

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

April 7, 2011

**STEPHEN W. SAGRERA
CHAIRMAN**

BATON ROUGE, LOUISIANA

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

Tapes of the meetings are kept at the
Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

For more information, call (225) 765-2806.

**AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
APRIL 7, 2011**

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, April 7, 2011

Chairman Stephen Sagrera presiding.

Billy Broussard
Ronny Graham
Patrick Morrow
Stephen Oats
Mike Voisin

Secretary Robert Barham was also present.

Commissioner Ann Taylor was absent from the meeting.

Chairman Sagrera called for a motion for approval of the **March 3, 2011 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Voisin. The motion passed with no opposition.

There were no **Commission Special Announcements/Personal Privilege** for this month.

To receive and hear Enforcement & Aviation Reports/March began with Lt. Col. Joey Broussard stating the Department's planes flew a total of 69.2 hours for the month. In March, there were 15 boating accidents reported with 12 injuries and 4 fatalities. The fatalities occurred in Franklin, Lafourche and 2 in St. Bernard Parishes. A total of 1,536 citations and 653 written warnings were issued during March and agents responded to 78 public assists. Then Major Broussard talked about several News Releases. These included agents sent to rescue about 100 people from trailer parks in Tangipahoa Parish due to severe weather; 8 individuals cited for taking oysters in closed areas on Calcasieu Lake; and taking gamefish illegally from hoop nets. Commissioner Voisin asked if there was significant enforcement efforts in the area where the oyster violations occurred. Lt. Col. Broussard stated there were the local agents (2 or 3 per parish) plus the Strike Force of about 12 that works the entire coast.

Mr. David Lavergne handled the next agenda item, **To consider Notice of Intent on Fish and Wildlife Values**. This action would amend the changes to fish and wildlife values used to determine civil restitution penalties. These values reflect the loss to the state that result from illegal taking of fish and wildlife resources and are separate from criminal penalties.

The proposed rule will establish conversion factors used to convert the weight of commercial fish and shellfish species not in whole form weight to whole form weight. The action also updates the Threatened and Endangered Species list for Louisiana. Key changes on the Endangered list was the removal of the brown pelican and bald eagle and the addition of the red fox. These changes were developed by a committee of biologists, economists and enforcement staff. Mr. Lavergne then asked the Commission for their approval on the Notice of Intent. Commissioner Morrow noted that the penalty for quality deer was going from \$524 to \$2,033 and felt this increase needed to be published to deter poaching. Commissioner Voisin asked where do the civil fines go once collected and Mr. Lavergne stated they go into the Department's Conservation Trust Fund. Currently about \$75,000 per year is collected and with the changes, the Department was hoping to collect an additional \$50,000. Commissioner Voisin asked how does it become a civil fine. Lt. Col. Jeff Mayne stated the penalties are adjudicated in the courts as a condition of probation. The Department sends a notice for civil restitution and if the fine is paid prior to court, then the individual would not be subject to that as part of the penalty. Commissioner Voisin then asked if this occurs on every citation and Lt. Col. Mayne explained it would not be charged on items that agents seize and the Department receives revenue from the sell of those items. Commissioner Morrow asked why was the fine on the black bear reduced from \$10,000 to \$4,300. Mr. Lavergne noted it was to get them in line with other species on the federal list. Also, if a bear was relocated from another state, this would be the cost to the state to make that move. Commissioner Oats asked if there are any pending cases on the \$10,000 civil restitution for a black bear and he was told no. Then Commissioner Oats made a motion to approve the Notice of Intent with the black bear civil restitution staying at \$10,000. Commissioner Morrow seconded the motion. Commissioner Voisin asked if these values played in the Natural Resources Damage Assessment (NRDA) process and Secretary Barham felt the values set were used in the NRDA process. Hearing no further questions or public comment, the motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the civil fish and wildlife values, guidelines for determining fish and wildlife values and the list of Threatened and Endangered species. It also establishes conversion factors to be used to convert the weight of fish and shellfish species not in whole form to whole form weight for the purpose of assigning civil restitution penalty values for commercial fish and shellfish species. Authority to establish such rules and regulations is vested in the Wildlife and Fisheries Commission by R.S. 56:40.1-40.9 and R.S. 56:1904.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter D. Wildlife Values

§313. Guidelines for Determining Fish and Wildlife Values

A. The following are the guidelines utilized by the Department of Wildlife and Fisheries in determining fish and wildlife values:

~~A.1. With respect to fish and shellfish species, published the American Fisheries Society publishes hatchery values reflecting estimated costs involved in rearing various fishes to particular size classes are available for many groups of freshwater and saltwater fishes. and are contained in the American Fisheries Society's publication entitled "Monetary Values of Freshwater Fish and Fish-kill Counting Guidelines."~~ These figures, adjusted by the most recent Consumer Price Index; current data relating to expenditures of both sport and commercial fishermen relating to the animal or species which, directly or indirectly, result in revenues being generated for the state; ex-vessel commercial prices, as reported by the ~~presented in the annual National Marine Fisheries Service and Survey of Louisiana Landings~~ the Department of Wildlife and Fisheries Trip Ticket Program; estimated costs involved in the capture, purchase, transportation and release of species of fish; the current commercial retail selling price of living replacement animals; and, the current commercial selling price of meat and/or other products which are derived from the animal and traded in commerce, shall be considered by the department in formulating its recommendations concerning valuation.

~~B.2. With respect to avian species, existing information and estimated costs involved in the capture, purchase, transportation and release of species of birds; cost to purchase replacement animals from other states or jurisdictions; the costs to zoos and other zoological institutions to raise and maintain like animals; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and, the expenditures of sportsmen and others relating~~

to the animal or species which, directly or indirectly, result in revenue being generated for the state, shall be considered by the department in formulating its recommendations concerning valuation.

~~C~~-3. With respect to mammal species, estimated costs involved in the capture, purchase, transportation, and release of species of mammals; pelt values; costs to zoos and other zoological institutions to raise and maintain like animals; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and the expenditures of sportsmen and others relating to the animal of species which, directly or indirectly, result in revenue being generated for the state, shall be considered by the department in formulating its recommendations concerning valuation.

~~D~~-4. With respect to reptiles and amphibian species, the estimated costs involved in the capture, purchase, transportation and release of species of reptiles and amphibians; pelt or hide values, costs to zoos and other zoological institutions to raise and maintain the animal; the current commercial retail selling price of meat and/or other products which are derived from the animal and traded in commerce; and the expenditures of hunters, trappers, and recreational sportsmen with respect to the animal or species which, directly or indirectly, result in revenues being generated for the state shall be considered by the department in formulating its recommendations concerning valuation.

~~E~~-5. Certain species are highly prized because of their rarity or may have a high intangible perceived value placed on the animal or species by the public. Other species have an intrinsically high value because they are threatened or endangered. In addition to the guidelines set forth above, the department shall, with respect to these rare and/or threatened and/or endangered species which might have limited commercial value but which possess a high intangible, intrinsic, aesthetic, ecological, or biological value, consider those factors when determining its recommendations with respect to valuation.

~~F~~-6. Not all the criteria set forth in the guidelines above will be applicable to each particular series and each criterion or factor shall be considered by the department only insofar as it is applicable to each particular species.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:40.1-40.9.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 15:200 (March 1989), amended LR 37: .

§315. Fish and Wildlife Values

A. All fish and wildlife species found within, or taken from the state have value, regardless of whether a specific value is provided herein. If a specific value is not provided for in this section, that species is not deemed to be without value and its value may be determined.

B. Fish and Wildlife Values

1. Game Mammals and Game Birds

Deer, <u>Quality</u> ¹	\$524.54 <u>\$2,033.29</u>
Deer, <u>Non-Quality</u>	\$1,624.61
Squirrels	\$ 9.75 <u>\$20.32</u>
Rabbits	\$ 16.40 <u>\$31.71</u>
Turkeys	\$802.50 <u>\$1,539.37</u>
Ducks	\$ 11.70 <u>\$26.61</u>
Geese	\$ 42.01 <u>\$51.58</u>
Coots	\$ 12.53 <u>\$14.63</u>
<u>Gallinules and Rails</u>	\$ 4.43 <u>\$22.02</u>
Rails	\$ 28.61
Snipe	\$ 22.42 <u>\$19.94</u>
Quail	\$ 17.37 <u>\$43.01</u>
Woodcock	\$ 29.98 <u>\$59.81</u>
Doves	\$ 9.78 <u>\$14.27</u>

¹ Quality deer defined as buck with at least eight total points, minimum spread of 13.5 inches and minimum beam length of 16.5 inches using the Boone and Crockett Scoring system defined in Measuring and Scoring North American Big Game Trophies; Third Edition, by Nesbitt, William H. and Wright, Philip L., updated by Buckner, Eldon L., Byers, C. Randall, and Reneau, Jack, 2009.

2. Non-Game Animals

Raptors (Birds)	\$ 55.25 <u>\$87.03</u>
Other Birds	\$ 11.05 <u>\$17.41</u>
Frogs	\$ 9.77 <u>\$6.12/lb.</u>
Turtles	\$ 5.91 <u>\$3.87/lb.</u>
<u>Snakes, Other</u>	<u>\$9.00</u>
<u>Pine Snakes</u>	<u>\$150.00</u>
<u>Salamanders</u>	<u>\$5.00</u>
Alligator (Skin)	\$ 35.00/ft.
Alligator (Meat)	\$ 2.21/lb.
Alligator (Eggs)	\$ 3.50 <u>\$13.00/egg</u>
<u>Alligator, Other Than Albino (Whole, Skin, or Meat²)</u>	<u>\$375.80</u>
Nutria	\$ 2.76
Mink	\$ 13.81 <u>\$6.87</u>
Fox	\$ 16.57 <u>\$18.15</u>
Muskrat	\$ 2.21 <u>\$2.95</u>
Raccoon	\$ 5.25 <u>\$27.75</u>
<u>Otter</u>	<u>\$23.77</u>
Bobcat	\$ 49.72 <u>\$27.04</u>
Marine Mammals	\$2,210.00 <u>\$3,481.19</u>
<u>Other Mammals, Excluding Outlawed Quadrupeds</u>	\$ 11.05 <u>\$17.41</u>

² For Alligator meat, 23 pounds of deboned meat and 35 pounds of bone in carcass meat shall equate to one Alligator. Civil restitution penalty amounts for illegal possession of Alligator meat, absent the presence of other parts of the animal(s), shall be based on the weight of the meat, with the weight rounded up to the next number of whole Alligators.

3. Federally Listed Threatened and Endangered Species³

Reptiles (Adult or Young)	\$2,762.50 <u>\$4,351.49/animal</u>
Reptiles (Eggs)	\$2,762.50 <u>\$4,351.49/violation</u>
Birds (Adult or Young)	\$2,762.50 <u>\$4,351.49/animal</u>
Birds (Eggs)	\$2,762.50 <u>\$4,351.49/violation</u>
Mammals	\$2,762.50 <u>\$4,351.49/animal</u>
Invertebrates	\$2,762.50 <u>\$4,351.49/violation</u>
Fish	\$2,762.50 <u>\$4,351.49/animal</u>
<u>Amphibians</u>	<u>\$4,351.49/animal</u>

³ See LAC 76:I.317 for a list of Threatened or Endangered Species.

