

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Film and Entertainment Industry Animal Permits

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission does hereby advertise their intent to promulgate rules and regulations governing the possession of Louisiana wildlife for the film and entertainment industry.

Title 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 1. Wild Quadrupeds

§133. Film/Entertainment Industry Animal Permit

A. Purpose

1. The purpose of this section is to establish regulations for the possession, purchase, and educational exhibition of Louisiana wildlife to be used in the movie, film, entertainment, and educational industry. These regulations provide and establish general rules regarding permit requirements, animal origin, purchase and use of animals, holding pen specifications, travel enclosure requirements, and reporting requirements.

B. Definitions

Bill of Sale—an itemized invoice or receipt on a legitimate business form from a licensed business showing the animal purchased, the date of purchase, and the signature and contact information for the person selling the animal

Bona Fide Resident—any person who has resided in the state of Louisiana continuously during the 12 months immediately prior to the date on which he applies for this permit and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile as demonstrated with all of the following, as applicable.

- a. If registered to vote, he is registered to vote in Louisiana.
- b. If licensed to drive a motor vehicle, he is in possession of a valid Louisiana driver's license
- c. If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.
- d. If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

Department or LDWF—the Louisiana Department of Wildlife and Fisheries.

Escape Plan—a written plan of actions, individuals, and equipment to be utilized by the permittee in the event that any permitted animal escapes from confinement, either at the permanent holding facility of the permittee, while the animal is in transport, or when the animal is being utilized in a public venue or at any type of film/entertainment industry location. The plan will contain a permanent log sheet that describes each escape event.

Film/Entertainment Industry—Live or recorded activity or events of a temporary nature involving scripted and/or unscripted dialogue and/or action for the purpose of

amusement, marketing, promoting, entertainment, or education. Includes audio, video, film, streaming, and live performances on constructed sets, at studios, or on location.

Does not include rodeos, zoos, or circuses.

Game Breeder—a person who possesses a valid Game Breeder permit from LDWF

Humane Care – Care of animals including, but not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal’s size, species, and breed. Inhumane care includes any act, omission, or neglect, which causes unjustifiable physical pain, suffering, or death to any living animal.

Louisiana wildlife—all tetrapod species, excluding domestic dogs (*Canis familiaris*) and domestic cats (*Felis catus*), with a presently or historically free-ranging, reproducing population within the state boundary of Louisiana. For migratory wildlife, timing of reproduction does not necessarily have to occur within Louisiana to be considered Louisiana wildlife.

Nongame Quadruped Breeder—a person who possesses a valid Nongame Quadruped – Breeder permit from LDWF

Permittee—any individual who has obtained a valid Film/Entertainment Industry permit from LDWF

Person—unless specifically provided for otherwise, the term “person”, for any person required to be licensed pursuant to this part, shall mean an individual and shall not include any

type of association, corporation, partnership, or other type of legal entity recognized by law.

Possess—in its different tenses, the act of having in possession or control, keeping, detaining, restraining, holding as owner, or as agent, bailee, or custodian for another.

Rabies Vector Species—mammalian species defined by LDWF as potential carriers of the rabies virus including, but not limited to, raccoons, foxes, coyotes, skunks, and bats.

Subpermittee—person authorized to conduct activities under the supervisory responsibility of an individual who possesses a current and valid Film/Entertainment Industry Animal permit

Supervisory Responsibility—to direct actions and accept responsibility for the actions of a named individual engaged in Film/Entertainment Industry Animal Permit activities.

Take—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

Transport—in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any Louisiana wildlife intended for use in the film/entertainment industry or to otherwise solicit or engage in providing Louisiana wildlife to the film/entertainment industry without first obtaining a Film/Entertainment Industry Animal (FEIA) permit from LDWF.

2. An FEIA permit authorizes the permittee to transport, possess, trade, barter, or transfer Louisiana wildlife for any permitted purpose relative to that animal's film/entertainment industry use, training, or physical welfare.

3. An FEIA permit does not allow a rabies vector species to be traded, bartered, or transferred, either temporarily or otherwise, to any out of state location or individual.

4. Possession of an FEIA permit does not exempt the permit holder from other local, state, or federal permit requirements, including, but not limited to, obtaining a valid United States Fish and Wildlife Service (USFWS) permit to possess or provide film/entertainment industry animals which are currently listed in the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or the Endangered Species Act.

5. No Louisiana wildlife species may be possessed by the applicant prior to a FEIA permit being granted by LDWF, unless those animals were legally and previously possessed by the applicant.

