

Our response to your third question is in the affirmative. The Northwest Louisiana Game and Fish Preserve is an agency falling within the jurisdiction of the Department of Wildlife and Fisheries. See R.S. 36:610(B)(3). R.S. 56:722 provides that rules and regulations adopted by a fish and game commission must be approved by the Louisiana Wildlife and Fisheries Commission. R.S. 56:722 states:

§722. Game and fish commission; rules and regulations

The governing authority of a parish may appoint a commission composed of citizens and tax payers of the parish, whose term shall be concurrent with that of the governing authority appointing, who serve without compensation, to be known as the _____ game and fish commission. The commission may make rules and regulations for the government, regulation, and control of the preserve, and for the conservation, protection, and propagation of game and fish in the preserve, provided that such rules and regulations shall be finally approved, adopted and promulgated by the Louisiana Wildlife and Fisheries Commission.

R.S. 56:722 has been adopted by reference in legislative acts specific to the Northwest Louisiana Game and Fish Preserve Commission. These legislative acts enumerate the

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powers of the Northwest Commission as subject to the approval of the Louisiana Wildlife and Fisheries Commission. Section 5 of Act 1227 of the 2003 Regular Legislative Session states:

Section 5. The Northwest Louisiana Game and Fish Preserve Commission, under the supervision of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, and in accordance with the provisions of R.S. 56:722, may administer the Northwest Louisiana Game and Fish Preserve and make rules and regulations for the control thereof. Within the boundaries of the preserve and under the supervision of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission, and in accordance with the provisions of R.S. 56:722, the commission may have the following powers:

1. Adopt and enforce rules and regulations.
2. Control the taking of game and fish.
3. Establish closed seasons.
4. Fix game and fish limits.
5. Employ wardens.
6. Build roads.
7. Provide camps and boats.
8. Fix fees for hunting and fishing in the preserve, in addition to state license fees.
9. Regulate the building and locations of duck blinds.
10. Issue licenses or permits for duck blinds.
11. Prohibit the building of duck or hunting blinds without permit.
12. Buy, lease, or sell properties necessary to establish, maintain, or improve the preserve.
13. Lease or let the privilege of commercial fishing in the preserve.
14. Employ labor necessary to establish fish hatcheries.
15. Regulate the renting or leasing of boats.
16. Regulate the size and construction of boats
17. Require that every boat used on the preserve be equipped with some form of life preservers.
18. Enter into contract with any person, firm, or corporation for the use of water from the preserve for industrial purposes, provided the use of the water does not interfere with the primary purpose of the preserve to propagate game and fish.
19. Do any and all things necessary for the propagation and conservation of game and fish on the preserve.
20. Prohibit the gathering of moss.
21. Adopt rules and regulations pertaining to the issuance, collection, and enforcement of a recreational use license fee, at an amount not to exceed five dollars per year, and other related licenses and fees within the preserve.

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22. Adopt rules and regulations to govern the harvest, methods, seasons, and areas of harvest of commercial fish species under a permit system to become effective on or after January 1, 1996.
23. Adopt rules and regulations to govern the use of nets and mesh sizes and require tagging of nets used for the commercial harvest of fish.²

Any rule or policy established by the Commission must have the approval of the Wildlife and Fisheries Commission.

We hope the foregoing is helpful to you. Should you have other questions in which we may provide assistance, please contact this office.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY: 
KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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² Act 1227 of the 2003 Regular Legislative Session amends and reenacts Section 5 of Act 191 of the 1926 Regular Legislative Session, Act 120 of the 1946 Regular Legislative Session, Act 307 of the 1948 Regular Legislative Session, Act 17 of the 1956 First Extraordinary Legislative Session, Act 66 of the 1988 Regular Legislative Session, Act 539 of the 1990 Regular Legislative Session, and Act 550 of the Regular Legislative Session, all of which pertain to the Northwest Louisiana Game and Fish Preserve Commission relative to powers to regulate the taking of game and fish.