4. Species of Special Concern

Fish	
<u>Prohibited fish species as found in LAC 76:VII.145, LAC 76:VII.337.A, and LAC 76:VII.357.B.4 excluding species listed in LAC 76:I.317.</u>	<u>\$2,175.75/animal</u>
–Paddlefish	\$2,762.50/animal
–Sturgeon	\$2,762.50/animal

Jewfish	\$2,762.50/animal
<u>Birds</u>	
<u>Bald Eagle</u>	<u>\$4,351.49/animal</u>
<u>Brown Pelican</u>	<u>\$4,351.49/animal</u>
<u>Peregrine Falcon</u>	<u>\$4,351.49/animal</u>
<u>Mammals</u>	
<u>Black Bear</u>	<u>\$10,000.00/animal</u>
<u>Cougars (Felis concolor cougar)</u>	<u>\$4,351.49/animal</u>
<u>Reptiles</u>	
<u>Albino Alligator</u>	<u>\$4,351.49/animal</u>

5. All Fish Not Listed Elsewhere in This Rule

Marine Fish	\$1.14/lb.
Freshwater Fish	<u>\$0.62/lb.</u>

	MARINE	FRESHWATER
Length-Inches	Value	Value
1	\$0.35	\$0.19
2	\$0.64	\$0.24
3	\$0.98	\$0.32
4	\$1.33	\$0.48
5	\$1.62	\$0.63
6	\$1.90	\$0.78
7	\$2.24	\$0.91
8	\$2.65	\$1.11

9	\$3.01	\$1.56
10	\$3.32	\$1.88
11	\$4.09	\$2.20
12	\$5.18	\$2.83
13	\$6.32	\$3.47
Over 13	\$6.32/lb.	\$3.47/lb.

6. Recreational and Commercial Fishes

<u>Species Group</u>	<u>Value per Individual Fish</u>
<u>Drum, Red</u>	<u>\$26.47</u>
<u>Spotted Seatrout</u>	<u>\$28.97</u>
<u>Snapper, Red</u>	<u>\$28.69</u>
<u>White Trout^{*4}</u>	<u>\$3.89</u>
<u>Flounder</u>	<u>\$16.08</u>
<u>Croaker</u>	<u>\$4.61</u>
<u>Bass, Largemouth</u>	<u>\$13.43</u>
<u>Bluegill</u>	<u>\$0.91</u>
<u>Crappies</u>	<u>\$5.37</u>
<u>Paddlefish⁵</u>	<u>\$341.72</u>

*4 Sand Seatrout and Silver Seatrout

⁵ For Paddlefish roe, 4.75 pounds of roe shall equate to one Paddlefish. Civil restitution penalty amounts for illegal possession of Paddlefish roe, absent the presence of other parts of the animal(s), shall be based on the weight of the roe, with the weight rounded up to the next number of whole Paddlefish.

Length	Red-Drum	Spotted-	Red-	White-	Flounder
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		Seatrout	Snapper	Trout*	
1	\$0.42	\$0.42	\$0.42	\$0.42	\$0.42
2	\$0.74	\$0.74	\$0.74	\$0.74	\$0.74
3	\$1.13	\$1.13	\$1.13	\$1.13	\$1.13
4	\$1.54	\$1.54	\$1.54	\$1.54	\$1.54
5	\$1.88	\$1.88	\$1.88	\$1.88	\$1.88
6	\$2.20	\$2.20	\$2.20	\$2.20	\$2.20
7	\$3.53	\$2.93	\$2.88	\$2.25	\$3.20
8	\$4.85	\$3.66	\$3.56	\$2.31	\$4.20
9	\$6.18	\$4.38	\$4.23	\$2.36	\$5.21
10	\$7.51	\$5.11	\$4.91	\$2.41	\$6.21
11	\$8.83	\$5.84	\$5.59	\$2.47	\$7.21
12	\$10.16	\$6.57	\$6.27	\$2.52	\$8.21
13	\$11.48	\$7.30	\$6.94	\$2.57	\$9.21
14	\$12.81	\$9.28	\$7.62	\$3.23	\$10.21
15	\$14.14	\$11.80	\$9.12	\$4.05	\$11.05
16	\$15.46	\$14.99	\$10.89	\$5.07	\$11.91
17	\$19.32	\$19.03	\$12.96	\$6.34	\$12.80
18	\$24.13	\$24.14	\$15.38	\$7.92	\$13.71
19	\$30.14	\$30.63	\$18.22	\$9.89	\$14.66
20	\$37.65	\$38.86	\$21.54	\$12.33	\$15.64
21	\$47.04	\$49.30	\$25.43	\$15.37	\$16.66
22	\$58.76	\$62.54	\$29.98	\$19.17	\$17.71
23	\$73.40	\$65.59	\$35.30	\$23.89	\$18.80

24	\$91.70	\$68.68	\$41.52	\$25.11	\$19.94
25	\$114.55	\$71.80	\$48.80	\$26.35	\$21.12
26	\$143.09	\$74.95	\$57.33	\$27.61	\$22.34
27	\$148.60	\$78.13	\$67.33	\$28.90	\$23.62
28	\$154.10	\$81.35	\$70.78	\$30.21	\$24.94
29	\$159.61	\$84.61	\$74.35	\$31.56	
30	\$165.11	\$87.91	\$78.02	\$32.93	
31	\$170.61	\$91.25	\$81.80	\$34.33	
32	\$176.12	\$94.63	\$85.70		
33	\$181.62		\$89.72		
34	\$187.12		\$93.87		
35	\$192.63		\$98.14		
36	\$198.13		\$102.55		
37	\$203.63		\$107.09		
38	\$209.14		\$111.78		
39	\$214.64		\$116.60		

40	\$220.15		\$121.57		
41	\$225.65		\$126.70		
42	\$231.15		\$131.98		
43	\$236.66				
44	\$242.16				

45	\$247.66				
46	\$253.17				
47	\$258.67				
48	\$264.18				
49	\$269.68				
50	\$275.18				
51	\$280.69				
52	\$286.19				

Recreational and Commercial Fishes (Continued)

Length	Croaker	King-Mackerel	Largemouth-Bass	Bluegill	Crappie
1	\$0.42	\$0.42	\$0.35	\$0.27	\$0.35
2	\$0.74	\$0.74	\$0.80	\$0.56	\$0.58
3	\$1.13	\$1.13	\$1.04	\$0.64	\$0.58
4	\$1.54	\$1.54	\$1.17	\$0.81	\$0.80
5	\$1.88	\$1.88	\$1.54	\$0.94	\$0.84
6	\$2.20	\$2.20	\$1.78	\$1.37	\$1.37
7	\$2.44	\$9.99	\$2.89	\$4.44	\$1.94
8	\$2.69	\$17.78	\$3.99	\$10.66	\$2.51
9	\$2.93	\$25.56	\$5.09	\$25.63	\$3.08
10	\$3.17	\$33.35	\$6.20	\$28.48	\$3.65
11	\$3.52	\$41.14	\$7.30	\$31.33	\$4.95
12	\$3.87	\$48.93	\$8.40	\$34.18	\$6.70

13	\$4.22	\$56.72	\$9.51	\$37.03	\$9.07
14	\$4.59	\$64.50	\$10.61	\$39.87	\$12.27
15	\$4.97	\$72.29	\$14.36	\$42.72	\$16.62
16	\$5.35	\$80.08	\$19.44	\$45.57	\$22.50
17	\$5.75	\$87.87	\$26.32	\$48.42	\$30.46
18	\$6.16	\$95.65	\$35.64	\$51.27	\$32.25
19	\$6.58	\$103.44	\$48.25		\$34.04
20	\$7.02	\$111.23	\$65.32		\$35.83
21	\$7.47	\$119.02	\$88.43		\$37.63
22	\$7.94	\$126.80	\$92.64		\$39.42
23	\$8.42	\$134.59	\$96.86		\$41.21
24	\$8.92	\$142.38	\$101.07		\$43.00
25	\$9.43	\$150.17	\$105.28		
26	\$9.97	\$157.96	\$109.49		
27	\$10.52	\$165.74	\$113.70		
28		\$173.53	\$117.91		
29		\$181.32	\$122.12		
30		\$189.11	\$126.33		
31		\$196.89	\$130.54		
32		\$204.68	\$134.76		
33		\$212.47	\$138.97		
34		\$220.26	\$143.18		
35		\$228.05	\$147.39		
36		\$235.83	\$151.60		

37		\$243.62			
38		\$251.41			
39		\$259.20			
40		\$266.98			
41		\$274.77			
42		\$282.56			
43		\$290.35			
44		\$297.68			
45		\$305.04			
46		\$312.45			
47		\$319.90			
48		\$327.40			
49		\$334.93			
50		\$342.51			
51		\$350.13			
52		\$357.80			
53		\$365.52			
54		\$373.28			
55		\$381.10			
56		\$388.96			
57		\$396.87			
58		\$404.83			

59		\$412.85			
60		\$420.91			
61		\$429.03			
62		\$437.21			
63		\$445.44			
64		\$453.73			
65		\$462.07			
66		\$470.47			

7. Commercial Fish Species

Species Group	Value/Lb ⁶
Amberjacks	\$0.81 <u>\$2.35</u>
<u>Other Jacks</u>	<u>\$1.34</u>
Barracuda	\$0.31 <u>\$1.54</u>
Bluefish	\$0.30
Bluerunner	\$0.33
Bonito, Atlantic	\$0.39 <u>\$0.69</u>
Bowfin ⁷	\$0.13 <u>\$2.01</u>
Buffalo	\$0.22 <u>\$0.58</u>
Butterfish	\$0.28 <u>\$0.40</u>
Carp	\$0.09 <u>\$0.25</u>
<u>Catfish, Channel</u>	<u>\$1.16</u>
Catfish, Sea	\$0.26 <u>\$0.61</u>
Catfishes Catfish, Freshwater	\$0.60 <u>\$0.97</u>

Cobia	\$1.11 <u>\$4.29</u>
Crab, Blue	\$0.36 <u>\$1.53</u>
Crab, Stone	\$2.27 <u>\$5.74</u>
Crawfish, <u>Wild</u>	\$0.52 <u>\$1.38</u>
Crevalle Jack	\$0.41
Dolphin (Fish)	\$0.69 <u>\$1.83</u>
Driftfish	\$0.45 <u>\$2.75</u>
Drum, Black	\$0.40 <u>\$1.54</u>
Drum, Freshwater	\$0.19 <u>\$0.32</u>
<u>Eel, Freshwater</u>	<u>\$2.09</u>
Eel, American	\$0.65
Eel, Conger	\$0.64
Gag	\$1.91
Gar	\$0.62 <u>\$1.74</u>
<u>Grouper, Gag</u>	\$1.49 <u>\$5.32</u>
Grouper, Black	\$1.49
Grouper, Misty	\$1.53
Grouper, Nassau	\$1.48
Grouper, Other	\$1.51
Grouper, Snowy	\$1.58
Grouper, Warsaw	\$1.27
Grouper, Yellowedge	\$1.61 <u>\$6.38</u>
Grouper, Yellowfin	\$1.62
<u>Grouper, Other, Hinds and Grunts</u>	\$1.61 <u>\$4.38</u>