D. Permit Requirements

1. Application for a Film/Entertainment Industry Animal permit shall be made on an official application form provided by the La. Dept. of Wildlife & Fisheries. FEIA permits will be valid for the calendar year in which issued and will expire on Dec. 31 of each year.

2. An applicant for this permit must be a bona fide Louisiana resident who has a minimum of 5 years of verifiable film/entertainment industry experience, and who is at least 21 years old. Verifiable experience requires a resume detailing at least 5 years of professional,

documented animal training for film/entertainment industry activities within the previous 10 years. This verifiable resume must be submitted as part of the application.

3. Anyone who has been convicted of a Class II or greater wildlife violation in Louisiana, or the equivalent in another state within the past five (5) years, or has been convicted of a felony in Louisiana or another state, shall not be eligible for a FEIA permit.

4. All facilities where animals will be housed, maintained, or trained shall be inspected by LDWF prior to issuance of an initial FEIA permit.

5. An applicant for a FEIA permit must provide verification of access to veterinary services provided by a Louisiana licensed veterinarian by submitting a Statement of Veterinary Support Form provided by LDWF.

6. An applicant must possess a valid U.S. Department of Agriculture Animal Welfare Act Class C license and submit a copy of this license as part of the application for an FEIA permit.

7. The application must contain a proposed animal inventory list of the species and number of animals to be possessed under the permit. Once a FEIA permit has been granted by LDWF, the applicant must submit and maintain a revised, up to date animal inventory list to LDWF within 48 hours of changes (additions or deletions) to the animal inventory list, as detailed below.

8. The application must contain a written Escape Plan.

9. The application must contain a signed agreement, on a form provided by the department, indemnifying and holding harmless the state, department, and other applicable public agencies and employees, including agents, contractors, and the general public from any claims for damages resulting from the animals held or activities performed under an FEIA permit. FEIA permits will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries resulting from their animals or from any injuries that occur during educational or entertainment activities relating to the FEIA permit.

10. The application must contain a signed agreement that the permittee will be responsible for any and all costs associated with the escape, capture, and disposition of a permitted animal.

E. General Rules

1. This permit is valid only for Louisiana wildlife species.
2. Potentially dangerous quadrupeds, big exotic cats, and non-human primates, as listed in R.S. 56:6 and LAC 76.V.1.115 are specifically prohibited from being permitted under this permit.
3. Louisiana wildlife permitted under these regulations cannot be taken from the wild by the permittee, and cannot be released back into the wild. Permitted animals must have been obtained from a licensed trapper, a licensed Game Breeder, or a licensed Nongame Quadruped Breeder. The source of each permitted animal must be verifiable via a bill of sale, sales invoice, or other documentation acceptable to LDWF.

4. Rabies vector species shall be vaccinated by a licensed veterinarian with a killed rabies vaccine, and proof of such vaccination shall be retained by the permittee in the permanent records of that animal. Annual renewal of rabies vaccinations is required for any permitted rabies vector species animal.

5. Each permitted animal must have an official health certificate signed by a Louisiana licensed veterinarian. This health certificate shall reference a specific microchip identification tag that has been surgically implanted into the animal by the licensed veterinarian. Veterinary health inspections on any and all animals possessed under the Film/Entertainment Industry Animal permit must be performed at least annually.

6. Pursuant to LAC 76:V.113.D.6, no person shall transport, possess, purchase, or sell any live coyotes or foxes taken outside the state of Louisiana. Any live coyote or live fox submitted for permitting under a Film/Entertainment Industry Animal permit must have been taken from within the state of Louisiana. Proof of Louisiana origin (bill of sale or sales invoice from a licensed Louisiana trapper or Nongame Quadruped Breeder) must be kept on file by the permittee during the life of the animal, and made available for inspection when requested by an authorized LDWF representative.

7. Permittee must allow inspections of premises by Department of Wildlife and Fisheries employees for purposes of enforcing these regulations. Inspections may be unannounced and may include, but are not limited to, pens, stalls, holding facilities, records, and examination of animals as necessary to determine species identification, sex, health and/or implanted microchip number.

8. Whenever an animal is present, humane care must be provided in all FEIA facilities, film/entertainment industry locations and venues, public entertainment/educational venues, permanent and temporary housing enclosures, and during transport.

9. Animals held under an FEIA permit may be utilized in the film/entertainment industry, displayed for educational purposes, or otherwise displayed in a public entertainment/educational venue provided that the specific animal(s) being displayed is included in the most current animal inventory list submitted to LDWF by the applicant. Animals held under an FEIA permit may not be used in any type of wrestling, photography opportunity with a patron, or any activity which allows physical contact between the animal and the general public.

