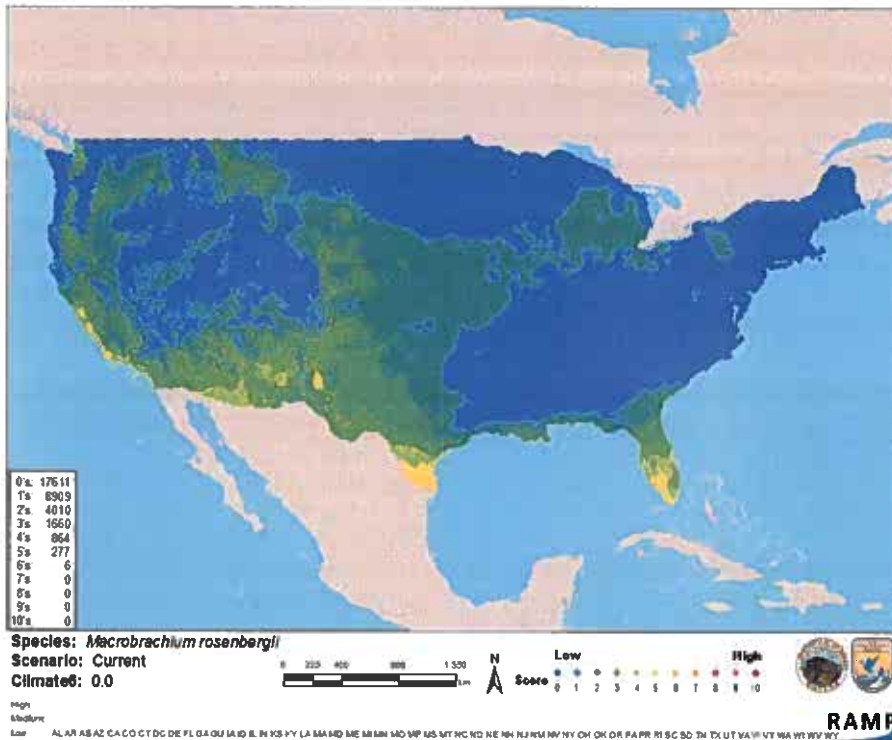


Proposed Addition: Freshwater Prawns

- Since the 1970s the following states have had *M. rosenbergii* in outdoor ponds: MS, TX, KY, AL, AR, GA, IL, IN, OH and LA.
- In 1980, LDWF had experimental ponds at Rockefeller Refuge.



Proposed Addition: Freshwater Prawns



New DAO Species List

1. Shadow Bass
2. White Bass
3. Yellow Bass
4. Crappie
5. Bream
6. Spotted Bass
7. Striped Bass
8. Largemouth Bass
9. Hybrid Striped Bass
10. Coppernose Bluegill
11. Hybrid bream limited to a Bluegill and Green Sunfish cross or a Redear Sunfish and Bluegill cross
12. Common Carp; **Koi and Goldfish**
13. Red Drum
14. Triploid Grass Carp
15. Tilapia
16. Shovelnose Sturgeon
17. **Rainbow Trout**
18. **Aquarium livestock**
19. **Cocohoe Minnow**
20. **Freshwater prawns**



Questions?

Robert P Bourgeois
Fisheries Permit Manager
225-765-0765
rbourgeois@wlf.la.gov



NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Domesticated Aquatic Organisms (LAC 76:VII.Chapter 9)

Under the authority of R.S. 56:411, et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the Wildlife and Fisheries Commission hereby advertises its intent to modify rules and regulations related to Aquaculture and Domesticated Aquatic Organisms. The proposed changes reorganize the existing chapter to be more concise and accurately reflect the current organization in the Louisiana Department of Wildlife and Fisheries. The proposed changes add four groups to the approved Domesticated Aquatic Organism list and remove some that are no longer under LDWF jurisdiction. Legally permitted aquaculture facilities will be able to produce rainbow trout, freshwater prawns and aquarium livestock species including fancy guppies, species of bristlenose catfish and species of African rift lake cichlids. This will allow the development of additional aquaculture business in Louisiana while providing safeguards to assist in protecting native fish species.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 9. Aquaculture

§900. Domesticated Aquatic Organisms (DAO)

A. Definitions

Aquarium Livestock — all animals that are primarily raised for ornamental use in aquariums. The list of approved aquarium livestock species can be found in LAC 76:VII.915.A

Aquarium Livestock Permit— the official document required for the culture of freshwater prawns, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of freshwater prawns in Louisiana as approved by the secretary or designee.

Broodstock— reproductively mature adults held for specific purpose of providing offspring (gametes, larvae, set spat, or later life history stages).

Culture — all activities associated with the rearing and nurturing of approved DAO species and life stages.

Culture System — an approved system designed such that all water containing, or that at any time might contain, DAO species and life stages, is filtered, screened and/or sterilized in such a manner as the department deems adequate to prevent any possibility of escape from the system.

Domesticated Aquatic Organisms (DAO) — all aquaculturally raised species which includes freshwater gamefish, all species of saltwater fish, all endangered or threatened species as well as all nonnative fish as defined by R.S. 56:8 and R.S. 56:411.

Department — the Louisiana Department of Wildlife and Fisheries (LDWF) or an authorized employee of the department.

Disposal — processing, selling, or purposely removing DAO species from the culture system using departmental approved techniques for each DAO species.

Fisheries Permit Manager — Biologist or other staff assigned the duties to manage and issue fisheries related permits.

Freshwater Prawn — any life stages of the shrimp of the species *Marcobrachium rosenbergii*.

Freshwater Prawn Permit — the official document required for the culture of freshwater prawns, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of freshwater prawns in Louisiana as approved by the secretary or designee.

Live Holding System — an approved indoor temporary holding or display system that at any time may contain DAO species (adult fish, juvenile fish, fry or fish eggs) designed such that all water is filtered, screened and/or sterilized prior to release in such manner as the department deems adequate to prevent any possibility of escape.

Permittee — individual that possesses any type of valid Louisiana permit under this Chapter. A permittee can only be a natural person. A permittee may represent himself, a business, corporation or organization. The permittee is responsible for compliance with all stipulations in the permit.

Rainbow Trout — adult fish, juvenile fish, fingerlings, fry and eggs belonging to the species *Oncorhynchus mykiss*.

Rainbow Trout Permit — the official document required for the culture, importation, exportation, transport, culture, possession, disposal, transfer and sale of Rainbow Trout in Louisiana, as approved by the secretary or designee.

Secretary — the Secretary of the Department of Wildlife and Fisheries.

Shovelnose Sturgeon — pure strain of genetically unaltered fish (adult fish, juvenile fish, fingerlings, fry, and eggs), belonging to the species *Scaphirhynchus platyrhynchus*.

Shovelnose Sturgeon Permit — the official document required for the culture, importation, exportation, transport, culture, possession, disposal, transfer, and sale of shovelnose sturgeon in Louisiana, as approved by the secretary or designee.

Species Certification — positive species, hybrid, sub-species and/or variation type identification using of department approved procedures.

Tilapia — adult fish, juvenile fish, fingerlings, fry and eggs or body parts belonging to the genera *Tilapia*, *Sarotherdon*, or *Oreochromis* and their hybrids.

Tilapia Culture Permit — the official document required for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana, as approved by the secretary or designee.

Tilapia Live Holding Permit — the official document required for the live holding of tilapia for retail sale and allows for the import, live holding, and sale of tilapia in Louisiana, as approved by the secretary or designee.

Triploid Grass Carp (TGC) — refers to *Ctenopharyngodon idella* fingerlings and larger individuals that are certified as triploid carp (3N chromosomes) by the U.S. Fish and Wildlife Service or a qualified agent or contractor approved by the department.

Triploid Grass Carp Possession and Transportation Permit — the official document required for the importation, transportation, and possession of live triploid grass carp (TGC) in Louisiana for use in privately owned waterbodies, as approved by the secretary or designee.

Triploid Grass Carp Sales Permit — the official document required for the importation, transportation, possession, and sale of live triploid grass carp (TGC) in Louisiana, as approved by the secretary or designee.

Triploid Grass Carp Seller — a properly licensed fish farmer who possesses a triploid grass carp (TGC) Sales Permit.

B. Procedures for nominating a new species to the approved list of DAO

1. An application to consider a new aquatic species shall be submitted in writing to the Louisiana Department of Wildlife and Fisheries, Fisheries Permit Manager by emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

2. The application shall include the following information:

a. American Fisheries Society approved species and common name(s);

b. intended use or uses;

c. biology, including environmental tolerances, diseases, life history, and associated references;

d. potential sources of broodstock;

e. proposed restrictions for the culture of the proposed species.

3. Within 30 days of receipt of the completed application, the Fisheries Permit Manager shall convene a technical committee to review the species. The technical committee will consist of a minimum of four members. Those members must consist of at least one Department Biologist from the appropriate Fisheries Division, an Enforcement Division representative as well as at least one committee member not employed by department which may be, but not limited to, a representative from academia or a federal agency representative. The department may nominate a DAO species or amend the list by convening a review panel to review species of interest.

4. The technical committee, by way of the Fisheries Permit Manager, may ask the applicant to provide additional information.