Grunts	\$0.40
Hind, Red	\$1.41
Hind, Rock	\$1.31
Hind, Speckled	\$1.42
Kingfish <u>and Whiting</u>	\$0.35 <u>\$0.85</u>
Mackerel, King	<u>\$2.97</u>
Mackerel, Spanish	\$0.30 <u>\$1.42</u>
Menhaden	\$0.03 <u>\$0.11</u>
Mullet ⁸	\$0.74 \$1.00
Oilfish <u>and Escolar</u>	<u>\$0.75</u> <u>\$1.47</u>
Oyster (<u>in-shell weight</u>)	\$3.60 \$0.45
Pompano	\$3.44 <u>\$6.35</u>
Porgy	\$0.68 <u>\$1.94</u>
Rays	\$0.44
Sawfish	\$0.21
Scamp	\$1.72
Sculpin	\$0.80
Shad	\$0.09 <u>\$0.40</u>
Shark, Blacktip	\$0.40
Shark, Longfin Mako	\$0.68
Shark, Other	\$0.70
Shark, Sand Tiger	\$0.13
Shark, Shortfin Mako	\$0.72 <u>\$1.52</u>

<u>Sharks, Other and Rays</u>	\$0.72 <u>\$0.62</u>
Shark, Thresher	\$0.32
Sheepshead	\$0.22 <u>\$0.62</u>
Shrimp	\$1.30 <u>\$2.57</u>
Snapper, Black	\$0.94
Snapper, Blackfin	\$1.01
Snapper, Gray	\$1.44
Snapper, Lane	\$1.55
Snapper, Mahogany	\$1.20
Snapper, Other	\$1.26 <u>\$3.97</u>
Snapper, Queen	\$1.03
Snapper, Silk	\$1.28
Snapper, Vermillion	\$1.55

Snapper, Yellowtail	\$1.48
Spadefish	\$0.34
Spot	\$0.30
Squid	\$0.30 <u>\$0.72</u>
Swordfish	\$2.72 <u>\$3.82</u>
<u>Tilefishes</u>	\$1.33 <u>\$3.06</u>
Triggerfish	\$0.50 <u>\$2.13</u>
Tripletail	\$0.57 <u>\$1.85</u>
Tuna, Albacore	\$0.49 <u>\$1.31</u>
Tuna, Bigeye	\$2.87 <u>\$5.76</u>
Tuna, Blackfin	\$0.36 <u>\$0.64</u>

Tuna, Bluefin	\$7.61 <u>\$8.80</u>
Tuna, Other	\$1.75 <u>\$0.78</u>
Tuna, Skipjack	\$0.76
Tuna, Yellowfin	\$2.26 <u>\$6.84</u>
Wahoo	\$0.82 <u>\$1.78</u>

⁶ All values listed are for whole form weight. When fish are not in whole form, the conversion factors set out in Section 316, following, shall be applied to convert their product form weight to whole form weight. If product form weight to whole form weight conversion factor is not available for a particular species and is thus not listed in Section 316, any data that is collected in a scientific method to allow estimation of the conversion factor from product form weight to whole form weight for that species shall be allowed to be used to determine civil restitution value for product form.

⁷ For bowfin roe, weight of the roe should be multiplied by 1/.12 to convert the roe to whole bowfin weight.

⁸ For mullet roe, weight of the roe should be multiplied by 1/.18 to convert the roe to whole mullet weight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:40.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:39 (January 1990), amended LR 18:290 (March 1992), LR 37: .

§316. Fish and Shellfish Product Form Conversions

A. With respect to fish and shellfish species, the Department of Wildlife and Fisheries Trip Ticket Program uses conversion factors to convert the weight of different product forms of species to their whole form weight. Those conversion factors, as enumerated below, shall be used to convert the weight of fish and shellfish species not in whole form to whole form weight for the purpose of assigning civil restitution penalty values for commercial fish and shellfish species.

B. Fish and shellfish product form conversion factors.

<u>Fish and Shellfish Product Form Conversion Factors</u>			
<u>Fish and Shellfish</u>	<u>Gutted</u>	<u>Gutted and Headed, or</u>	<u>Meat (Fillet, Pieces, or</u>

		<u>Steaked, or Cleaned, or Tubed</u>	<u>Chunks)</u>
<u>Amberjack, Greater</u>	<u>1.04</u>	<u>1.24</u>	<u>3.14</u>
<u>Amberjack, Lesser</u>	<u>1.04</u>	<u>1.24</u>	<u>3.14</u>
<u>Angelfish</u>	<u>1.11</u>	<u>1.33</u>	<u>2.86</u>
<u>Barracuda</u>	<u>1.11</u>	<u>1.33</u>	<u>2.86</u>
<u>Bigeye, Other</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Bigeye, Short</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Bluefish</u>	<u>1.09</u>	<u>1.43</u>	.
<u>Bonito, Atlantic</u>	<u>1.15</u>	<u>1.52</u>	<u>3.03</u>
<u>Bowfin</u>	<u>1.14</u>	<u>1.45</u>	<u>2.33</u>
<u>Brotula, Bearded</u>	<u>1.12</u>	<u>1.39</u>	<u>3.70</u>
<u>Buffalofish</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Bulleye</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Bullheads</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>
<u>Carp, Bighead</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Carp, Common</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Carp, Grass</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Carp, Silver</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Catfish, Blue</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>
<u>Catfish, Channel</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>
<u>Catfish, Flathead</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>
<u>Catfish, Gafftopsail</u>	<u>1.12</u>	<u>1.39</u>	<u>3.70</u>
<u>Catfish, Hardhead</u>	<u>1.12</u>	<u>1.39</u>	<u>3.70</u>
<u>Chubs</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Cobia</u>	<u>1.04</u>	<u>1.24</u>	.

<u>Crab, Blue</u>	<u>.</u>	<u>1.25</u>	<u>6.00</u>
<u>Crawfish</u>	<u>.</u>	<u>.</u>	<u>6.67</u>
<u>Creole Fish</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Dogfish, Other</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Dogfish, Spiny</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Dolphin</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Driftfish, Black</u>	<u>1.11</u>	<u>1.54</u>	<u>2.86</u>
<u>Drum, Black</u>	<u>1.14</u>	<u>1.64</u>	<u>2.86</u>
<u>Eel, Freshwater</u>	<u>1.01</u>	<u>1.04</u>	<u>.</u>
<u>Eel, Conger</u>	<u>1.11</u>	<u>1.25</u>	<u>2.22</u>
<u>Eel, Moray</u>	<u>1.11</u>	<u>1.25</u>	<u>2.22</u>
<u>Escolar</u>	<u>1.15</u>	<u>1.52</u>	<u>2.86</u>
<u>Gar, Alligator</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Gar, Longnose</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Gar, Shortnose</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Gar, Spotted</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Garfish, Other</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Gaspergou</u>	<u>1.17</u>	<u>1.79</u>	<u>2.56</u>
<u>Graysby</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Black</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Gag</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Marbled</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Misty</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Nassau</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Red</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Snowy</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>

<u>Grouper, Warsaw</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Yellowedge</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Yellowfin</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grouper, Yellowmouth</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Grunts</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Hake</u>	<u>1.12</u>	<u>1.39</u>	<u>3.70</u>
<u>Hind, Red</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Hind, Rock</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Hind, Speckled</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Jack, Almaco</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Jack, Bar</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Jack, Black</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Jack, Cravelle</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Jack, Horse-Eye</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Mackerel, King</u>	<u>1.04</u>	<u>1.33</u>	<u>2.86</u>
<u>Mackerel, Spanish</u>	<u>1.15</u>	<u>1.52</u>	<u>3.03</u>
<u>Mooneye</u>	<u>1.04</u>	∓	∓
<u>Moonfish</u>	<u>1.04</u>	∓	∓
<u>Mullet, Striped</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>
<u>Oilfish</u>	<u>1.11</u>	<u>1.54</u>	<u>2.86</u>
<u>Opah</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Other Freshwater Finfish Species</u>	<u>1.14</u>	<u>1.33</u>	<u>3.03</u>
<u>Other Saltwater Finfish Species</u>	<u>1.14</u>	<u>1.33</u>	<u>3.03</u>
<u>Oyster</u>	∓	∓	<u>16.23</u>
<u>Parrotfish</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Pinfish</u>	<u>1.11</u>	<u>1.54</u>	∓

<u>Pomfrets</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Pompano, African</u>	<u>1.04</u>	<u>1.20</u>	<u>2.63</u>
<u>Pompano, Florida</u>	<u>1.04</u>	<u>1.20</u>	<u>2.63</u>
<u>Porgy, Jolthead</u>	<u>1.04</u>	<u>1.24</u>	.
<u>Porgy, Knobbed</u>	<u>1.04</u>	<u>1.24</u>	.
<u>Porgy, Red</u>	<u>1.04</u>	<u>1.24</u>	.
<u>Porgy, Whitebone</u>	<u>1.04</u>	<u>1.24</u>	.
<u>Rainbow Runner</u>	<u>1.04</u>	<u>1.24</u>	<u>3.14</u>
<u>Rover, Crimson</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Rudderfish</u>	<u>1.12</u>	.	.
<u>Rudderfish, Banded</u>	<u>1.04</u>	<u>1.24</u>	<u>3.14</u>
<u>Runner, Blue</u>	<u>1.09</u>	<u>1.43</u>	<u>3.14</u>
<u>Scamp</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Scorpionfish, Longsnout</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Scorpionfish, Other</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Scorpionfish, Spiny Cheek</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Scorpionfish, Spotted</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Sculpins</u>	<u>1.12</u>	<u>2.57</u>	<u>5.00</u>
<u>Seabass, Bank</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Seabass, Black</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Seabass, Longtail</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Shark, Bignose</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Blacknose</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Blacktip</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Blue</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Bull</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>

<u>Shark, Dusky</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Finetooth</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Hammerhead</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Lemon</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Longfin Mako</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Night</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Porbeagle</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Sand Tiger</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Sandbar</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Shortfin Mako</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Silky</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Spinner</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, Tiger</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Shark, White</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Sharks, Other</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Sharks, Other Large Coastal</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Sharks, Other Small Coastal</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Sharks, Thresher</u>	<u>1.20</u>	<u>1.39</u>	<u>3.33</u>
<u>Sheepshead</u>	<u>1.17</u>	<u>1.54</u>	<u>4.00</u>
<u>Shrimp, Brown</u>	.	<u>1.61</u>	<u>1.61</u>
<u>Shrimp, Pink</u>	.	<u>1.60</u>	<u>1.60</u>
<u>Shrimp, River</u>	.	<u>1.67</u>	<u>1.67</u>
<u>Shrimp, Rock</u>	.	<u>1.67</u>	<u>1.67</u>
<u>Shrimp, Royal Red</u>	.	<u>1.80</u>	<u>1.80</u>
<u>Shrimp, Seabob</u>	.	<u>1.53</u>	<u>1.53</u>
<u>Shrimp, Trachypenaeus</u>	.	<u>1.61</u>	<u>1.61</u>