10. Animals held under an FEIA permit may be displayed at public entertainment or educational venues by the permittee or subpermittees outside of a secure enclosure provided that these animals are under constant control and immediate physical restraint of the permittee or subpermittee, such restraint precluding any chance of escape or physical contact, intentional or accidental, with an audience member or individual other than the permittee or a subpermittee.

11. Holding Pens and Enclosure Requirements

a. FEIA permittees should recognize and provide for any unique requirements of the species they possess. Permitted animals must be kept in a sanitary and safe condition and may not be kept or utilized in a manner that results in the maltreatment or neglect of the permitted animal.

b. FEIA permitted facilities and enclosures must provide adequate quantities of palatable food that is nutritiously sufficient to ensure normal growth and body maintenance.

c. FEIA permitted facilities and enclosures must provide adequate water which is fresh, uncontaminated, and available at all times. Drinking water must be provided in clean containers on a daily basis, unless the unique requirements of the permitted animal requires additional drinking water be made available. Enclosures must have adequate surface water drainage, and hard floor surfaces must be scrubbed and disinfected as needed.

d. Fecal and food waste must be removed from enclosures daily and disposed of in a manner that prevents noxious odors and insect infestations.

e. FEIA permitted enclosures must provide adequate space for movement, postural adjustments, and resting places. The pen dimensions and specifications described herein are minimum requirements for permanent enclosure and exhibit facilities. These are minimum standards, and the optimum conditions for most animals would include dimensions several times greater than those cited.

i. Waterfowl (ducks, geese, swans and coots endemic to or migratory through Louisiana)

a. Ducks and Coots—100 square feet with 25 percent in water area for up to four birds; increase pen size by 25 square feet for each additional bird with one-fourth of this increase being in water area.

b. Geese—150 square feet per goose.

ii. Doves (order Columbiformes endemic to Louisiana except rock dove, i.e., domestic pigeon)

a. Single Bird—3 feet by 2 feet by 5 feet high.

- b. Community Group—large enough to fly or at least 8 feet in diameter.
- iii. Game Birds (ringneck pheasant, chukar, and bobwhite quail endemic to Louisiana) —20 square feet per bird.
- iv. Hawks, Falcons—Refer to federal raptor facilities specifications and LDWF falconry regulations
- v. Squirrels (gray, fox, and flying squirrels endemic to Louisiana)
 - a. Single Animal—3 feet by 3 feet by 4 feet high.
 - b. Additional Squirrels—add 6 inches per animal to total cage length per additional animal; enclosures must contain tree trunks, limbs, and vines for climbing and a nest or den box for sleeping.
- vi. Rabbits (cottontail and swamp rabbits endemic to Louisiana)
 - a. Single Animal—6 feet by 3 feet by 3 feet high with gnawing logs and a sleeping den or nest box.
 - b. Additional rabbits—add 1 foot per animal to total cage length.
- vii. Muskrat, Opossum, Mink—3 feet by 3 feet by 2 feet high with a den box for sleeping
- viii. Nutria, Raccoon, Skunk—4 feet by 4 feet by 2 feet high with a den box for sleeping (raccoon and skunk), a dirt mound for burrow digging (nutria), aquatic habitat for nutria and/or tree branches, trunks, limbs, and vines for climbing (raccoon)
- ix. Foxes, Bobcats, Beavers, Otters—10 feet by 10 feet x 3 feet high

with a den box for sleeping (fox and bobcat), scratching post and elevated perch (bobcat), and appropriate aquatic (swimming) habitat for beavers and otters

x. Coyotes—12 feet by 12 feet by 3 feet with a den box for sleeping

xi. Lizards—minimum cage size shall be based relative to the length of the body and tail, and shall be at least 1.5 times that length on the longest side, 1 times on its shortest side, and 1.2 times in height.

xii. Snakes—minimum cage size shall be based relative to the length of the body and tail, and shall be $\frac{3}{4}$ that length on its longest side, $\frac{1}{3}$ that length on its shortest side and in height.

xiii. Turtles and tortoises—minimum cage or aquarium size shall be based on straight-line shell length, and shall be 5 times that length on its longest side, 3 times on its shortest side, and 2 times in height. Aquaria must contain a basking platform.

F. Reporting and Renewal Requirements

1. An Annual Report of activities completed under this permit shall be required when submitting a request for permit renewal. This Annual Report shall be completed on official forms provided for this purpose by LDWF.