5. The technical committee will be responsible for evaluating all relevant information regarding the species. The committee will consider approving a new aquatic species by evaluating the potential negative risks the new species might pose on native species, habitat, and human health. The committee will also consider mitigation measures that reduce risk. The committee's findings will be summarized by the Fisheries Permit Manager and a recommendation made to the Assistant Secretary, Office of Fisheries to either deny the applicant's request or approve the request with or without mitigating requirements.

6. The assistant secretary shall determine whether to recommend to the secretary to approve the application for the addition of the proposed species to the DAO list, along with any restrictions or mitigating requirements. If approved by the secretary, a formal request will be made to the Wildlife and Fisheries Commission in the form of a Notice of Intent.

C. Except for the species of fish specifically prohibited in La. R.S. 56:319.A, the provisions of this Section shall not apply to activities consistent with noncommercial personal aquarium ownership and commercial retail facilities that do not breed or propagate fish.

D. The following species are approved for commercial sale and transport for aquaculture or mariculture:

1. shadow bass (*Ambloplites ariommus*) not exceeding a maximum total length of 6 inches;

2. white bass (*Morone chrysops*) not exceeding a maximum total length of 6 inches;

3. yellow bass (*Morone mississippiensis*) not exceeding a maximum total length of 6 inches;

4. crappie (*Pomoxis spp.*) not exceeding a maximum total length of 6 inches;

5. bream (*Lepomis spp.*) not exceeding a maximum total length of 6 inches;

6. spotted bass (*Micropterus punctulatus*) of any size;

7. striped bass (*Morone saxatilis*) of any size;

8. largemouth bass (*Micropterus salmoides*) of any size;

9. hybrid striped bass (*Morone saxatilis* x *Morone chrysops*) or (*Morone saxatilis* x *Morone mississippiensis*) of any size;

10. coppernose bluegill (*Lepomis macrochirus purpurescens*) not exceeding a maximum total length of 6 inches;
11. hybrid bream limited to a bluegill (*Lepomis macrochirus*) and green sunfish (*L. cyanellus*) cross or a redear sunfish (*L. microlophus*) and bluegill (*L. macrochirus*) cross not exceeding a maximum total length of 6 inches;
12. common carp (*Cyprinus carpio*) and koi (*Cyprinus rubrofuscus*) and goldfish (*Carassius auratus*);
13. red drum (*Sciaenops ocellatus*);
14. triploid grass carp (*Ctenopharyngodon idella*); LAC 76:VII.901;
15. tilapia (*Oreochromis aurea*, *O. niloticus*, *O. mossambicus* and *O. urolepis hornorum*); LAC 76:VII.903 ;
16. shovelnose sturgeon (*Scaphirhynchus platyrhynchus*); LAC 76:VII.911;
17. rainbow trout (*Oncorhynchus mykiss*); LAC 76:VII.913;
18. aquarium livestock: A list of approved species can be found in LAC 76:VII.915;
19. cocohoe minnows (*Fundulus grandis*);
20. freshwater prawn (*Macrobrachium rosenbergii*); LAC 76:VII.919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(2) and R.S. 56:411.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§901. Triploid Grass Carp (TGC)

A. General Provisions

1. No person, firm, or corporation shall at any time possess, sell or cause to be transported into this state, triploid grass carp (TGC) (*Ctenopharyngodon idella* *Ctenopharyngodon idella*), except in accordance with and in compliance with this Section.

~~a. The following regulations govern the importation, transportation, possession, disposal and sale of live triploid grass carp for aquatic plant control in private and public waters, including ponds on public golf courses, municipal water treatment plants, parks and zoos. Nothing contained herein shall be construed to restrict or prevent the department from conducting bona fide research studies and fish and aquatic plant management programs as authorized by law or regulation.~~

2. ~~Definitions~~

~~Department~~ the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.

~~Permittee~~ individual that possesses a valid Louisiana triploid grass carp permit. A permittee can only be a natural person. A permittee may represent himself, a business, corporation or organization. The permittee is responsible for compliance with all stipulations in the permit.

~~Secretary~~ the secretary of the Louisiana Department of Wildlife and Fisheries.

~~Triploid Grass Carp~~ refers to *Ctenopharyngodon idella* fingerlings and larger individuals that are certified as triploid carp (3N chromosomes) by the U.S. Fish and Wildlife Service or a qualified agent or contractor approved by the department.

~~_____ Triploid Grass Carp Possession and Transportation Permit~~ the official document that identifies the terms of and allows for the importation, transportation and possession of live triploid grass carp in Louisiana for use in privately owned waterbodies.

~~_____ Triploid Grass Carp Sales Permit~~ the official document that allows for the importation, transportation, possession and sale of live triploid grass carp in Louisiana as approved by the secretary or his designee.

~~_____ Triploid Grass Carp Seller~~ a properly licensed fish farmer who possesses a triploid grass carp sales permit.

B. Triploid Grass Carp TGC Possession and Transport Permit

1. General Rules for ~~Triploid Grass Carp~~ TGC Possession and Transportation Permit

a. No person shall stock private waterbodies in the state of Louisiana without a ~~triploid grass carp~~ TGC ~~P~~ossession and ~~T~~ransport ~~P~~ermit.

b. No person shall import, transport and/or purchase ~~triploid grass carp~~ TGC to be brought into the state of Louisiana unless such fish are certified as ~~triploid grass carp~~ TGC by the U.S. Fish and Wildlife Service or a qualified agent or contractor approved by the department.

c. No person shall import, transport or possess fingerlings less than six inches in total length ~~or~~ ₂ eggs₂ or fry within the state ~~of Louisiana~~.

d. Permits are not transferable from person to person or from site location to site location.

e. Permittee shall provide an adequate number of ~~triploid grass carp~~ TGC to the department, at no cost to the department, upon request, to verify ploidy. The permittee shall agree to allow department officials or a department approved contractor to conduct unannounced random inspections of the transport vehicle, property, waterbody site, and fish.

f. Department officials may be accompanied by other persons during these inspections. The department or its agents have the right to remove or take fish samples for analysis and/or inspection.

g. Permittee is responsible for criminal penalties or civil damages caused by any escapement.

h. In cases of mortality or unavoidable loss, restocking will be permitted as long as permit is still valid.

i. If a permittee terminates the use of ~~triploid grass carp~~ TGC in the permitted waterbody, the permittee shall notify the department immediately and dispose of the ~~triploid grass carp~~ TGC according to methods approved by the department.

j. In addition to all other legal remedies, failure to comply with any of the provisions in this Section shall be just cause to immediately suspend and/or revoke the permittee's permit. All ~~triploid grass carp~~ TGC shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation. Violation of any of the provisions of the permit constitutes a Class Four violation in accordance with R.S. 56:319.E

k. Any permittee charged with violation of this Section may make a written response to the alleged violation(s) to the secretary, and may request a hearing to review the alleged violation(s).

l. ~~Qualified~~ Universities and public entities conducting research approved by or in conjunction with the department shall be exempt from fee charges.

2. ~~Request~~ Application Procedure for a ~~triploid grass carp~~ TGC Possession and Transport Permit

a. Individuals wishing to import or possess live ~~triploid grass carp~~ TGC in Louisiana, but not sell them, must apply for a TGC ~~triploid grass carp~~ Possession and Transport Permit from the department for a fee of \$50. TGC Possession and Transport Permittees do not need to possess a Domesticated Aquatic Organism License.

b. The TGC ~~P~~ossession and Transport Permit shall be valid for one year from date of purchase. ~~The permittee must purchase request a new permit for subsequent purchases if the permit has expired.~~

c. Permittees may stock up to the recommended 10 fish per acre of water, ~~and shall not exceed 500 fish~~. Request to stock more than 500 fish must be approved by the department through site visitations by a department representative. Fisheries staff of the Louisiana Cooperative Extension Service or other qualified fisheries professional(s) approved by the department may be used as a substitution for departmental site visit.

3. Requirements for transporting and stocking of TGC ~~triploid grass carp~~ in private water bodies.

a. Permittee must have in his immediate possession and available upon demand by department representatives, a TGC triploid grass carp ~~P~~possession and ~~T~~ransportation ~~P~~permit when importing, transporting and/or purchasing live ~~triploid grass carp~~ TGC within the state of Louisiana.

b. A bill of lading must accompany those individuals in possession of live ~~triploid grass carp~~ TGC during transportation and shall include:

- i. source of ~~triploid grass carp~~ TGC (hatchery);
- ii. name, address, and phone number of seller;
- iii. name, address, and phone number of buyer;
- iv. copy of triploid certification;
- v. total number of fish;
- vi. destination of shipment.

c. No person shall stock private waters in the state of Louisiana without a valid TGC triploid grass carp ~~P~~possession and ~~T~~ransportation ~~P~~permit.

d. Permittee is responsible for containing ~~triploid grass carp~~ TGC in his private waterbody. ~~Permittee is also responsible for erecting barriers to prevent the escape of triploid grass carp into adjoining waters~~

e. This permit does not authorize the permittee to stock ~~triploid grass carp~~ TGC in public waterbodies of the state. Release of any fish into the waters of the state is strictly prohibited, except as provided in Subsection D below.