<u>Shrimp, White</u>	-	<u>1.54</u>	<u>1.54</u>
<u>Snapper, Black</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Blackfin</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Cubera</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Dog</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Gray</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Lane</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Mahogany</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Mutton</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Queen</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Silk</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Vermilion</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Snapper, Yellowtail</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Soapfish</u>	<u>1.18</u>	<u>1.43</u>	<u>2.63</u>
<u>Spadefish</u>	<u>1.11</u>	<u>1.54</u>	-
<u>Spanish Flag</u>	<u>1.04</u>	<u>1.24</u>	<u>1.79</u>
<u>Spot</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Squirreelfish</u>	<u>1.14</u>	<u>1.24</u>	<u>1.79</u>
<u>Stingrays, Other</u>	<u>1.12</u>	-	-
<u>Sunfishes, Ocean</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Swordfish</u>	<u>1.20</u>	<u>1.33</u>	<u>3.33</u>
<u>Tilefish, Blackline</u>	<u>1.12</u>	<u>1.39</u>	<u>2.94</u>
<u>Tilefish, Blueline</u>	<u>1.12</u>	<u>1.39</u>	<u>2.94</u>
<u>Tilefish, Goldface</u>	<u>1.12</u>	<u>1.39</u>	<u>2.94</u>
<u>Tilefish, Other</u>	<u>1.12</u>	<u>1.39</u>	<u>2.94</u>
<u>Tilefish, Sand</u>	<u>1.12</u>	<u>1.39</u>	<u>2.94</u>

<u>Triggerfish, Gray</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Triggerfish, Ocean</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Triggerfish, Queen</u>	<u>1.04</u>	<u>1.72</u>	<u>3.57</u>
<u>Tripletail</u>	<u>1.18</u>	<u>1.43</u>	.
<u>Tuna, Albacore</u>	<u>1.11</u>	<u>1.33</u>	<u>2.86</u>
<u>Tuna, Bigeye</u>	<u>1.25</u>	<u>1.25</u>	<u>3.03</u>
<u>Tuna, Blackfin</u>	<u>1.25</u>	<u>1.25</u>	<u>3.03</u>
<u>Tuna, Bluefin</u>	<u>1.18</u>	<u>1.25</u>	<u>3.03</u>
<u>Tuna, Little Tunny</u>	<u>1.18</u>	<u>1.25</u>	<u>3.03</u>
<u>Tuna, Skipjack</u>	<u>1.18</u>	<u>1.33</u>	<u>3.03</u>
<u>Tuna, Yellowfin</u>	<u>1.11</u>	<u>1.25</u>	<u>3.03</u>
<u>Wahoo</u>	<u>1.18</u>	<u>1.43</u>	<u>2.86</u>
<u>Wenchman</u>	<u>1.11</u>	<u>1.54</u>	<u>3.12</u>
<u>Whiting</u>	<u>1.14</u>	<u>1.45</u>	<u>2.86</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:40.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:

Subchapter E. Louisiana Natural Heritage

§317. Threatened and Endangered Species

A. The Secretary of the Department of Wildlife and Fisheries hereby determines that those species designated as endangered or threatened pursuant to the Federal Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), are designated as such by the U.S. Fish and Wildlife Service at 50 CFR 17.11 (January 1, 1989; July 15, 1991; September 30, 1991; January 7, 1992). Based upon the above determination, said species, which are enumerated below, are deemed to be endangered or threatened species under the provisions of Louisiana Revised Statutes Title 56, Chapter 8, Part IV.

1. BIRDS (Including Eggs)		
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Brown Pelican	<u>Pelecanus occidentalis</u>	E
Bald Eagle	<u>Haliaeetus leucocephalus</u>	E
Peregrine Falcon	<u>Falco peregrinus</u>	T/E
Whooping Crane	<u>Grus americana</u>	E
Eskimo Curlew	<u>Numenius borealis</u>	E

Piping Plover	<u>Charadrius melodus</u>	T/E
Interior Least Tern	<u>Sterna antillarum athalassos</u>	E
Ivory-billed Woodpecker	<u>Campephilus principalis</u>	E
Red-cockaded Woodpecker	<u>Picoides borealis</u>	E
Bachman's Warbler	<u>Vermivora bachmanii</u>	E
2. REPTILES (Including Eggs)		
Green Sea Turtle	<u>Chelonia mydas</u>	T
Hawksbill Sea Turtle	<u>Eretmochelys imbricata</u>	E
Kemp's Ridley Sea Turtle	<u>Lepidochelys kempii</u>	E
Leatherback Sea Turtle	<u>Dermochelys coriacea</u>	E
Loggerhead Sea Turtle	<u>Caretta caretta</u>	T
Gopher Tortoise	<u>Gopherus polyphemus</u>	T
Ringed Sawback Turtle	<u>Graptemys oculifera</u>	T
3. MAMMALS		
Red Wolf	<u>Canis rufus</u>	E
West Indian Manatee	<u>Trichechus manatus</u>	E
Blue Whale	<u>Balaenoptera musculus</u>	E
Finback Whale	<u>Balaenoptera physalus</u>	E

Sei Whale	<u>Balaenoptera borealis</u>	E
Sperm Whale	<u>Physeter catodon</u>	E
Florida Panther	<u>Felis concolor coryi</u>	E
Louisiana Black Bear	<u>Ursus americanus luteolus</u>	T
4. INVERTEBRATES		
<u>Pink Mucket</u>	<u>Lampsilis abrupta</u>	<u>E</u>
<u>Fat Pocketbook</u>	<u>Potamilus capax</u>	<u>E</u>
Louisiana Pearlshell	<u>Margaritifera hembeli</u>	<u>E</u> <u>T</u>
American Burying Beetle	<u>Nicrophorus americanus</u>	E
Inflated Heelsplitter	<u>Potamilus inflatus</u>	T
5. FISH		
Pallid Sturgeon	<u>Scaphirhynchus album</u>	E
Gulf Sturgeon	<u>Acipenser oxyrhynchus desotoi</u>	T
6. AMPHIBIANS		
<u>Dusky Gopher Frog</u>	<u>Rana sevosia</u>	<u>E</u>
E = Endangered T = Threatened		

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1904.
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Wildlife, LR 15:1099 (December 1989), amended LR 18:877 (August 1992), LR 37: .

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 the Final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, 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, 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).

Interested persons may submit written comments of the Notice of Intent to Mr. David Lavergne, Socioeconomic Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, June 2, 2011.

Stephen W. Sagraera
Chairman

To hear overview of Budget Process and Department's Fiscal Year 2011-2012 Executive Budget was handled by Mrs. Lois Azzarello and Ms. Wynnette Kees. Mrs. Azzarello explained the process for developing the Executive Budget. The Commissioner of Administration presents the Executive Budget for the next fiscal year 45 days prior to the beginning of the Regular Legislative Session each year. But before this occurs, in September, the Division of Administration sends each Department a budget request packet for the upcoming fiscal year. Between September and November, the Department's Fiscal Office works with the different offices on the submission. In addition to the budget, operational plans, which shows financial data and performance data, must be submitted. From November to January, Office of Planning and Budget decides on the Executive Budget with dialogue between the Departments and the Administration. At the end of January, the Departments typically are provided their preliminary numbers for the next fiscal year. Mrs. Azzarello noted in the packets were charts on how the Department's General Fund compares with other state agencies and the Total Means of Finance. The Department's Executive Budget runs only 5 pages in the total package. A separate document, the supporting document provides more details such as adjustments by program. Once all of the documents are created, The General Appropriation Bill, introduced by the Chair of the House Appropriations Committee, will become House Bill 1. Right now, agencies are testifying before the Appropriations Committee and the Department was scheduled for April 26. The Department has four budget units and those pages include the appropriations for each program and the statutory dedications. House Bill 1 for the Department includes the key performance indicators. The four budget units are Office of Management and Finance with 1 program, Office of the Secretary with 2 programs (Admin and Enforcement), Office of Wildlife with 1 program and Office of Fisheries with 2 programs (Fisheries and Seafood Board). At the end of the session, the bill becomes enrolled and then the Office of Planning and Budget will send appropriation letters to each Department.

Ms. Kees began stating that the recommended budget for the Department was \$200 million, which was a standstill budget. She added that the Department has not been

impacted by any overall statewide cuts. The biggest change was the removal of oil spill money. Of the \$87 million recommended, \$61.4 million was still hurricane disaster money budgeted for assistance to commercial fishermen. Of the \$9.8 million Self-Generated Revenue, \$4.2 million was for a BP Grant that Fisheries will be getting. Commissioner Oats asked if the Rigs to Reef funds comes through the Department's budget and Ms. Kees stated the Artificial Reef Development Fund is statutory dedications under the Office of Fisheries. Then Commissioner Oats asked if balances could be provided and was this the fund that was "raided". Ms. Kees stated \$18 million was taken from the fund last year and the current balance was \$32 million. Commissioner Oats wondered if there were any other budgets funds were "swept out of" and Ms. Kees felt a few hundred thousand dollars were taken from the Environmental Education fund. Commissioner Oats asked if there was any expectation of this happening this year and Secretary Barham commented he has been told they may come back to the Rigs to Reef program again. Commissioner Oats asked if any research has been done on this issue and Secretary Barham stated the Department produces information on what was done with the monies since it was not known what may or may not happen to the fund. Commissioner Oats asked for an analysis since these funds were statutorily and constitutionally dedicated and he has been questioned on the legal authority in using those monies for budget relief. Commissioner Voisin asked what role does the Commission play with the Department's budget. Mr. Puckett stated it would be an advisory role with the ultimate decision being made by the Secretary. Commissioner Voisin wondered if the Commission, during the process, could advise the Secretary on their ideas for priorities or recommendations and Mr. Puckett answered yes, the Commission could provide advice and recommendations to the Secretary. Commissioner Voisin then asked Secretary Barham if he would begin looking for advice in September or October and he was told yes. Ms. Kees advised that the budget packet the Department submits to the Office of Planning and Budget was due by November 1. Commissioner Voisin further asked if the timeframe for a Commission briefing would be September or October and he was told yes. After reading some of the materials, Commissioner Voisin felt the Department was doing a good job with the budget, but he had some concerns with "raiding" of funds as did Commissioner Oats. He then requested that another briefing be presented at the September or October meeting. Chairman Sagrera then formally requested another presentation be made at either September or October.