2. Application for renewal of an FEIA permit must be submitted to LDWF no later than 45 days prior to expiration of the permit and FEIA permits will not be renewed until all renewal requirements are received.

3. Application for renewal must contain copies of USDA Animal Welfare Act Inspections performed during the previous year. Proof of current USDA Class C license must also accompany renewal application.

4. Certificate of Veterinary Inspection or other proof of veterinary health examinations for any and all animals kept under this permit must be submitted with renewal application.

5. Escape Plan Log Sheet covering the previous year's activities must accompany renewal application

6. A report detailing injuries to permittee or subpermittees involving an animal kept under this permit, or an injury to any animal kept under this permit during the previous year must accompany renewal application. Reportable injuries include those occurring during housing at primary facility, transport, at temporary housing facilities, and during film/entertainment industry activities. Report must contain narrative describing circumstances surrounding the injury, identification of remedial measures, conclusive identification of animal(s) involved, and disposition of said animals. For the permittee or subpermittees, a reportable injury includes a bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention. For an animal kept under this permit, a reportable injury is one that causes unjustifiable physical pain, suffering, or death to any living animal, including, but not limited to, any wound, bite, broken bone, damage to organ or tissue, or environment-related stress that requires first aid, veterinary attention, euthanasia, or removal from availability for use in film/entertainment industry activities.

7. At least 24 hours prior to transporting any permitted animal to a film/entertainment industry venue, public entertainment/educational venue or job location, the FEIA permittee shall notify LDWF with details of the job or appearance. These details shall include date, location, type of job, duration of job, travel times, specific animals involved, the permittee or subpermittee involved, and any overnight housing/caging facilities to be used. Contact information for the agent or contractor should also be included.

8. Written notification of any animal escape must be submitted to LDWF within 48 hours of detection of the escape event. A copy of the escape log sheet shall be considered proper and sufficient notification. This notification must include date, time, location, the species of animal that escaped, a description of actions taken to recover the escaped animal, and the outcome of the event. Repeated escapes (more than 3 per year) may result in suspension of the permit until remedial solutions are added to the Escape Plan. Failure to notify LDWF within the 48 hour time frame of any animal escape may result in immediate and/or permanent loss of this permit.

9. Once an FEIA permit has been granted by LDWF, the permittee shall submit and maintain an up to date accurate written inventory list of animals in possession. This inventory list shall include species, sex, and microchip number of specific animals that are actually in possession of the permittee. Individual animals must be identifiable through microchip implantation. Permittee shall maintain records of microchip numbers and make such records available to LDWF upon demand. LDWF must be notified in writing within 48 hours of any changes (either additions or deletions) to this animal inventory list. Deletions must be justified and contain the disposition of the animal. Additions must contain a bill of sale documenting the

source of the animal. Alterations to the list of species being kept by a permittee are subject to approval at the discretion of LDWF, and may require re-inspection of facilities. Failure to maintain an accurate, up to date animal inventory list and submit this list to LDWF in a timely basis may subject the permittee to loss or suspension of this permit.

10. Any injury (bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention), accidentally or otherwise incurred by an audience member or any individual of the general public, that is caused by an animal possessed by an FEIA permit holder shall be immediately reported in writing to LDWF within 48 hours of the occurrence. Such injuries may subject the permittee to loss of the FEIA permit.

11. Any injury (bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention), accidentally or otherwise incurred by an audience member or any individual of the general public, that is caused by an unpermitted animal or an animal that was not specifically listed in the permittee's most recent animal inventory list, may result in immediate and permanent loss of this permit.

12. Any unreported injury (bite, scratch, or claw wounding, no matter how minor, or any other type of injury requiring first aid or more serious medical intervention), accidentally or otherwise incurred by an audience member or any individual of the general public, that is caused by a permitted or unpermitted animal may result in immediate and permanent loss of this permit and possible criminal prosecution.

G. Penalties for Violation

Unless another penalty is provided by law, violation of these regulations will be a Class Two violation as defined in Title 56 of the Louisiana Revised Statutes. In addition, upon conviction for violation of these regulations, the FEIA permit associated with the facility or permittee may be revoked, and all animals housed within the facility may be seized by LDWF and forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:105(A)

Family Impact Statement

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

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.

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).

Public Comments

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., Friday, May 23, 2014 to Camille Warbington, Wildlife Permits Coordinator, P.O. Box 98000, Baton Rouge, LA 70898, or via email to cwarbington@wlf.la.gov.