C. ~~triploid grass carp~~ TGC Sales Permit

1. Request Procedure for a ~~Triploid Grass Carp~~ TGC Sales Permit

a. Individuals wishing to sell live ~~triploid grass carp~~ TGC in the state of Louisiana must first ~~request~~ obtain a ~~triploid grass carp~~ TGC Sales Permit through an application furnished by the department.

b. The ~~triploid grass carp~~ TGC Sales Permit shall be valid for one year beginning January ~~1 first~~ and ending December ~~thirty-first~~ 31 of that same calendar year. The permit may be purchased at any time during the year for the current permit year and beginning November ~~fifteenth~~ 15 for the immediately following permit year. The cost of a ~~triploid grass carp~~ TGC Sales Permit is \$250.

c. An annual report detailing each sales transaction, including name and address of permitted buyer, permit number, date, and number of ~~triploid grass carp~~ TGC sold must be submitted with permit renewal application. Reports should be sent to the Louisiana Department of Wildlife and Fisheries, Fisheries Permit Manager by emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

2. Requirement for ~~triploid grass carp~~ TGC Sales Permit

a. No person shall import or cause to be imported into the state of Louisiana ~~triploid grass carp~~ TGC unless certified as ~~triploid grass carp~~ TGC by the U.S. Fish and Wildlife Service or a qualified agent or contractor approved by the department. Such

certification must be furnished to and approved by the department prior to importing of any fish into the state of Louisiana for stocking.

b. A ~~triploid grass carp~~ TGC seller must possess a valid domestic aquatic organism license.

c. The person shall ship ~~triploid grass carp~~ TGC with the words "TRIPLOID GRASS CARP" prominently on at least two sides of the vehicle or hauling tank with block letters that are not less than four inches high.

d. A ~~triploid grass carp~~ TGC seller is bound by the ~~triploid grass carp~~ TGC possession and transportation regulations as stipulated in LAC 76:VII.901.B; except that:

i. the ~~triploid grass carp~~ TGC Sales Permit serves in lieu of the TGC ~~triploid grass carp~~ Possession and Transportation Permit;

ii. the holders of a ~~triploid grass carp~~ TGC Sales Permit may only sell live ~~triploid grass carp~~ TGC to holders of a valid TGC ~~triploid grass carp~~ Possession and Transportation Permit or a ~~triploid grass carp~~ TGC Sales Permit;

iii. no person shall sell more than 500 ~~triploid grass carp~~ TGC to an individual possessing a valid TGC ~~triploid grass carp~~ Possession and Transportation Permit unless otherwise stipulated by the department in the permit.

e. A ~~triploid grass carp~~ TGC seller shall notify the department at the designated telephone number (1-800-442-2511) of shipments of live ~~triploid grass carp~~ TGC to permitted buyers at least 24 hours prior to shipment. Notification shall include seller's permit number, buyer's name, address, buyer's permit number, number of fish, destination of shipment, and date.

f. In addition to all other legal remedies, failure to comply with any of the provisions in this Section shall be just cause to immediately suspend and/or revoke the permittee's permit. All ~~triploid grass carp~~ TGC shall be destroyed at permittee's expense under the department 's supervision within 30 days of permit revocation. Violation of any of the provisions of the permit constitutes a class four violation in accordance with R.S. 56:319.E

D. Requirements for Stocking ~~triploid grass carp~~ TGC in Public (state or local) Waterbodies

1. No person shall release ~~triploid grass carp~~ TGC into the public waters of Louisiana without written approval of the secretary or designee. Individuals, organizations, and local governments may request, in writing, that they be allowed to stock ~~triploid grass carp~~ TGC in public waters. The department shall review the request, and if approved, shall provide written approval signed by the secretary or designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318, R.S. 56:319 and R.S. 56:319.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 17:806 (August 1991), amended LR 19:511 (April 1993), LR 24:962 (May 1998), LR 37:3534 (December 2011), repromulgated LR 38:433 (February 2012), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§903. Tilapia

~~A. Rules and Regulations on Importation, Culture, Possession, Disposal and Sale of Tilapia in Louisiana. The following terms shall have the following meanings in this Section.~~

~~————— Culture ——— all activities associated with the propagation and nurturing of tilapia.~~

~~_____ Culture Permittee~~ the individual or organization that possesses a valid Louisiana tilapia culture permit.

~~_____ Culture System~~ shall be an approved indoor system designed such that all water containing, or that at any time might contain, tilapia (adult fish, juvenile fish, fry, or fish eggs) is filtered, screened and/or sterilized in such a manner as the department deems adequate to prevent any possibility of escape from the system.

~~_____ Department~~ the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.

~~_____ Disposal~~ the business of processing, selling, or purposely removing tilapia from the culture system.

~~_____ Live Holding Permittee~~ the individual or organization that possesses a valid Louisiana tilapia live holding permit.

~~_____ Live Holding System~~ an approved indoor holding or display system designed such that all water containing, or at any time might contain, tilapia (adult fish, juvenile fish, fry or fish eggs) is filtered, screened and/or sterilized prior to release in such manner as the department deems adequate to prevent any possibility of escape.

~~_____ Process~~ the act of chill killing whole tilapia in an ice slurry for a period of not less than 60 minutes, or removal of tilapia intestines followed by immersion in an ice slurry for a period of not less than two minutes or removal and proper disposal of tilapia heads in such manner as the department deems necessary to prevent any possibility of accidental release of fry or fertilized eggs.

~~_____ Secretary~~ the Secretary of the Department of Wildlife and Fisheries.

~~_____ *Tilapia*—eggs, fish, or body parts belonging to the genera *Tilapia*, *Sarotherdon*, or *Oreochromis* and their hybrids.~~

~~_____ *Tilapia Culture Permit*—official document pertaining to culture that identifies the terms of, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of tilapia in Louisiana as approved by the secretary or his designee.~~

~~_____ *Tilapia Live Holding Permit*—official document pertaining to live holding for retail sale that identifies the terms of, and allows for the possession and sale of tilapia in Louisiana as approved by the secretary or his designee.~~

A B. Tilapia Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, possess, dispose, transfer, or sell live tilapia in Louisiana must first ~~request~~ obtain a Tilapia Culture Permit or Tilapia Live Holding Permit from the ~~LDWF Fisheries Permit Manager~~ secretary or his designee of the Department of Wildlife and Fisheries. The following procedures will be necessary.

a. Applications for permits ~~can~~ may be obtained by contacting the Fisheries Permit Manager by emailing fisheriespermits@wlf.la.gov or by mail:

~~Administrator, Inland Fisheries Division~~

~~Department of Wildlife and Fisheries~~

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

b. The completed applications should be returned to the same address whereby ~~the Fisheries Permit Manager~~ ~~Inland Fisheries Division personnel~~ will review the application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture or live holding system.

c. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules for a Tilapia Culture Permit or Tilapia Live Holding Permit. Department personnel will then recommend to the secretary or designee if the applicant's request should be approved or ~~disapproved~~ denied.

d. The Fisheries Permit Manager ~~The secretary or his designee~~ will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the Fisheries Permit Manager shall include written reasons for that determination, and if not, why. In the event of disapproval, Applicants may reapply after correcting specified deficiencies noted in the secretary's or his designee's letter of denial.

B.C. Rules on Transport of Live Tilapia

1. The department shall be notified in writing at least ~~24 hours~~ 2 business days prior to shipments of live tilapia from one ~~Louisiana~~ Tilapia Culture Permit holder to another ~~Louisiana~~ Tilapia Culture Permit holder, or to a Tilapia Live Holding Permit live holders within the state, or for any shipments out-of-state on a form in a format provided by the department. Notification shall include ~~the Louisiana~~ Tilapia Culture Permit number, route, date and time(s) of transport, destination, owner of transport vehicle, total number of each

species, permit number of resident tilapia ~~culture~~ culturist or live holder, and a copy or reference to the ~~genetic electrophoretic~~ certification of shipped stock by species. Anyone possessing live tilapia within the state must have a tilapia culture or live holding permit. Live tilapia showing signs of diseases shall not be transported into or within the state of Louisiana.

2. For each occurrence of importation of tilapia being imported into Louisiana from out of state to a permitted resident ~~culture~~ culturist or live holder, the permittee must obtain, in writing or by email, approval from the department. Procedures and necessary information for obtaining approval are:

a. requests shall be made ~~to~~ by emailing to the Fisheries Permit Manager at fisheriespermits@wlf.la.gov

~~Administrator, Inland Fisheries Division~~

~~Louisiana Department of Wildlife and Fisheries~~

~~P.O. Box 98000~~

~~Baton Rouge, LA 70898-9000~~

b. requests shall include:

- i. Louisiana tilapia permit number, or a copy of the permit;
- ii. route of transport;
- iii. date of transport;
- iv. time(s) of transport;
- v. destination;
- vi. owner of transport vehicle;

vii. species electrophoretic certification made any time new fish are added to the system within the past 30 days identifying shipped stock(s) to species;

viii. total number of each species;

ix. identification of seller and buyer.

3. A bill of lading must accompany the live tilapia during import, export, transport, transfer, or sale and shall include:

a. copy of the permittee's written approval as described in LAC

76:VII.903.C, B.2. above;

b. date and approximate time of shipment;

c. route of shipment;

d. source of tilapia (culture facility);

e. name, address and phone number of seller;

f. name, address and phone number of buyer;

g. identification and certification as to species;

h. total number of each species;

i. destination;

j. letter from source stating that tilapia are not showing signs of diseases;

k. display the word "TILAPIA" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than 6 inches high.

4. The permittee assumes all responsibility for the tilapia as soon as it enters the state regardless of the owner of the vehicle. If multiple shipments are contained in the

vehicle, all permittees with tilapia in the vehicle are responsible for the shipments. This includes those obligations outlined in LAC 76:VII.903.G.11.