The next agenda item, **Public comments on 2011-13 Hunting Seasons and 2011-12 General & WMA Hunting Rules and Regulations and DMAP** began with Mr. Randy Myers noting six public hearings were held last month across the state. Public comments will continue to be accepted until the May 5 Commission Meeting at which time a final summary would be presented. The six public hearings were held in Alexandria, Minden, Opelousas, Pontchatoula, Bastrop and Lake Charles with 4 of the 6 well attended. A wide variety of topics were made with the majority being on the Manchac and Joyce WMAs limited access area proposal. Commissioner Oats asked Mr. Myers to remind everyone of the protocol on hunting seasons. Mr. Myers stated this was the last meeting amendments can be made to the Notices of Intent and then at the May meeting the amended Notices of Intent will be adopted. Commissioner Oats asked if the next meeting would be an up or down vote and he was told that was correct. Commissioner Morrow asked for an

explanation of the 20 comments (17 nays) received on Manchac limited access area. Mr. Myers noted 33 individuals attended the meeting most of those comments were made at and most opposed the restriction noting they would like the use of motorized vessels to access and hunt from, concerns on impacts to the industry and limiting those that are not able to utilize a pirogue. Commissioner Morrow then asked if it was still the Department's position to have limited access on Manchac WMA. Mr. Myers answered yes at this time and he added that staff will review and analyze and if it does not reach its potential, then they would come back and ask it be suspended. Going on, Mr. Myers stated there was an error on the Buckhorn WMA regulations. He asked the Commission to adopt an amendment that would remove the second weekend of either sex firearms. The purpose was to add 5 days of primitive firearm but remove 2 days of either-sex. Another change for Buckhorn was to move the third weekend of the youth lottery hunt to the second weekend in November. Commissioner Oats made a motion to amend the Notice of Intent for Buckhorn WMA primitive season and the youth lottery weekend as presented. Commissioner Voisin seconded the motion and it passed with no opposition. Then Mr. Myers presented an amendment for a proposed experimental quality deer season on 20 WMAs. The amendment would provide additional deer hunting opportunities on the WMAs. The small game seasons will not be closed during this experimental season. Hunter orange restriction will be required. The WMAs and the dates are: Alexander State Forest - December 10-16, Bayou Macon - December 24-30, Big Lake - January 21-27, Bodcau - December 31-January 6, Boeuf - January 14-20, Buckhorn - January 14-20, Camp Beauregard - January 7-13, Dewey Wills - January 21-27, Jackson-Bienville - January 7-13, Loggy Bayou - December 17-23, Ouachita - December 31-January 6, Pearl River - January 21-27, Pomme de Terre - January 21-27, Red River - January 21-27, Russell Sage - December 31-January 6, Sherburne - January 21-27, Sicily Island Hills - January 14-20, Spring Bayou - January 21-27, Three Rivers - January 21-27, and Union - December 24-30. Chairman Sagrera asked what were the limits for these experimental seasons. Mr. Myers stated the restriction would be similar to Thistlethwaite WMA in that it would be 4 points on one side. Commissioner Graham asked how has the regulation on Thistlethwaite been working and he was told that they were seeing more deer in the upper age structure. Commissioner Morrow asked if all of the WMAs listed allow rabbit hunting with dogs and he was told yes. Hearing no further questions, Commissioner Graham made a motion to approve the proposed WMA experimental quality deer season and it was seconded by Commissioner Oats. The motion passed with no opposition.

Before going on to DMAP, Commissioner Morrow asked about the recommendations for duck season. Mr. Myers stated staff was still gathering information and probably would present a synopsis at the May meeting. Then the Commission would be asked in August to establish the duck zones.

Mr. Scott Durham stated he received 29 comments on the DMAP Notice of Intent. Comments on the Tier 3 level (former LADT program) were 7 and they felt the fees were too high in general and another comment felt the fees were too high for a small landowner. Comments on Tier 1 included 12 comments opposed to the extended deer season with 9

comments supporting the extended season. Mr. Durham then asked the Commission to adopt an amendment which would include “any legal weapon” that can be used during the extended deer season. Commissioner Morrow thought the additional days could be split 15 on the front or 15 on the back end and Mr. Durham stated it could be worked that way, but it gave staff the flexibility to use those 30 days where it would work best. Commissioner Morrow asked Mr. Jimmy Anthony his question of 15 days on the front end or the back end. Mr. Anthony stated his direction to the staff was to make it 30 days total, with 15 on the front end and 15 on the back. Commissioner Oats mentioned he did not support having 30 days at the end, he thought the maximum was 15. Mr. Durham commented that if the program became popular, it was the intention to be able to have the extra 30 days at the back end in the late areas. Commissioner Graham asked who would decide where the extra days would go and Mr. Durham stated that would be determined by the biologists working with the landowners with oversight from him. Then Commissioner Graham asked if the proposal was to allow for up to 30 days and that it did not mean that there would be 30 and Mr. Durham stated that was correct. Commissioner Oats asked if the \$200 fee was enough resources to allow for the biologists to visit and make the decisions. Mr. Durham felt the Department would have the resources. Commissioner Oats made a motion to amend the Notice of Intent that the extension be a maximum of 30 days with no more than 15 days at the end for the extended season. Commissioner Voisin seconded the motion. Commissioner Graham asked what would this amendment do to the overall plan. Mr. Durham felt 15 days would be adequate to get the program started; but if proved successful and a good tool for hunters, another 2 weeks or a full 30 days would be reasonable for those late breeding areas. Commissioner Oats, talking out loud, stated that someone could ask for the full 30 days up front and Mr. Durham stated that could occur, but it may be very rare. Commissioner Oats wondered if it would be okay to give the Department discretion for 15 days. Commissioner Graham felt there was more going on than just the opportunity to hunt. He added that when the rut begins, a hunter quits shooting does, then you have a secondary rut and once that is done, the season was usually over. Commissioner Graham stated that this was a management tool. Mr. Durham added that they will allocate a certain harvest level for both bucks and does and the full 30 days will give the opportunity to allow the harvest of does when the fawns have had the time to nurse. Commissioner Oats asked Mr. Durham to keep track of the resource issue. Commissioner Morrow stated, with this amendment, a landowner could get up to 30 extra days and then someone that does not have 500 acres would get an additional 7 days of deer hunting on certain WMAs with a 4 point on one side restriction. He felt this was cutting out the man that did not have the resources but yet allowing those with the resources to have an extended season. Commissioner Morrow did not think 30 days versus 7 days was fair. If a private landowner was given an extra 15 days on the back end, perhaps the rabbit hunter should be given an additional 7 days to extend their season. Commissioner Oats, after listening to Commissioner Graham’s comments, noted this was experimental and hopefully would come to management practices. He was also motivated by the fact that staff felt it would be rare for a landowner to get 30 days on the front end and there would not be any more than 15 days given on the back end. Commissioner Oats asked what was the minimum size for DMAP participation and he was told 500 acres, which he thought was small.

Mr. Joe Macaluso, The Advocate, stated that the original Notice of Intent for level 1 would allow non-contiguous lands to be enrolled on this level. Private landowners will be able to put together lots of different areas to form 500 acres. Commissioner Oats' questioning the viability of the program for the state will result in the editorial position being against it. Mr. Macaluso added they were not opposed to the extension of the season as much as the fiscal responsibility to try to accomplish a new DMAP program.

Hearing no further comments, the motion passed with no opposition.

Commissioner Oats hoped that if there was not enough time or resources to survey an area, a permit would not be issued. Again he noted that 500 acres was too small. He encouraged small landowners to get with larger ones and have a contiguous study area. Mr. Durham felt the issue of contiguous acres was for those landowners with larger than 10,000 acres. To be in DMAP, Mr. Durham added that the 500 acres needed to be contiguous. Commissioner Graham asked if one landowner has 400 acres and his neighbor has 500, they could pool them together as one hunting club. Mr. Durham stated that was encouraged and it was called a cooperative. Commissioner Oats wanted to encourage this same idea. Then he commented again that a minimum of 500 acres was too small. Mr. Durham stated that the 500 acres would not leave out the smaller landowners and this has been a historical level. Commissioner Oats made a motion to amend the DMAP Notice of Intent to change 500 acres to 1,000 contiguous acres minimum for Level 1 only. Commissioner Graham seconded the motion. Commissioner Morrow asked if the 500 or 1,000 acres included the woodland and opened farm lands and Mr. Durham stated that on a 500 acre tract, a minimum of 250 needed to be forested. Commissioner Voisin asked if a landowner could not aggregate non-contiguous lands and he was told that was only for a 10,000 acre landowner. Then Commissioner Voisin asked if these lands had to be a single owner and Mr. Durham answered yes. He added that they did this regulation to streamline the application process for a major landowner. Hearing no further questions or comments on this issue, the motion passed with no opposition.

Commissioner Oats stated the last issue he had was on rabbit hunting, he did not think any rabbit hunters would want deer hunters in the woods at the same time nor would deer hunters want rabbit hunters in the woods. He then asked for discussion on extending the rabbit season. Mr. Durham felt there may be a potential to look at that. Mr. Kenny Ribbeck stated there has been breeding research on rabbits done and the majority of hunters that answered a survey were satisfied with the season stopping at the end of February. Once you get into March, a lot of rabbits will have their young. Even with those rabbit hunters that have commented, there has been no request to extend the season into March. Mr. Ribbeck did not expect this to be a serious impact on private lands and noted it was a private lands issue. On the WMA side, the small game seasons would not be curtailed and there has not been any opportunity taken from the hunters. Commissioner Oats asked, when the application was being considered, would the Department like to have the flexibility to extend the rabbit season on DMAP level 1 areas. Commissioner Broussard felt the enforcement would be almost impossible to keep up with. Mr. Ribbeck advised Commissioner Broussard that the GIS boundaries on any properties enrolled in DMAP level

1 would be provided to Enforcement. Commissioner Broussard asked if level 1 was already in existence within DMAP regulations and he was told this was the new part of the DMAP program. He then asked what percent of DMAP may attempt to go into Tier 1. Mr. Ribbeck figured that 3 percent of existing DMAP may go into Tier 1; and in order to have a quality deer program on these lands, the biologist would recommend that their doe harvest is where it needs to be and significantly reduce the buck harvest so the total harvest will be controlled. Commissioner Graham felt the discussion sounded like it was trying to mix private lands with WMAs. He understood the problem with rabbit hunting, but noted there are a lot more rabbit hunters in south Louisiana than in north Louisiana and it was not a factor. Commissioner Graham added that quality deer would be a big economic boost for this state. Commissioner Morrow made a motion to amend the general regulations as follows: "The department may grant season extensions to hunt rabbits with any legal weapon after the established season framework for the regular rabbit season not to exceed a total of 10 days if requested by the DMAP Level 1 cooperator if biological reasons and limitations exist that supports such extensions". Commissioner Oats seconded the motion. The motion passed with no opposition.

Commissioner Oats then asked if rabbit hunting would be allowed during the extended deer season and he was told yes. Mr. Ribbeck added that all of the rabbit seasons on the 20 WMAs with the extended quality deer seasons go to the end of February. Hearing no further discussion, public comments were taken.

Mr. Chip Vosburg stated all of these new regulations are optional, no one was forced to get into the programs. He felt the DMAP data was already there, but he could not understand the problems with rabbit hunting. Mr. Vosburg then wanted each individual group make their own decisions.

Mr. Gustave Legendre, Jr. began by thanking the Commission for allowing personal watercrafts in the WMAs. He stated he fishes off of his ski.

Mr. David Dickerson stated he was with the Personal Watercraft Industry Association and knew of the success in opening a portion of Pearl River WMA to personal watercrafts (PWC). He asked that 6 additional WMAs be open on those areas that are very popular boating spots. Mr. Dickerson felt PWC riders were different from when they first came out with being more family oriented. Regulations now require a mandatory minimum of 16 years old, have safety training, and wear a life jacket. He felt the time has come to expand the experiment beyond Pearl River. The PWC's of today are significantly cleaner, much bigger craft and were being used a lot differently. Copies of testimony on this request was then presented. Chairman Sagrera asked staff to evaluate the request and see if there was an opportunity to expand.