C D. Rules for Security of Tilapia Culture or Live Holding Facility

1. Applicant must demonstrate to the satisfaction of department officials that adequate security measures are in place at the culture facility that will guard against vandalism and theft of tilapia.

2. Any changes or modification of a permitted security system must first have the approval of department officials.

3. The department will have just cause to revoke a tilapia permit for lapses in security if:

a. the permittee is found to be in noncompliance with ~~Paragraphs~~ LAC 76:VII.903.C.1 and 2 above;

b. the permittee is determined to be derelict in maintaining the security measures that were approved for the permit;

c. failure to take appropriate measures when vandalism, theft, or accidental release of fish occurs.

4. It shall be the responsibility of the permittee to immediately notify the Fisheries Permit Manager ~~secretary or his designee~~ of any tilapia that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to accidental releases, theft, etc.

5. It shall be the responsibility of the permittee to have at least one individual who is familiar with the culture system readily available for emergencies, inspections, etc.

D E. Rules of Tilapia Culture and Live Holding Site

1. A legal description of the tilapia culture facility site that shows ownership must be submitted along with the permit request.

2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property, culture system or live holding system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

3. All aspects of the tilapia ~~culture~~ facility must be at least 1 foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at permittee's expense.

4. The department will require a live holding contingency plan for disposal of live tilapia in the event of impending flooding or other natural disasters.

E F. Rules for the Tilapia Culture and Live Holding System

1. Applicant must provide a detailed narrative description, including scale drawings, of the tilapia culture or live holding system.

2. The tilapia culture or live holding system shall be an approved indoor system designed such that tilapia eggs, larvae, juveniles, or adults cannot escape.

3. ~~All~~ Water utilized in the culture or live holding of tilapia shall be accounted for and shall be filtered, screened, and/or sterilized prior to leaving the culture or live holding system and the permittee's property in such a manner as the department deems adequate to prevent any possibility of escape from the system.

4. All aspects of the tilapia culture or live holding system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

5. A means to dispose of tilapia through chlorination, desiccation, or other appropriate methods, in the event of an emergency must be included as a component of any department approved live holding system.

6. One or more persons responsible for the operation of the live holding system must demonstrate to the department 's satisfaction a basic knowledge and understanding of the culture, biology, and potential local ecological impacts of tilapia.

F G. Rules for the Processing of Tilapia

1. All tilapia and tilapia parts other than live tilapia specifically permitted by the department must be properly processed and killed prior to leaving the tilapia culture or live holding facility. Tilapia must be processed using any of the following three approved procedures:

a. chill killing whole tilapia in an ice slurry for a period of not less than 60 minutes,

b. removal of tilapia intestines followed by immersion of whole fish in an ice slurry for a period of not less than two minutes,

c. removal of head and all internal organs. All tilapia heads and internal organs must be put in an ice slurry for a period of not less than 60 minutes or frozen for 24 hours prior to disposal to prevent any possibility of accidental release of fry or fertilized eggs.

2. All tilapia, other than live tilapia specifically permitted by the department, being brought into the state from ~~without~~ outside the state must be dead.

3. Records shall be kept at the location of the facility. Records shall be kept of all tilapia processed at a culture or live holding facility for the last five years and shall include the following information:

- a. source of fish;
- b. processed pounds;
- c. date processed;
- d. Tilapia culture facilities must retain all records of sales to live

holder facilities.

4. A copy of this information shall be sent to the department 's Fisheries Permit Manager ~~Baton Rouge office~~ at the end of each year, or at any time upon the request of department officials.

G H. General Rules for Tilapia

1. The cost of a tilapia culture permit shall be \$50 or and live holding permit shall be \$50 and may include plus the actual cost of the on-site inspection. ~~Qualified~~ Universities conducting research approved by the department shall be exempt from the fee charge.

2. In order for the permit to be valid, the following license is required as a prerequisite:
 - a. Domesticated Aquatic Organism License ~~a fish farming license for~~ tilapia culturists ~~cultures~~;
 - b. a retail dealer's license for live holders. Live holders do not need to possess a Domesticated Aquatic Organism License.
3. Permits are valid for 12 months expire on December 31 every year. Any permit issued after November 15, will be valid for the remainder of that calendar year and the following calendar year. Fees will not be prorated. All existing tilapia culture and live holder permits as of June 2021 will be extended for no charge through December 2021.
4. Permits are not transferable from person to person, or property to property.
5. Live tilapia may be sold within the state only to a holder of a valid Tilapia Culture Permit or Tilapia Live Holding Permit. A Tilapia Culture Permit shall be required for the possession or transport of tilapia eggs, fry, or juveniles.
6. No person may release live tilapia, fish, or eggs into the waters of Louisiana (whether public or private) without the written approval of the secretary.
7. Permittee must agree to collect and provide an adequate number of tilapia to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.
8. Only those persons or organizations with valid tilapia permits may propagate, culture, or possess the following species and/or hybrids produced from their crosses.

These species must be verified any time new stock is added to the culture facility by a genetic certification using an LDWF approved method.

Tilapia <u>Oreochromis aurea</u>	Tilapia <u>Oreochromis nilotica</u>
Tilapia <u>Oreochromis</u> <i>mossambica</i>	Tilapia <u>Oreochromis urolepis</u> <i>hornorum</i>

9. Tilapia culture permittees and Live Holder permittees ~~shall be required to~~ submit an annual report to the Fisheries Permit Manager ~~secretary or his designee~~ on a form provided by the department.

10. The department may employ whatever means it deems necessary to prevent the release or escapement of tilapia or their eggs into the environment. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during corrective actions.

11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill, or recapture fish. The permittee shall ~~agree to~~ reimburse Wildlife and Fisheries for all department costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the secretary that the permittee will fulfill their financial obligations, the tilapia culturists permittees and tilapia live holder permittees shall post a performance bond, or present a letter of credit from a financial institution stating that the value of the bond is available to the department on a certificate of deposit. ~~In order to assure the secretary that the permittee will fulfill their financial obligations, the tilapia culturer shall, at the~~

~~option of the department, post a \$25,000 performance bond, or present a letter of credit from a financial institution stating that the \$25,000 is available to the department on a certificate of deposit. Tilapia live holder permittees will be required to post a \$10,000 performance bond, or present a letter of credit from a financial institution stating that the \$10,000 is available to the department on a certificate of deposit.~~

a. The performance bond for a tilapia culture permittee shall be \$25,000 for permits issued prior to January 1, 2022. For permits issued after this date the performance bond shall increase yearly to a maximum of \$50,000 as outlined in the table below.

<u>YEAR</u>	<u>Tilapia Culture Permittee Bond Value</u>
<u>2022</u>	<u>\$30,000</u>
<u>2023</u>	<u>\$35,000</u>
<u>2024</u>	<u>\$40,000</u>
<u>2025</u>	<u>\$45,000</u>
<u>2026</u>	<u>\$50,000</u>

b. The performance bond for a tilapia live holder permittee shall be \$10,000 for permits issued prior to January 1, 2022. For permits issued after this date the performance bond shall increase yearly to a maximum of \$50,000 as outlined in the table below.

<u>YEAR</u>	<u>Tilapia Live Holder Bond Value</u>
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<u>2022</u>	<u>\$18,000</u>
<u>2023</u>	<u>\$26,000</u>
<u>2024</u>	<u>\$34,000</u>
<u>2025</u>	<u>\$42,000</u>
<u>2026</u>	<u>\$50,000</u>

12. At the time of renewal, the Tilapia culture permit holders must provide LDWF a certificate from a certified veterinarian or other certified expert that the tilapia are free of visible diseases and parasites.

12.13. If a permittee terminates tilapia production or live holding, the permittee shall notify the secretary or designee immediately and dispose of the tilapia according to methods approved by the department.

13.14. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All tilapia shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

14.15. Any permittee allegedly in violation of the above rules has a right to submit ~~make~~ a written response of the alleged violation(s) to the secretary, requesting a hearing to review the alleged violation(s) within five days of receiving notice of violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318, R.S. 56:319 and R.S. 319.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 17:804 (August 1991), amended LR 20:1022 (September 1994), LR 21:594 (June 1995), LR 25:1987 (October 1999), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§905. Domesticated Aquatic Organisms

Repealed.