Mr. Bill Crews, Jr., Ascension Parish, stated his father raised him in a bass boat in the Spillway. He still likes to fish the area but finds he does it more and more off of his personal watercraft. These machines are greener and much larger vessels and leaves a much smaller footprint ecologically and physically in the water. Fishing off of these

watercraft was becoming a popular sport. Mr. Crews designed an apparatus that fits on his PWC. About a year ago, an article was written on saltwater fishing from a PWC and how this was a growing sport. With this request, Mr. Crews added that they were not talking about every waterway on the WMAs, and he would not put his machine in any waters less than 5 feet.

Mr. Vic Blanchard, representing the South Louisiana Chapter of Quality Deer Management Association, stated he was prepared to support the DMAP Notice of Intent, but would not due to the changes. He added that he would meet with the Board and decide on the amended changes and comment at the next meeting. Commissioner Oats asked if the Association was in support of the Tier 1 extension. Mr. Blanchard stated his Association did support Tier 1 since it could potentially allow for a 30 day extension and 500 acres. He expressed appreciation to the Department Deer Study Section and biologists for their efforts in addressing their concerns.

Mr. Joseph Guidroz, a hunter from Livonia, stated that Act 337 would force the Commission to enact extended deer season on DMAP property. He then applauded Commissioners Oats and Morrow for their concern with the average guy. Mr. Guidroz felt the large landowners would tell their members what they can do. He added that the additional days will be helpful and did not think the rabbit population would be demolished with the extra days. Next year it will be known whether the program was successful or not. In reference to the economic impact, getting rid of 18,000 rabbit hunters and 3,000 people with packs of dogs will result in a big change. Again, Mr. Guidroz applauded the Commission for their concern with the small game hunters.

Commissioner Voisin asked about the personal watercrafts and where was it allowed. Mr. Ribbeck stated it was allowed on Alexander State Forest and on the lower portion of Pearl River WMA. Commissioner Voisin then asked if there was support from the Department to extend that regulation. Mr. Ribbeck felt staff was open for discussion but had strong concerns with the disturbance of PWC's on smaller waterways. Commissioner Voisin then asked if there was a way to make an amendment that could prevent this process from occurring next year. Mr. Ribbeck asked Commissioner Voisin to give the staff time to get with those interested entities and WMA managers and explore what opportunities there may be. Commissioner Voisin again asked if there was a way to grant authority to the Department. Mr. Ribbeck felt the best way to evaluate the pros and cons on this request was to allow for the one year time. Chairman Sagrera requested staff look at the possibility of expanding the use of PWC's on WMAs.

Mr. Dennis Good began by thanking the Commission for opening the lower portion of Pearl River WMA to personal watercraft. He did not think they "ruffled any feathers" on the WMA, but noted they enjoyed the beautiful scenery. In response to the comment on interfering with hunters, Mr. Good noted it was cold during the winter and PWC riders are not out and hunters are generally in the shallower waters which is not where they go. He did mention that he fishes from his PWC. Mr. Good then asked the Commission to vote favorably to expand the use of PWC's on certain WMAs.

After Chairman Sagrera announced the next agenda item, **To consider Notice of Intent on Alligator Regulations**, Commissioner Voisin made a motion to adopt the proposed action. Commissioner Oats seconded the motion. Mr. Noel Kinler stated the Notice of Intent involved 7 issues that would be addressed, some of which were housekeeping changes. Historically alligator skins have been marketed as a “belly skin” which was the whole alligator in one piece. In recent years, the buyers have been more demanding particularly on larger grade skins of poor quality. One of the tanners proposed the concept of cutting the raw alligator skins prior to tanning or export which would allow the cutting of the flanks or sides and separate it from the tail and belly. In order to accept this concept, the definition for alligator skins needed to be altered, create an alligator tail definition, provide for the process of cutting whole skins into flanks and bellies and staff putting additional export tags on those parts, provide for staff the chance to inspect and export flanks and bellies, and to provide for revenue collection process and for alligator tag accountability. Mr. Kinler felt this change could lead to potential market diversity and improve the demand for this segment of the wild harvest. The next change was to eliminate the three alligator limit for non-resident sport alligator hunters. The current regulation requires that a non-resident be guided by an individual that receives harvest tags. This regulation was repealed by the Legislature in 1999 and was being removed from the Commission regulations in order to bring consistency. Currently non-resident alligator hunters can only participate as a sport hunter and be accompanied by a guide, but in some instances there are non-residents that owns land in Louisiana. These individuals have petitioned the Department asking why they cannot get tags in their own name so they can harvest alligators on their own property. After a discussion with the Legal Section, it was determined that if this regulation was challenged, the Department would probably lose that case in court. This change would allow for a new non-resident landowner license type which would allow the Department to issue the appropriate number of tags for his property. The license fee would stay at \$150. Commissioner Oats asked if the individual must be the landowner as opposed to being an employee of a corporation and Mr. Kinler stated he must be the landowner. The next proposed change was to establish application deadlines for the wild alligator harvest program. Individuals that would apply for tags on privately owned properties currently can apply up to the day before the season opens. The change would be to have an August 20 deadline for applications for new properties. Applications for those that have already applied before will be able to submit it up to the day before the season opens. In recent years, the opportunity for lottery alligator hunts have expanded on WMAs with wetland habitat and some public lakes in the northern part of the state. Due to the expansion, the originally set deadline of 10 days before the season opens was not allowing enough time to conduct the lottery drawings, notify selected hunters, confirm participation and have a meeting with those hunters. The proposal was to establish a flexible date to put on the applications, but it would generally be about July 15. The next change was on the disposal of alligator skins deemed of no value. With recent decreases in value of skins and the increased participation in lottery hunts, some hunters will do away with their skins which will not allow the Department the chance to account for the tags. So rules were developed addressing specific information to be reported to the Department on alligator skins deemed of no value. The current regulation on not allowing hunters to cut

alligators loose from hooks and lines had two different cases. The first was it could not be done for the purpose of selecting a larger alligator and the other case was it could not be cut without first disposing of the alligator. Actually, Mr. Kinler noted they did not want an alligator cut loose from a line for any purpose without first killing or taking that alligator. Hopefully this will close a loophole that would allow a hunter the chance to select another alligator. The last change was to clarify the language that referred to lost or stolen tags issued to alligator farmers. Mr. Kinler then stated a letter from the Louisiana Alligator Advisory Council was included in their packets which noted they supported the changes. Hearing no questions or comments, Commissioner Voisin made a motion to adopt and was seconded by Commissioner Morrow.

Mr. Larry Robichaux stated he would like to try alligator lottery hunting and asked that Attakapas WMA be added for a lottery hunt. Mr. Kinler mentioned that Attakapas came under the Wildlife Division and if staff wanted to add that area, they could.

Hearing no further comments, the motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give Notice of Intent to amend the regulations to provide for cutting of raw alligator skins prior to tanning within state or shipment out of state, issuance of alligator harvest tags to nonresident landowners, deadlines for submission of wild alligator hunting season applications, disposal of alligator skins deemed to be of no commercial value, elimination of the three alligator limit for nonresident sport alligator hunters, replacement of alligator tags that are lost by alligator farmers, and clarify that wild alligators cannot be cut loose from hooks and lines for any purpose within the Alligator Regulations (LAC 76:V.701).

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Coastal and Nongame Resources Division.

1. Purpose. These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Alligators in Louisiana are not endangered but their similarity of appearance to endangered crocodylian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

2. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

Alligator - American alligator (Alligator mississippiensis).

Alligator Egg Collection Permit - A permit issued by the Department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the permittee and the landowner/land manager.

Alligator Farm (nongame quadruped) - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the Department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions. "Alligator Farm" also includes alligator ranching wherein eggs are collected from the wild, and raised, pursuant to departmental license or permit.

Alligator Farmer - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, or who collects and sells wild alligator eggs, and who may harvest alligators under the supervision of the Department. An alligator farmer must possess a valid nongame quadruped breeder's license.

Alligator Hide Tag - An official CITES serially numbered tag issued by the Department.

Alligator Hunter - A properly licensed resident or nonresident person who takes wild alligators. Resident Alligator hunters are divided into ~~four~~ five classes:

i. Commercial - Anyone who is a bona fide resident licensed by the Department to take wild alligators after having filed application(s) approved by the Department which authorizes the issuance of alligator hide tags to him.

ii. Helper - Anyone who is a bona fide resident licensed by the Department to act as an authorized agent of a commercial or nonresident landowner alligator hunter(s) in conducting alligator harvest activities. The helper may hunt independently of the commercial or nonresident landowner alligator hunter(s) he is assigned to assist. The helper's license must bear the name and license number of the commercial or nonresident landowner alligator hunter(s) authorizing the licensing of the helper.

iii. Sport - Anyone who is licensed by the Department and guided by a commercial, nonresident landowner or helper alligator hunter(s) during alligator harvest activities; alligator hide tags cannot be issued to a sport license holder. Sport license holders may be a bona fide resident or a nonresident.

iv. Nuisance - A bona fide resident licensed alligator hunter who is contracted or otherwise selected by the Department to remove designated nuisance alligators and who can be assigned alligator hide tags by the Department.

v. Nonresident Landowner – Anyone who is a nonresident licensed by the Department to take wild alligators on his own property located within Louisiana, after having filed an application(s) approved by the Department which authorizes the issuance of alligator hide tags to him.

Alligator Part - Any part of the carcass of an alligator, except the hide and includes the bony dorsum plates, if detached from the tagged alligator hide.

Alligator Parts Dealer - Any properly licensed person who deals in alligator parts other than hides and who:

i. Buys unprocessed alligator parts from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

ii. Manufactures within the state nonedible alligator parts into a finished product; or

iii. Purchases unprocessed alligator meat or processes alligator meat for wholesale or retail sale.

Alligator Parts Retailer - Any properly licensed person who purchases for retail sale finished alligator parts made from parts other than hides.

Alligator Shipping Label - A serially numbered green label issued by the Department required on each shipment of alligators being transported out of the state.

Alligator Skin or Hide – Whole or partial alligator skins, flanks, chalecos and bellies (including those bellies attached to or separated from the tail portion of the alligator skin). Once the tail portion of the skin is separated from the flanks, chaleco and belly, the tail is considered an alligator part.

Alligator Tail – Includes the tail portion of the alligator skin once it is separated from the flanks, chaleco and belly. For the purposes of this Subsection, the alligator tail is considered an alligator part.

Bona Fide Resident - i. - Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license 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 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.

ii. As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than 50 percent of the officers, partners, or employees are domiciled in Louisiana.

Closed Season - That period of time of a calendar year not specifically included in the open season.

Commission - The Louisiana Wildlife and Fisheries Commission.

Common Carrier - Any agency or person transporting passengers or property of any description for hire.

Confiscation - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

Consumer - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

Department - The Louisiana Department of Wildlife and Fisheries.

Designated Collection Agent - Anyone who is permitted by the Department to assist an alligator egg collection permittee during alligator egg collection.

Dressing, Dressed Skins or Dressed Furs - (See "Tanning").

Finished Alligator Part - Any nonedible alligator part that has been completely processed from parts other than hides for retail sale.

Fur Buyer - Anyone who buys whole nongame quadrupeds for the purpose of pelting, carcasses of fur bearing animals, raw furs or skins from fur trappers, alligator hunters, alligator farmers, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the State of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

Fur Dealer - Anyone who deals in whole nongame quadrupeds for the purpose of pelting, carcasses of fur bearing animals, raw furs and skins and who:

i. Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

ii. Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

iii. Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

iv. Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

v. Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

vi. Converts raw alligator skins through the tanning process into finished or partially finished leather and/or converts raw (green or dried) fur pelts into dressed furs ready for manufacturing.

Hatchling - A young of the year alligator which is less than 23 inches in length.

Hide - (See "Pelt").

Hook - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

Hunt - In different tenses, attempting to take.

Incubator - An apparatus designed and used for the primary purpose of incubating alligator eggs.

Land Manager - Any authorized person who represents the landowner.

Landowner - Any person who owns land which the Department has designated as alligator habitat.

Licensee - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

Nongame Quadruped - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

Nongame Quadruped Breeder - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

Nongame Quadruped Exhibitor - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

Nonresident - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

Nuisance Alligator - A specific (particular) alligator that poses a threat to human life or property.

Open Season - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

Out-of-State Shipping Seal - A special locking device or seal supplied by the Department and placed on or across a shipping container by Department personnel prior to shipping out of state.

Out-Of-State Shipping Tag - An official, serially numbered tag, yellow in color, issued by the Department required on each shipment of alligator hides shipped out of state.

Part - For purposes of this section, a part is a division of a subsection.

Pelt - The skin or hide of a quadruped.

Pelting - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

Person - Includes any individual person, association, corporation, partnership, or other legal entity recognized by law.

Pole Hunting - The act of taking an alligator from a den with a hook pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

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

Processed Alligator Part - Any part (and its resulting products) that has been removed from a legally taken alligator and for commercial purposes converted into a finished alligator part, or meat prepared and packaged for retail sale.

Propagation - The holding of live alligators for production of offspring.

Raising - The production of alligators under controlled environmental conditions or in outside facilities.

Rearing - (See "Raising").

Resident - (See "Bona Fide Resident").

Secretary - The secretary of the Louisiana Department of Wildlife and Fisheries.

Skin - (See "Pelt").

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.

Tanning - The conversion of alligator skins or fur pelts into an intermediate or finished form and includes the following: crust tanning alligator leather, dyeing alligator leather, glazing alligator leather, tanning fur pelts, shearing fur pelts, and dyeing fur pelts, and includes the dressing of skins and furs.

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.

Wildlife - All species of wild vertebrates.

Wildlife Management Area - Any area set aside, maintained, and supervised by the Department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

Wildlife Refuge - Any area set aside and designated by the Department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the Department.

3. General Rules

a. No person shall take, possess, purchase or sell alligators, alligator eggs, alligator hides, alligator parts, or goods manufactured from alligators, except as provided in these regulations and Title 56.

b. Each alligator, alligator hide, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

c. Alligators or hides of alligators harvested in Louisiana shall be tagged in accordance with provisions as prescribed in Subparagraph A.6.e of this Section and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. Pole Hunting is prohibited. It is legal for a hunter to retrieve a shot alligator with a hook pole or to retrieve with a hook pole an alligator taken on a hook

and line. Violation of this Subparagraph is a Class Two violation as described in Title 56.

e. An alligator hunter must possess on his person one or more current alligator hide tags issued for the property on which he is hunting; and if participating in a joint hunting operation at least one licensed hunter needs to possess current hide tags issued for the property on which they are hunting among a group of licensed hunters who are physically present in the same location. Violation of this Subparagraph is a Class Two violation as described in Title 56.

f. No person shall release any alligator from any taking device for any purpose without first dispatching the alligator, except as provided in Subparagraph A.5.e. After the alligator is removed from the taking device the hide tag shall be properly attached immediately upon possession. Violation of this Subparagraph is a Class Four violation as described in Title 56.

g. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this Subparagraph is a Class Four violation for each alligator taken as described in Title 56. All alligators taken in violation of this Subparagraph shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three calendar years. If violation(s) of this Subparagraph involves a farm operation, no alligators shall be raised or propagated on the offender's facilities for a period of three calendar years. Any live alligator(s) confiscated pertinent to any violation of this Subparagraph must be returned to the wild when appropriate. Selection of the release site and time of year of the release shall be accomplished only after consultation with and in agreement with biological staff of Coastal and Nongame Resources Division.

h. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in advance from the Department which specify all such shipments. Violation of this Subparagraph is a Class Four violation as described in Title 56.

i. No person, firm, or corporation shall transport into this state or possess whole alligator(s) with skin on, alligator parts or alligator skins/hides unless that person, firm or corporation is a Louisiana licensed alligator parts dealer or fur dealer and is in immediate possession of an alligator parts dealer's license or fur dealer's license, except that a copy of such license shall be sufficient during transportation only. Persons, firms or corporations violating this Subparagraph shall be subject to the penalties as provided in Title 56:34, a Class Four violation; except that when such a violation involves alligator parts only, such offenses shall be subject to the penalties as provided in Title 56:32, a Class Two violation.

j. It is unlawful to ship alligator eggs into the State of Louisiana unless they are to be used for Department sponsored scientific studies and these

shipments shall have prior written Department approval. Violation of this Subparagraph is a Class Four violation as described in Title 56.

k. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for Department sponsored scientific studies with an accompanying authorization signed by the Secretary. The transfer of ownership of live alligators out of their natural range for commercial purposes is strictly prohibited. However, this Subparagraph does not prohibit a licensed Louisiana alligator farm from raising alligators of Louisiana origin in a nonrange state provided the nonrange farm is in complete compliance with all applicable state(s) and federal regulations. Violation of this Subparagraph is a Class Three violation as described in Title 56.

l. There is levied a severance tax of \$0.25 on each alligator hide taken from within the state, payable to the state through the Department by the alligator hunter or alligator farmer shipping or taking his own catch out of state, or shipping to an instate taxidermist, or by the dealer shipping skins or hides out of state or tanning alligator skins in Louisiana. Violation of this Subparagraph is a Class Two violation as described in Title 56.

m. An alligator hunter or alligator farmer may give alligator parts to anyone for personal use. Any part of an alligator shall have affixed thereto the name, address, date, hide tag number, and the license number of the person donating the alligator part(s). This information shall be legibly written in pen or pencil on any piece of paper or cardboard or any material which is attached to the part(s) or to the container enclosing the part or parts. This information must remain affixed until the part(s) has been stored at the domicile of the possessor. Violation of this Subparagraph is a Class Two violation as described in Title 56.

n. i. R.S. 56:280, passed in the regular session of the 1992 Louisiana Legislature established a state policy which protects white or albino alligators and except under department permit prohibits the taking of white or albino alligators from the wild.

ii. Conditions under which any alligator that is white or albino may be taken from the wild and under official department permit include:

(a). Landowners or licensed alligator farmers or ranching operators may capture live and unharmed a white or albino alligator for its own protection. All such instances of possession shall be reported immediately to the Department.

(b). Any white or albino alligator hatchling produced from wild collected eggs authorized by a Department Alligator Egg Collection Permit will remain in the possession of such licensed operators. Any white or albino hatchling must be reported immediately upon hatching to the Department on a standard activity report form.

(c). Any person who unintentionally takes from the wild any alligator that is white or albino by hook and line shall immediately report its presence and location to the Department. Department personnel of the Coastal and Nongame Resources Division will on a case by case basis determine the disposition of any such white or albino alligator which is unintentionally hooked.

iii. Any white or albino hatchling produced from a licensed breeding pen will remain in the possession of such licensed operators but must be reported immediately upon hatching to the Department on a standard activity report.

iv. It shall be a violation if any person intentionally takes from the wild any alligator that is white or albino by any means.

v. Violation of R.S. 56:280 shall subject the violator to a fine of not less than \$10,000 and imprisonment for not less than six months or more than 12 months, or both.

o. Alligator meat and parts may be shipped in containers that are sealed and the parts identified to the CITES tag of origin. A fully executed alligator hunter, farmer, or parts dealer Alligator Parts Sale or Transaction Form and Shipping Manifest shall meet the U.S. Fish and Wildlife Service parts identification requirements, provided such form(s) is/are prominently attached to the outside of each shipping container. Alligator meat/parts shipped to another state must meet applicable state/federal requirements of the receiving state. Alligator meat/parts exported from the United States must meet the requirements of the U.S. Fish and Wildlife Service as well as those of the receiving country. Alligator skulls being exported shall carry a "tag" containing the CITES tag number and the hunter's name and license number. The skull must also be physically marked with the number of the original CITES tag used for the hide of the individual alligator. Violation of this Subparagraph is a Class Three violation as described in Title 56.

p. For the purpose of bona fide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the Department while in possession of a valid nongame quadruped breeder's or exhibitor's license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

4. Licenses, Permits and Fees

a. i. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

(a). \$25 for a resident alligator hunter's license; including commercial, helper, sport, and nuisance ~~types~~ classes;

(b). \$150 for a nonresident alligator hunter's license; including landowner and sport classes.

(c). \$25 for a resident fur buyer's license;

(d). \$100 for a nonresident fur buyer's license;

(e). \$150 for a resident fur dealer's license (\$500 deposit required);

(f). \$300 for a nonresident fur dealer's license (\$1,000 deposit required);

(g). \$10 for a nongame quadruped exhibitor's license;

(h). \$25 for a nongame quadruped breeder's license;

(i). \$50 for an alligator parts dealer license;

(j). \$5 for an alligator parts retailer license;

(k). \$4 for each alligator hide tag;

(l). \$4 for each whole alligator leaving the state as alligator shipping label fee;

(m). \$0.25 severance tax for each alligator hide taken from within the state;

(n). \$25 for a Designated Agent Collection Permit.

ii. All license types prescribed above except nongame quadruped exhibitor and breeder expire annually on June 30. Nongame quadruped exhibitor and breeder licenses expire annually on December 31.

b. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. No person may engage in the business of buying alligators for the purpose of skinning or buying and selling alligator skins unless he has acquired a resident or nonresident fur buyers license. No resident or nonresident fur buyer shall ship furs, alligators, or alligator skins out of state. Violation of this Subparagraph is a Class Three violation as described in Title 56.

d. No person may engage in the business of buying alligators for the purpose of skinning or buying and selling alligator skins or shipping alligator skins out of state or tanning alligator skins within the state unless he has acquired a resident or nonresident fur dealers license. Violation of this Subparagraph is a Class Three violation.

e. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. No person may engage in the business of raising, breeding, collecting and selling alligator eggs from the wild, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Paragraphs A.14 and 15 of this Section. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. No person shall engage in the business of buying and selling unprocessed alligator parts unless he has acquired and possesses a valid alligator parts dealer license. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. Each retailer purchasing for retail sale, finished alligator parts made from parts other than hides, shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this Subparagraph is a Class Two violation as described in Title 56.

i. No person shall remove and possess alligator eggs from wild nests unless he has acquired and possesses a valid nongame quadruped breeder license or a valid Designated Agent Collection Permit and also has in his possession a valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all Department requirements as described in Paragraph A.14 of this Section. Violation of this subparagraph is a Class Four violation as described in Title 56.

j. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each shipment of alligators and is properly completed and validated by Department

personnel. Violation of this Subparagraph is a Class Three violation as described in Title 56.

k. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the alligator hide tag fee and the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the alligator hide tag fee and the severance tax prior to shipment. Violation of this Subparagraph is a Class Two violation as described in Title 56.

l. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with the receiving state/country requirements and with federal licensing, tagging and permit requirements to engage in interstate and international commerce involving alligators, alligator hides, alligator parts and fully manufactured alligator hide products. Violation of this Subparagraph is a Class Two violation as described in Title 56.