- ~~A. Procedures for Approving a New Species of Domesticated Aquatic Organism~~
- ~~1. An application to consider a new aquatic species shall be made to the Louisiana Department of Wildlife and Fisheries, Assistant Secretary, Office of Fisheries. The applicant should include the following information:~~
- ~~a. American Fisheries Society approved species and common name(s);~~
- ~~b. intended use or uses;~~
- ~~c. biology, including environmental tolerances, diseases and life history;~~
- ~~d. sources of broodstock;~~
- ~~e. references;~~
- ~~f. location of proposed facility; and~~
- ~~g. design and operation of proposed aquaculture facility.~~
- ~~2. The assistant secretary will forward the application to the appropriate fisheries division. Freshwater species will be handled by the Inland Fisheries Division and~~

~~saltwater species will be handled by the Marine Fisheries Division, regardless of where the species is proposed to be raised.~~

~~3. The division administrator may request the applicant to provide additional information.~~

~~4. The division will convene a technical committee of individuals, including enforcement division representation, with sufficient expertise to consider the application.~~

~~5. The technical committee will be responsible for evaluating all relevant information regarding the species. The committee will consider approving a new aquatic species by evaluating the potential negative risks the new species might have on native species, their habitats, and human health. The committee will also consider mitigation measures that reduce risk. The committee will ultimately provide a recommendation to the Assistant Secretary, Office of Fisheries to either deny the applicant's request or approve the request with or without mitigating requirements.~~

~~6. The assistant secretary, through a deliberative process, will determine whether to recommend to the secretary that the species be approved as a domesticated aquatic organism and under what mitigating measures. If approved by the secretary, a formal request will be made to the Louisiana Wildlife and Fisheries Commission in the form of a Notice of Intent.~~

~~B. The following is a list of "Domesticated Aquatic Organisms" approved for use in aquaculture:~~

~~1. shadow bass (*Ambloplites ariommus*) not exceeding a maximum total length of 3 inches;~~

- _____ 2. _____ white bass (*Morone chrysops*) not exceeding a maximum total length of 3 inches;
- _____ 3. _____ yellow bass (*Morone mississippiensis*) not exceeding a maximum total length of 3 inches;
- _____ 4. _____ crappie (*Pomoxis spp.*) not exceeding a maximum total length of 3 inches;
- _____ 5. _____ bream (*Lepomis spp.*) not exceeding a maximum total length of 3 inches;
- _____ 6. _____ spotted bass (*Micropterus punctulatus*) not exceeding maximum total length of 10 inches;
- _____ 7. _____ striped bass (*Morone saxatilis*) not exceeding a maximum total length of 10 inches;
- _____ 8. _____ largemouth bass (*Micropterus salmoides*) of any size;
- _____ 9. _____ hybrid striped bass (*Morone saxatilis* x *Morone chrysops*) or (*Morone saxatilis* x *Morone mississippiensis*) of any size;
- _____ 10. _____ coppernose bluegill (*Lepomis macrochirus purpurescens*) of any size;
- _____ 11. _____ hybrid bream limited to a bluegill (*Lepomis macrochirus*) and green sunfish (*L. cyanellus*) cross or a redear sunfish (*L. microlophus*) and bluegill (*L. macrochirus*) cross of any size;
- _____ 12. _____ carp (*Cyprinus carpio*) of any size;
- _____ 13. _____ freshwater drum (*Aplodinotus grunniens*) of any size;
- _____ 14. _____ buffaloes (*Ictiobus spp.*) of any size;
- _____ 15. _____ golden shiner (*Notemigonus crysoleucas*) of any size;
- _____ 16. _____ fathead minnow (*Pimephales promelas*) of any size;

- ~~17. mosquito fish (*Gambusia affinis*) of any size;~~
- ~~18. red drum (*Sciaenops ocellatus*);~~
- ~~19. triploid grass carp (*Ctenopharyngodon idella*); See LAC 76:VII.901;~~
- ~~20. tilapia (*Oreochromis aurea*, *O. niloticus*, *O. mossambicus* and *O. urolepis hornorum*); See LAC 76:VII.903.~~
- ~~21. Reserved.~~
- ~~22. shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), see LAC 76:VII.911.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(2) and R.S. 56:411.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34:2679 (December 2008), amended LR 35:1139 (June 2009), repromulgated LR 35:1263 (July 2009), amended LR 44:1455 (August 2018), repealed LR .

§907. Game Fish Fingerling Aquaculture—Rules and Regulations [Formerly LAC 76:VII.159]

A. A fish farmer raising and selling live game fish fingerlings must obtain an annual domesticated aquatic organism license issued by the department. ~~of Wildlife and Fisheries~~

B. Live game fish fingerlings sold from an approved fish farm shall be subject to all applicable statutes and rule limitations, if any.

C. ~~A fish farmer~~ who ~~raise ing~~ and selling live game fish fingerlings must maintain a record of all sales and shipments of such fish, and these records must be readily available ~~open~~ for inspection by ~~designated employees of the department. of Wildlife and Fisheries~~

D. Game fish farmers who ~~transporting~~ game fish fingerlings for sale must ~~possess~~ attach a bill of lading ~~which shall accompany~~ to each shipment showing the species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the

name of the consignee and consignor, and the grower's name and domesticated aquatic organism license number.

E. All trucks transporting game fish fingerlings for sale must have the words "GAME FISH FARMER" prominently displayed with a minimum of 3-inch block letters.

F. Fish farmers holding a domesticated aquatic organism license are not granted any fishing privileges greater than those stated in Article 56 of the *Louisiana Revised Statutes* and must abide by all statutes pertaining to domestic fish farming.

G. The department shall have the authority to cancel sales or to confiscate and destroy shipments of game fish fingerlings that are determined by department personnel to have fish diseases or parasites that would endanger native fish populations. Game fish farmers must ~~agree to~~ allow department personnel or a department approved contractor to conduct unannounced random inspections of the transport vehicle. Those individuals may remove or take fish samples for analysis and/or inspection.

H. Genetic purity shall be maintained and game fish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the department, except for hybrid crosses within the genera of *Lepomis*, *Pomoxis*, *Micropterus*, or *Morone*, or fish produced with polyploid chromosomes.

I. The secretary may revoke any or all licenses issued for the raising and selling of game fish fingerlings if the licensee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327 (A)(2), R.S. 56:411, and R.S. 56:412.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:893 (September 1991), amended by the Department of Wildlife and Fisheries, Office of Fisheries, LR 24:2155 (November 1998), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:546 (March 2014), LR .

§911. Shovelnose Sturgeon

~~A. Rules and Regulations on Importation, Culture, Disposal and Sale of Shovelnose Sturgeon in Louisiana. The following terms shall have the following meanings in this Section.~~

~~_____ Culture all activities associated with the rearing and nurturing of shovelnose sturgeon.~~

~~_____ Culture System shall be an approved recirculating indoor system designed such that all water containing, or that at any time might contain, shovelnose sturgeon (adult fish, juvenile fish, fingerlings, fry and eggs) is filtered, screened and/or sterilized in such a manner as the department deems adequate to prevent any possibility of escape from the system.~~

~~_____ Department the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.~~

~~_____ Disposal the business of processing, selling, or purposely removing shovelnose sturgeon from the culture system.~~

~~_____ Permittee the individual or organization that possesses a valid Louisiana shovelnose sturgeon permit.~~

~~Process~~—the act of killing shovelnose sturgeon, and proper disposal of shovelnose sturgeon in such manner as the department deems necessary to prevent any possibility of accidental release of live fish.

~~Secretary~~—the secretary of the Department of Wildlife and Fisheries.

~~Shovelnose Sturgeon~~—pure strain of genetically unaltered fish (adult fish, juvenile fish, fingerlings, fry and eggs), belonging to the species *Scaphirhynchus platyrhynchus*.

~~Shovelnose Sturgeon Permit~~—official document pertaining to culture of shovelnose sturgeon, and allows for the importation, exportation, transport, culture, possession, disposal, transfer and sale of shovelnose sturgeon in Louisiana as approved by the secretary or his designee.

A B. Shovelnose Sturgeon Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, dispose of, or transfer live Shovelnose Sturgeon in Louisiana must first request a Shovelnose Sturgeon permit from the secretary or his designee of the department of Wildlife and Fisheries. A separate permit will be required for each facility or location. The following procedures will be necessary.

a. Applications for permits may be obtained by contacting the Fisheries Permit Manager via email fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

b. The completed applications should be returned to the same address whereby Fisheries Division personnel will review the application. Department personnel or a department approved contractor, at the applicant's expense, will then make an on-site inspection of the property and culture system.

c. After the on-site inspection has been completed, department personnel will make a final determination as to whether the applicant is in full compliance with all rules pertaining to ~~for~~ a Shovelnose Sturgeon permit. Department personnel will then recommend to the secretary or designee if the applicant's request should be approved or ~~disapproved~~ denied.

d. The Fisheries Permit Manager ~~The secretary or his designee~~ will notify the applicant, in writing, as to whether or not the permit has been granted ~~and if not, why. In the event that the permit is denied, the Fisheries Permit Manager shall include written reasons for that determination, and that applicant may reapply after correcting specified deficiencies noted in letter of denial. In the event of disapproval, Applicants may reapply after correcting specified deficiencies noted in the secretary's or his designee's letter of denial.~~

B.C. Rules on Transport of Live Shovelnose Sturgeon

1. A Louisiana Shovelnose Sturgeon Permit does not allow for the eExport of live Shovelnose Sturgeon ~~will not be allowed with~~ from Louisiana ~~Shovelnose Sturgeon permit.~~

2. Live Shovelnose Sturgeon being imported into Louisiana from out of state, or live transfer within the state, the permittee must obtain, in writing, approval from the department. These importations will only be allowed from fish that are acquired outside of the

Red River drainage, and are limited only to those populations occurring outside of the range for the similarity of appearance listing for the species Shovelnose and Pallid Sturgeon.

~~2 3.~~ For each occurrence of live shovelnose sturgeon being imported into Louisiana from out of state, or live transfer within the state, the permittee must obtain, in writing, approval from the department. These importations will only be allowed from fish that are acquired outside of the Red River drainage, and limited only to those populations occurring outside of the range for the similarity of appearance listing for the species. The permittee must obtain, in writing, approval from the department for all importations or live transfer within the state. These Written requests under this Section must requests shall be made no less than ~~three~~ two business days before the expected date of shipment. Procedures and necessary information required to obtain approval are:

a. Requests shall be made via email to fisheriespermits@wlf.la.gov to the designated Departmental contact or via mail to:

——— Louisiana Department of Wildlife and Fisheries

——— Fisheries Permit Manager

——— P.O. Box 98000

——— Baton Rouge, LA 70898-9000;

b. requests shall include:

- i. Louisiana Shovelnose Sturgeon permit number;
- ii. route of transport;
- iii. date of transport;
- iv. time(s) of transport;

- v. destination;
- vi. owner of transport vehicle;
- vii. species certification issued within the past 30 days

identifying shipped stock to species;

- viii. total number of Shovelnose Sturgeon;
- ix. identification of seller, buyer, and any permit numbers

from the jurisdiction of origin to the jurisdiction of destination in which they are coming from.

§ 4. A bill of lading must accompany the live Shovelnose Sturgeon during import, transport, transfer, or sale and shall include:

- a. copy of the permittee's written approval as described in ~~Paragraph~~

LAC 76:VII.911.B.2 above;

- b. date and approximate time of shipment;
- c. route of shipment;
- d. source of Shovelnose Sturgeon;
- e. name, address, and phone number of seller,
- f. name, address, and phone number of buyer;
- g. identification and certification as to species;
- h. total number of Shovelnose Sturgeon;
- i. destination;
- j. if imported, the source must provide certificate of health from a

veterinarian or other certified expert stating that Shovelnose Sturgeon are not showing signs of diseases;

k. display the words "SHOVELNOSE" prominently on at least two sides of the vehicle or hauling tank with letters that are no less than 6 inches high.

C D. Rules for Security of Shovelnose Sturgeon Culture Facility

1. Shovelnose Sturgeon live holding facilities will only be permitted in the following parishes: Acadia, Allen, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, DeSoto, Evangeline, Franklin, Grant, Jackson, Jefferson Davis, LaSalle, Lafayette, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, Union, Vermilion, Vernon, Webster, West Carrol, and Winn.

2. Applicant must demonstrate to the satisfaction of department officials that ~~adequate~~ sufficient security measures are in place at the live holding facility that will guard against vandalism and theft of Shovelnose Sturgeon.

3. Any changes or modification of a permitted security system must first have the approval of department officials.

4. The department will have just cause to revoke a Shovelnose Sturgeon permit for lapses in security if:

a. the permittee is found to be in noncompliance with ~~Paragraphs~~ LAC 76:VII.911.C.2 and 3 above;

b. the permittee is determined to be derelict in maintaining the security measures that were approved for the permit;

c. failure to take appropriate measures when vandalism, theft, or accidental release of fish occurs.

5. It shall be the responsibility of the permittee to immediately notify the secretary or his designee of any Shovelnose Sturgeon that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to accidental releases due to weather related events, vandalism and theft.

6. It shall be the responsibility of the permittee to have at least one individual who is familiar with the live holder system readily available for emergencies and inspections, both announced and unannounced.

D E. Rules of Shovelnose Sturgeon Culture Site

1. A legal description of the Shovelnose Sturgeon live holding facility site that proves ownership must be submitted along with the permit request.

2. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

3. All aspects of the Shovelnose Sturgeon culture facility must be at least 1 foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at the permittee's expense.

4. The department will require a live holding contingency plan for disposal of live Shovelnose Sturgeon in the event of impending flooding or other natural disasters.

5. All Shovelnose Sturgeon shall be tagged with a departmental approved non-removable tag.

E F. Rules for the Shovelnose Sturgeon Culture System

1. Applicant must provide a detailed narrative description, including scale drawings, of the Shovelnose Sturgeon culture system.
2. The Shovelnose Sturgeon culture system shall be an approved indoor recirculating system designed such that Shovelnose Sturgeon eggs, larvae, fingerlings, juveniles, or adults cannot escape.
3. All water utilized in the culture of Shovelnose Sturgeon shall be accounted for and shall be filtered, screened, and/or sterilized prior to leaving the live holding system and the permittee's property in such a manner as the department deems adequate to prevent any possibility of escape from the system.
4. All aspects of the Shovelnose Sturgeon culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.
5. A means to dispose of Shovelnose Sturgeon through chlorination, desiccation, or other appropriate methods in the event of an emergency must be included as a component of any department approved live holding system.
6. One or more persons responsible for the operation of the live holding system must demonstrate to the department's satisfaction a basic knowledge and understanding of the culture, rearing (care and feeding), biology, and potential local ecological impacts of Shovelnose Sturgeon.

E G. Rules for the Processing of Shovelnose Sturgeon

1. All Shovelnose Sturgeon and Shovelnose Sturgeon parts other than live Shovelnose Sturgeon specifically permitted by the department must be properly processed and killed prior to leaving the Shovelnose Sturgeon culture facility. At no time will live Shovelnose Sturgeon be allowed to be moved within Louisiana without expressed approval of the department. No live Shovelnose Sturgeon shall be sold or transferred to any parties outside of Louisiana. Transfer between Louisiana Shovelnose Sturgeon permittees within the state of Louisiana must be approved prior to shipment as described in ~~Paragraph C.2.~~ LAC 76:VII.911.B.2 above.

2. Records of all Shovelnose Sturgeon processed for the previous five years shall be kept at the permitted culture facility ~~of all Shovelnose Sturgeon processed at a culture facility~~ and shall include the following information:

- a. source of fish;
- b. processed pounds of both meat and caviar; and
- c. date processed.

3. A copy of this information shall be sent to the ~~Department's Baton Rouge office~~ Fisheries Permit Manager by December 31 ~~at the end of each year,~~ or at any time upon the request of department officials.

G H. General Rules for Shovelnose Sturgeon

1. The cost of a Shovelnose Sturgeon ~~live holding~~ permit shall be \$50 and may include ~~plus~~ the actual cost of the on-site inspection. ~~Qualified~~ Universities and other facilities conducting research approved by the department shall be exempt from the fee charge.

2. In order for the permit to be valid, the following licenses are required as a prerequisite:

- a. Domesticated Aquatic Organism license;
- b. ~~wholesale/retail dealers license or a retail dealer's license.~~

3. ~~Permits are valid for 12 months and~~ expire on December 31 every year.
Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

4. Permits are not transferable from person to person, or property to property.

5. Live Shovelnose Sturgeon shall not be sold within Louisiana except to a permitted culture facility.

6. No person may release live Shovelnose Sturgeon, fish, or eggs into the waters of Louisiana (whether public or private).

7. Permittee must agree to collect and provide an adequate number of Shovelnose Sturgeon to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.

8. The only Sturgeon allowed in commercial aquaculture under the Louisiana Shovelnose Sturgeon permit is *Scaphirhynchus platyrhynchus*. No genetically altered Shovelnose Sturgeon or their hybrids are allowed.

9. Shovelnose Sturgeon permittees shall be required to submit an annual report to the secretary or designee on a form provided by the department.

10. The department may employ whatever means it deems necessary to prevent the release or escapement of Shovelnose Sturgeon or their eggs into the environment. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during corrective actions.

11. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill, or recapture fish. The permittee shall agree to reimburse the department of ~~Wildlife and Fisheries~~ for all costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the secretary that the permittee will fulfill their financial obligations, the Shovelnose Sturgeon permittee shall post a \$50,000 performance bond, or present a letter of credit from a financial institution stating that the \$50,000 is available to the department on a certificate of deposit.

12. If a permittee terminates Shovelnose Sturgeon culture, the permittee shall notify the secretary or his designee immediately and dispose of the Shovelnose Sturgeon according to methods approved by the department.

13. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All Shovelnose Sturgeon shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

H 4. Collection of Shovelnose Sturgeon Broodstock from Louisiana Waters

1. The department of ~~Wildlife and Fisheries~~ will allow legally permitted Shovelnose Sturgeon permit holders to collect local broodstock from approved locations on the Red River while under the supervision of departmental personnel or other approved third parties. The permittee may be charged for associated costs including, but not limited to, manpower and equipment.

2. This collection of broodstock will be limited to 3 years. The permittee may be granted additional years upon approval by the secretary. The collection must be approved and coordinated with the LDWF ~~F~~fisheries ~~P~~permit ~~M~~anager and the Director of Inland Fisheries and would require a special broodstock collection permit from the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 44:1455 (August 2018), amended LR .

§913. Rainbow trout

A. Rainbow Trout Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, dispose, or transfer live Rainbow Trout for aquaculture in Louisiana must first request a Rainbow Trout permit from LDWF Fisheries Permit Manager. A separate permit will be required for each facility or location. This permit is not needed for stocking into public or private waters, and persons interested in stocking Rainbow Trout should contact the Fisheries Permit Manager to request a special Rainbow Trout stocking permit.

2. Applications for Rainbow Trout permits may be obtained by contacting the Fisheries Permit Manager via emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

3. The completed applications must be returned to the same address whereby the Fisheries Permit Manager will review the application. Department personnel or a department approved contractor will then make an on-site inspection of the property and culture system. The department may charge the applicant for any associated costs to perform the inspection.

4. After the on-site inspection has been completed, the Fisheries Permit Manager will make a final determination as to whether the applicant is in full compliance with all rules pursuant to the Rainbow Trout permit. The Fisheries Permit Manager will then make a recommendation of approval or denial of the applicant's request to the secretary or designee.

5. The Fisheries Permit Manager will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the Fisheries Permit Manager shall include written reasons for that determination. Applicant may reapply after correcting specified deficiencies noted in letter of denial.

B. Rules on Transport of Live Rainbow Trout

1. For each occurrence of live Rainbow Trout importation into Louisiana from out of state, or live transfer within the state, the permittee must obtain, in writing,

approval from the Fisheries Permit Manager. These requests shall be made no less than two business days before the expected date of shipment.

a. Requests shall be made via email to fisheriespermits@wlf.la.gov

b. Requests shall include:

i. Louisiana Rainbow Trout permit number,

ii. date of transport;

iii. total number of Rainbow Trout;

iv. identification of seller and buyer and any permit numbers

from the jurisdiction of origin to the jurisdiction of destination in which they are coming from;

v. a certificate of health from a veterinarian or other certified

expert stating that Rainbow Trout are not showing visible signs of diseases or parasites. The

facility and delivery vehicle shall be free of diseases, parasites or other organisms such as

Didymosphenia geminata (commonly known as Didymo or "Rock Snot").

C. Rules of Rainbow Trout Culture

1. It shall be the responsibility of the permittee to immediately notify the secretary or designee of any Rainbow Trout that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to, accidental releases due to weather related events, vandalism, and theft.

2. The department will have just cause to revoke a Rainbow Trout permit for lapses in security if the permittee is found to be in noncompliance with LAC 76:VII.913.C.1.

3. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections

of the transport vehicle, property culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

4. In order for the permit to be valid, the following licenses are required as a prerequisite:

a. Domesticated Aquatic Organism License.

5. Permits expire on December 31 of every year. Any permit issued after November 15, will be valid for the remainder of that calendar year and the following calendar year.

6. Permits are not transferable from person to person, or property to property.

7. Transfer of fish between Louisiana Rainbow Trout permittees within the state of Louisiana must be approved prior to shipment as described in LAC 76:VII.913.B.1 above.

8. No person may release live Rainbow Trout, fish, or eggs into the waters of Louisiana (whether public or private) without LDWF Secretarial approval.

9. Permittee must agree to collect and provide an adequate number of Rainbow Trout to the department or a department approved contractor upon request for identification and analysis at the permittee's expense.

10. Records for the previous 5 years shall be kept at the facility of all Rainbow Trout processed at a culture facility and shall include the following information:

a. source of fish;

b. processed pounds of fish; and

c. date fish processed.

11. A copy of this information shall be sent annually to the Fisheries Permit Manager at the end of each year prior to permit renewal, or at any time upon request.

12. If a permittee terminates Rainbow Trout culture, the permittee shall notify the secretary or designee immediately and dispose of the Rainbow Trout according to methods approved by the department.

13. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All Rainbow Trout shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

14. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§915. Aquarium Livestock

A. The following species or groups of species have been approved for commercial culture in Louisiana. Any questions on whether a species fits into the categories below should be directed to the Fisheries Permit Manager.

1. "Bristlenose Catfish": *Ancistrus sp.*

2. African Rift Lake Cichlids from the Cichlidae family, tribe Haplochromini

3. Fancy Guppy (*Poecilia reticulata*)

B. Individuals or organizations wishing to import, export, transport, dispose, or transfer live Aquarium Livestock for commercial culture and rearing in Louisiana must first request an Aquarium Livestock permit from the LDWF Fisheries Permit Manager. A separate permit will be required for each facility or location. Retail stores or wholesalers who are not actively breeding or growing Aquarium Livestock and home aquarists who are not selling commercially are all exempt from obtaining an Aquarium Livestock permit as outlined in LAC:76:VII.915.

1. Applications for permits may be obtained by contacting the Fisheries Permit Manager via emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

2. The completed applications should be returned to the same address whereby the Fisheries Permit Manager will review the application. Department personnel or a department approved contractor will then make an on-site inspection of the property and culture system.

3. After the on-site inspection has been completed, the Fisheries Permit Manager will make a final determination as to whether the applicant is in full compliance with

all rules for an Aquarium Livestock permit. The Fisheries Permit Manager will then recommend to the secretary if the applicant's request should be approved or denied.

4. The Fisheries Permit Manager will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the Fisheries Permit Manager shall include written reasons for that determination. Applicant may reapply after correcting specified deficiencies noted in letter of denial.

C. Rules of Aquarium Livestock Culture

1. It shall be the responsibility of the permittee to immediately notify the secretary or designee of any Aquarium Livestock that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to accidental releases due to weather related events, vandalism, and theft.

2. All aspects of the Aquarium Livestock facility must be at least 1 foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at permittee's expense.

3. All water utilized in the culture of aquarium livestock shall be accounted for and shall be filtered, screened, and/or sterilized prior to leaving the culture and the permittee's property in such a manner as the department deems adequate to prevent any possibility of escape from the system.

4. All aspects of the Aquarium Livestock culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

5. A means to dispose of Aquarium Livestock through chlorination, desiccation, or other appropriate methods in the event of an emergency must be included as a component of any department approved system.

6. The department will have just cause to revoke an Aquarium Livestock permit for lapses in security if the permittee is found to be in noncompliance with LAC 76:VII.915.C.1.

7. The applicant must agree to allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take fish samples for analysis and/or inspection.

8. In order for the permit to be valid, the following licenses are required as a prerequisite:

a. Domesticated Aquatic Organism License.

9. Permits expire on December 31 every year. Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

10. Permits are not transferable from person to person, or property to property.

11. No person may release live Aquarium Livestock or eggs into the waters of Louisiana (whether public or private) without LDWF Secretarial Approval.

12. Permittee must agree to collect and provide an adequate number of Aquarium Livestock to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.

13. Records of all Aquarium Livestock processed over the previous five years shall be kept at the culture facility and shall include the following information:

a. source of fish;

b. import and export quantities including information of who purchased or supplied the Aquarium Livestock; and

c. date of all transactions.

14. A copy of this information shall be sent annually to the Fisheries permit manager at the end of each year prior to permit renewal, or at any time upon the request.

15. Any time a new species, hybrid or type is added into the facility, the applicant must contact the Fisheries Permit Manager for approval prior to importation of the species into their facility.

16. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill, or recapture fish. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the secretary that the permittee will fulfill their financial obligations, the Aquarium Livestock permittee shall post a \$25,000 performance bond, or present a letter of credit from a financial institution stating that the \$25,000 is available to the department on a certificate of deposit.

17. If a permittee terminates Aquarium Livestock culture, the permittee shall notify the secretary or designee immediately and dispose of the Aquarium Livestock according to methods approved by the department.

18. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All Aquarium Livestock shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

19. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§919. Freshwater Prawns

A. Freshwater Prawn Permit Request Procedures

1. Individuals or organizations wishing to import, export, transport, culture, dispose, or transfer live freshwater prawns for aquaculture in Louisiana must first request a Freshwater Prawn Permit from LDWF Fisheries Permit Manager. A separate permit will be required for each facility or location.

2. Applications for permits may be obtained by contacting the Fisheries Permit Manager via emailing fisheriespermits@wlf.la.gov or by mail:

Louisiana Department of Wildlife and Fisheries

Fisheries Permit Manager

P.O. Box 98000

Baton Rouge, LA 70898-9000

3. The completed application must be returned to the same address whereby the Fisheries Permit Manager will review the application. Department personnel or a department approved contractor will then make an on-site inspection of the property and culture system.

4. After the on-site inspection has been completed, the Fisheries Permit Manager will make a final determination as to whether the applicant is in full compliance with all rules pursuant to the Freshwater Prawn Permit. The Fisheries Permit Manager will then make a recommendation of approval or denial of the applicant's request to the secretary or designee.

5. The Fisheries Permit Manager will notify the applicant, in writing, as to whether or not the permit has been granted. In the event that the permit is denied, the Fisheries Permit Manager shall include written reasons for that determination. Applicant may reapply after correcting specified deficiencies noted in letter of denial.

B. Rules on Transport of Live Freshwater Prawn

1. For each occurrence of live freshwater prawn importation into Louisiana from out of state, or live transfer within the state, the permittee must obtain, in writing, approval from the Fisheries Permit Manager. These requests shall be made no less than two business days before the expected date of shipment.

a. Requests shall be made via email to fisheriespermits@wlf.la.gov

b. Requests shall include:

i. Louisiana Freshwater Prawn Permit number;

ii. date of transport;

iii. total number of freshwater prawns;

iv. identification of seller and buyer and any permit numbers

from the jurisdiction of origin to the jurisdiction of destination in which they are coming from;

v. a certificate of health from a veterinarian or other certified expert stating that freshwater prawn are not showing visible signs of diseases or parasites.

C. Rules of Freshwater Prawn Culture

1. It shall be the responsibility of the permittee to immediately notify the secretary or designee of any freshwater prawn that leave the facility for any reason other than those specifically identified and allowed for under their current permit, including but not limited to accidental releases due to weather related events, vandalism, and theft.

2. All aspects of the freshwater prawn facility must be at least 1 foot above the 100-year flood elevation. Additionally, the department may require a surface hydrological assessment of the proposed site at permittee's expense.

3. All water utilized in the culture of freshwater prawn shall be accounted for and shall be filtered, screened, and/or sterilized prior to leaving the culture and the permittee's property in such a manner as the department deems adequate to prevent any possibility of escape from the system.

4. All aspects of the freshwater prawn culture system and processing shall be completely enclosed so that predation from birds, mammals, amphibians, and reptiles is precluded.

5. A means to dispose of freshwater prawn through chlorination, desiccation, or other appropriate methods in the event of an emergency must be included as a component of any department approved system.

6. The department will have just cause to revoke a Freshwater Prawn Permit for lapses in security if the permittee is found to be in noncompliance with LAC 76:VII.919.C.1.

7. The applicant must allow department officials or a department approved contractor, at the applicant's expense, to conduct unannounced random inspections of the transport vehicle, property culture system, and fish. Department officials may request other officials to accompany them during these inspections. Additionally, those individuals performing these inspections may remove or take prawn samples for analysis and/or inspection.

8. In order for the permit to be valid, the following licenses are required as a prerequisite:

a. Domesticated Aquatic Organism License

9. Permits expire on December 31 every year. Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

10. Permits are not transferable from person to person, or property to property.

11. No person may release live any life stages of freshwater prawns or eggs into the waters of Louisiana (whether public or private) without LDWF Secretarial approval.

12. Permittee must agree to collect and provide an adequate number of freshwater prawns to the department or a department approved contractor upon request for identification and analysis, at the permittee's expense.

13. Records for the previous five years shall be kept at the facility of all freshwater prawn processed at a culture facility and shall include the following information:

a. source of freshwater prawns;

b. import and live export quantities including information of who purchased or supplied the live freshwater prawns; and

c. date of all transactions.

14. A copy of this information shall be sent annually to the Fisheries Permit Manager at the end of each year prior to permit renewal, or at any time upon the request.

15. The department shall be overseer of all escape incidents and may implement or require to be implemented whatever measures deemed necessary to contain, kill, or recapture freshwater prawns. The permittee shall agree to reimburse the department for all costs including, but not limited to, man hours and materials utilized during these corrective actions. In order to assure the secretary that the permittee will fulfill their financial obligations, the freshwater prawn permittee shall post a \$25,000 performance bond, or present a letter of credit from a financial institution stating that the \$25,000 is available to the department on a certificate of deposit.

16. If a permittee terminates freshwater prawn culture, the permittee shall notify the secretary or designee immediately and dispose of freshwater prawns according to methods approved by the department.

17. In addition to all other legal remedies, including provisions of R.S. 56:319.E, failure to comply with any of the provisions herein shall be just cause to immediately suspend and/or revoke the permittee's permit. All freshwater prawns shall be destroyed at permittee's expense under the department's supervision within 30 days of permit revocation.

18. Any permittee allegedly in violation of the above rules has a right to make a written response of the alleged violation(s) to the secretary requesting a hearing to review the alleged violation(s) within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed rule to Mr. Robert Bourgeois, Office of Fisheries, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to 4:30 p.m., Tuesday, July 6, 2021.

Jerri G. Smitko

Chairman

WILDLIFE & FISHERIES LEGISLATIVE UPDATE

2021 REGULAR SESSION



LDWF License Bill



HB 691 - Comprehensive LDWF License Fee Restructure

Recreational + Commercial + Boat Registration

- Recreational
 - Simplifies License Structure – consolidated privileges to convey greater value
 - Adjusted for inflation and to remain competitive with Gulf States
 - Maximizes federal matching funds by certifying more licenses
 - Fund dedication provides users greater return on their investment
 - Generates \$11.2 Million in new revenue
- Commercial
 - Adjusted for inflation since 1985 (145%)
 - Dedicate revenue derived from industry-specific licenses into the promotion, marketing, management and enforcement activities of that industry
 - Generates \$3.9 Million in new revenue
- Boat Registration
 - Simplifies License Structure
 - Dedicates \$5 Million per year to Aquatic Plant Control Fund
 - Generates \$2 Million in new revenue



Wildlife Bills



• HB 154 – Wildlife Trust Fund Investments

- Rockefeller Trust, Russel Sage and Marsh Island Trust Funds
- Authorizes Treasurer to invest up to 65% of the funds in stocks (currently capped at 35%)
- Constitutional Amendment
- Reported favorably from Appropriations and Civil Law

• HB 239 – Prohibits Harvest of Cypress Trees on State Property

- Cutting or sale of standing cypress timber on any state land or water bottom is prohibited
- Some exemptions including:
 - Removal of fallen trees or stumps
 - Clearing of ROWs
 - LDWF approved management plan for aquatic vegetation
 - For boat lanes or navigation corridors
- Reported favorably from House Natural Resources

• HB 366 – Authorizes Land Swap on Russel Sage WMA

- Authorizes LDWF to swap 152 acres of Russel Sage WMA for 219 acres of property owned by McConnell family
- Subject to appraisal, due diligence and agreement
- Passed House, referred to Senate Natural Resources

• HB 530 – Hunting License Fee Increase

- Charges an additional \$1 for each hunting license
- Dedicates proceeds to Hunters for the Hungry to establish a feral hog processing program and for administrative costs
- Amounts to a prohibited "diversion" of license revenue
- Removed from House Natural Resources calendar

• HCR 55 – Outdoor Conservation Study Group

- Study and make recommendations regarding conservation funding mechanisms and conservation programs
- Reported favorably from House Natural Resources



Public Access Bills

• HB 331 – Constitutional Amendment Authorizing State to Alienate Navigable Water Bodies

- Authorizes state to enter into agreements with landowners to establish permanent fixed boundaries
- Authorizes state to accept donation, subject to perpetual mineral reservation, regardless of subsequent erosion or future navigability
- Agreements must provide for public access over all present and future water bottoms
- Dual Referral - Reported favorably as from House Natural Resources. Amended in House Civil Law – 2084 voting date

• HB 399 – Constitutional Amendment Authorizing State to Alienate Navigable Water Bodies

- Authorizes state to enter into agreements with riparian landowners to establish permanent fixed boundaries regardless of navigability
- Authorizes state to accept donation, subject to perpetual mineral reservation, regardless of subsequent erosion or future navigability
- Agreements must provide for permanent right of reasonable, regulated public access over all present and future water bottoms
- Reported favorably from House Natural Resources. Returned to calendar – subject to call



Fisheries Bills

- **HB 75 – Fisherman's Gear Compensation Fund**

- Extends \$250K annual payments into the "Underwater Obstruction Removal Fund" through 2026
- Extends the existence of the Fishermen's Gear Compensation Fund to June 30, 2026
- Originally scheduled to sunset on June 30, 2022
- Withdrawn

- **HB 226 – Lake D'Arbonne Crappie Limits**

- Legislative daily creel limit is 50
- WLF Commission has authority to amend
- Specific impediment to amending crappie limit on D'Arbonne unless LDWF could show negative impact on the population
- Reported favorably from House Natural Resources

- **SB 134 – Prohibits Nighttime Shrimping in Lake Pontchartrain**

- Prohibits nighttime taking of shrimp in Lake Pontchartrain west of Interstate Highway 10
- Voluntarily Deferred – Study Resolution



Fisheries Bills

- **HB 535 – Half Mile Menhaden Exclusion Zone**

- Creates an exclusion zone where the taking of menhaden is prohibited
 - ½ mile seaward from land
 - 1 mile seaward between Timbalier Island and Grand Terre
 - 3 miles seaward between Caminada Pass and Barataria Pass
 - ½ mile from the double rig line in Breton and Chandeleur Sounds
 - ½ mile in all directions from the Chandeluer Islands
- Assigned to House Natural Resources

- **HB 551 – Quarter Mile Menhaden Exclusion Zone**

- Codifies season dates and landing restrictions in current LAC
- Creates an exclusion zone where the taking of menhaden is prohibited
 - 1/4 mile seaward from inside-outside line
 - 1 mile seaward between Belle Pass to Caminada Pass
 - 3 miles seaward between Caminada Pass and Barataria Pass
 - 1 mile seaward between Barataria Pass and Grand Terre
 - ¼ mile from the double rig line in Breton and Chandeleur Sounds
- Assigned to House Natural Resources

- **HB 644 – Establishes the Wild Caught Crawfish Advisory Council**

- Creates composition and mission of the Council
- Withdrawn

- **HCR 26 – Oyster Shell Study**

- Urges and requests LDWF to conduct a study to determine how oyster shells can be effectively and beneficially recycled and returned to the water
- Reported favorably from House Natural Resources





Enforcement Bills



- **HB 118 – La. Firearm Protection Act**
 - Prohibits federal law that taxes, registers, tracks, or curtails possession of firearms
 - EXEMPTS PITTMAN-ROBERTSON EXCISE TAXES
 - Prohibits enforcement of federal law or regulation that's inconsistent with state law
 - Passed House
- **HB 157 – Survival Benefits for Spouse and Children of Law Enforcement Officers**
 - Provides survival benefits for spouses and children of law enforcement officers who die from a heart attack or stroke
 - Suffered while engaged in strenuous physical activity in the performance of duties or within 24 hours thereafter
 - Reported favorably from House Municipal and Parochial Affairs
- **HB 655 – Conversion of Certain Criminal Violations to Civil Fines**
 - Decriminalizes the lowest two classes of LDWF violations (and select Class 3 violations)
 - Authorizes LDWF to pursue civil penalties through the APA Process
 - Reported favorably from House Natural Resources



Questions?