5. Wild Harvest Methods

a. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this Subparagraph is a Class Four violation as described in Title 56.

b. There are no size restrictions on wild alligators taken during the general open season.

c. i. Legal methods for taking alligators in the wild are as follows:

(a). Hook and line;

(b). Long (including compound) bow and barbed arrow; and

(c). Firearms (the possession of shotguns is prohibited while hunting or taking wild alligators; except as authorized by the Department for taking of nuisance alligators by nuisance alligator hunters).

ii. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of

the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this Subparagraph is a Class Two violation as described in Title 56.

e. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. ~~Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators.~~ All hooks and lines shall be removed when an alligator hunter's quota is reached. In the event an alligator is hooked and the hunter's quota has been reached the hunter must release the alligator in the most humane method possible. Violation of this Subparagraph is a Class Two violation as described in Title 56.

f. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this Subparagraph is a Class Two violation as described in Title 56.

g. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

6. Alligator Hide Tag Procurement and Tagging Requirements

a. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders.

b. Landowners, Land Managers and Hunters – ~~u~~Upon application to the Department on forms provided for tag issuance, ~~A~~ applications for alligator tag allotments will be taken annually beginning July 15th and ending the day before the season opens June 1st. For alligator hunters submitting applications with new/additional properties, applications are due by August 20th; for alligator hunters submitting an application for property previously hunted, applications are due by the day before the season opens. Tags will not be issued after close of business on the day prior to the season opening date.

i. Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the Department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the Department at the time of application. The location and acreage of the

property must be provided which includes parish, township, range and section delineation figures.

ii. Land managers and hunters must present a signed document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

iii. Alligator hide tags shall be issued to licensed alligator hunters without charge. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. All unused alligator tags shall be returned within 15 days following the close of the season.

c. Alligator farmers - Alligator hide tags shall be issued to properly licensed alligator farmers without charge upon request at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by Department personnel. All unused alligator tags shall be returned to the Department within 15 days following the last day of the year that issued tags are valid.

d. If an alligator hunter is cited for hunting alligators out of season, or at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. A hide tag shall be properly attached and locked using the tag's locking device in the alligator's tail immediately upon possession by an alligator hunter. Alligator farmers, fur buyers and fur dealers may wait until farm raised alligators are skinned prior to tagging, but under no circumstances can the tag be attached using the locking device more than 48 hours after dispatching the alligator during the open wild alligator harvest season, or more than 7 days after dispatching the alligator outside of the open wild alligator harvest season. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. In the event that an alligator tag contains a factory defect rendering it unusable for the purpose intended or becomes detached from an alligator or hide, the tag must be reattached to the tail of the alligator/hide. The Department will be responsible for the replacement of reattached tags prior to shipping out-of-state or prior to tanning within the state. It shall be unlawful to tag or attempt to tag an alligator with a tag that has been locked prior to the taking. Locked tags may be replaced upon request at the discretion of the Department. The alteration of hide tags is strictly prohibited and will result in the confiscation of all tags and alligators/hides and the revocation of the violator's alligator hunting license. Violation of this Subparagraph is a Class Four violation as described in Title 56.

f. In the event that an alligator hide tag cannot be located when in the possession of a Buyer/Dealer, then the following procedure shall be followed:

i. Following discovery of an untagged alligator or alligator hide by the Buyer/Dealer, they shall notify the Department of Wildlife & Fisheries, Coastal and Nongame Resources Division within 24 hours and the Department of Wildlife & Fisheries will place a state tagging device on the alligator or alligator hide.

ii. Upon discovery of an untagged alligator or alligator hide by Department of Wildlife & Fisheries personnel, such personnel shall place a state tagging device on the alligator or alligator hide.

iii. The State tagged alligator or alligator hide will remain in the possession of the Buyer/Dealer following the placement of the State tagging device until such time as the hide tag is located or until December 31st of that year, whichever comes first. Upon presentation of the missing hide tag and the corresponding Buyer/Dealer record which documents a match between the tag number and the alligator/hide being held, and if the Department of Wildlife and Fisheries then confirms that such tag number has not been previously shipped, the Department of Wildlife and Fisheries shall attach a replacement alligator hide tag.

iv. If the Buyer/Dealer does not locate the missing hide tag following the placement of the State tagging device by the end of the allotted time period but is able to identify the tag number on a Department of Wildlife and Fisheries issued or approved Buyer/Dealer record which documents a match between the tag number and the skin being held, and if the Department of Wildlife and Fisheries then confirms that subject tag number has not been previously shipped, the Department of Wildlife and Fisheries may, in its discretion, issue a replacement alligator hide tag.

v. The failure of the Buyer/Dealer to produce the correct hide tag and/or correct documentation by the end of the allotted time period shall constitute a violation of this Subparagraph.

vi. The previous or subsequent attachment to an alligator or alligator hide of the missing hide tag as described above shall constitute a violation of this Subparagraph.

vii. Violation of this Subparagraph is a Class Four violation as described in Title 56.

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows:

i. The state shall be divided into the East and West Alligator Hunting Zones by the following boundary: Beginning at the southwestern most part of Point Au Fer Island thence North along the western boundary of Terrebonne Parish

to the Atchafalaya River, thence north along the Atchafalaya River to the East Atchafalaya Protection Levee, thence north along the East Atchafalaya Protection Levee, to Interstate 10, thence east along Interstate 10 to Interstate 12, thence east along Interstate 12 to Interstate 55, thence north along Interstate 55 to the Mississippi state line. The season for taking alligators in the wild shall open on the last Wednesday of August in the East Zone and the first Wednesday of September in the West Zone and will remain open for 30 days thereafter in each zone. The Secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

ii. Nuisance control hunters may take nuisance alligators at any time as prescribed by the Department.

iii. Farm raised alligators may be taken at any time following the issuance of hide tags by the Department.

iv. The open season for collection of alligator eggs from the wild shall be from May 15 through September 1 of each calendar year. Violation of this Clause is a Class Four violation as described in Title 56.

b. The open areas are as follows:

i. For the general open season, those areas designated by the biological staff of the Department as alligator habitat and which can sustain an alligator harvest.

ii. The Department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by Department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received ~~at least 10 days prior to the season opening date~~ by the date specified on the annual application form. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the biological staff of the Department. Alligator tags issued on public lakes and lands are nontransferable.

iii. Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the Department.

iv. The open alligator egg collection season shall include those areas designated by the biological staff of the Department as alligator habitat which can sustain an egg collection harvest and egg quotas will be determined by Department biologists.

c. The daily and season quota is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this Subparagraph is a Class Four violation as described in Title 56.

~~d. Non-resident alligator hunters may only take three alligators during the open season. Violation of this Subparagraph is a Class Three violation as described in Title 56.~~

~~e~~ d. Harvest rates will be calculated annually by Department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

8. Possession

a. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached in the tail using the locking device as prescribed in Subsection A.6.e. Violation of this Subparagraph is a Class Four violation as described in Title 56.

b. Alligator farmers may request hide tags or shipping labels from the Department to be used on farm-raised alligators that have died and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All farm raised alligators 24 inches and greater in length that die may be skinned and tagged with an alligator hide tag within 48 hours of death during the open wild alligator harvest season, or within 7 days of death outside of the open wild alligator harvest season. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. However, properly tagged and documented alligators or hides may be stored at any location at the owner's discretion. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor shall possess live alligators at any time other than by a permit issued by the Department upon request for use in displays and educational purposes, and by holders of valid Department issued permits for scientific purposes. Live, farm raised alligators and their accompanying alligator hide tags may be held for processing by a properly licensed alligator skinning facility without a license or permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. No person other than a licensed alligator farmer or licensed nongame quadruped exhibitor shall possess alligator eggs at any time other than

Department permitted Designated Collection Agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid Department issued permit for scientific purposes. Violation of this Subparagraph is a Class Four violation as described in Title 56.

f. Any alligators hatched from scientific permits issued by the Department shall be returned to the wild under Departmental supervision following completion of the research project. Violation of this Subparagraph is a Class Two violation as described in Title 56.

9. Importation, Exportation, Purchase, and Sale

a. Live alligators may be brought into the state only if the person, firm or corporation bringing the alligators into the state has obtained written permission from the Department. Violation of this Subparagraph is a Class Four violation as described in Title 56.

b. i. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a). A resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b). A tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

ii. Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. Purchases of alligators, alligator hides, alligator eggs, and alligator parts are restricted as follows:

i. A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

ii. A licensed fur buyer may purchase whole alligators or alligator hides from a Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer.

iii. A licensed fur dealer may purchase whole alligators or alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

iv. A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer (with a Department approved Alligator Transfer Authorization Permit) or the Department.

v. An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved Department alligator egg collection permit), or the Department.

vi. A licensed alligator parts dealer may purchase alligator parts from a licensed alligator hunter, alligator farmer, another alligator parts dealer, or the Department.

vii. A licensed alligator parts retailer may purchase finished alligator parts for retail sales.

d. Sales of alligators, alligator eggs, and alligator parts are restricted as follows:

i. A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

ii. A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of a Transfer Authorization Permit. Application for the permit shall be made at least 2 weeks prior to the transfer.

iii. A licensed fur buyer may sell whole alligators or alligator hides to a fur dealer or another fur buyer within the confines of the state.

iv. A licensed fur dealer may sell whole alligators or alligator hides to anyone who may legally purchase.

v. A licensed alligator parts dealer may sell alligator parts, other than hides, to anyone.

vi. A licensed alligator parts retailer may sell finished alligator parts to anyone.

e. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Paragraph A.11 of this Section (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of their natural range without specific Department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. A special permit is required of anyone who sells alligator eggs, or live alligators. Violation of this Subparagraph is a Class Four violation as described in Title 56.

10. Nuisance Alligator Control

a. Nuisance alligator hunters will be selected by the Department with proper screening by enforcement personnel in the region of appointment. Selection may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

b. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime.

c. Nuisance alligator complaints will be verified by Department personnel prior to being approved for removal.

d. Tags will be issued without charge to nuisance alligator hunters. Nuisance alligator hunters will attempt to catch nuisance alligators and relocate to natural habitat selected by the Department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an alligator farm. Alligators and alligator parts taken under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this Subparagraph is a Class Four violation as described in Title 56.

e. Nuisance alligator hunters may take alligators by any means prescribed by the Department. Failure to comply with Departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this Subparagraph is a Class Two violation as described in Title 56.

11. Report Requirements

a. Report forms provided by or approved by the Department must be completed and filed with the Department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped

exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Paragraph. Reports shall include but not be limited to the information specified in this Paragraph.

b. ~~Commercial~~ Alligator hunters receiving hide tags from the Department are responsible for disposition of all issued tags and must:

i. Complete an official alligator parts transaction form furnished by or approved by the Department for each alligator part transaction. These forms shall be submitted to the Department at the end of the calendar year.

ii. Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the close of the season. Lost or stolen tags will not be replaced.

iii. All unused tags must be returned to the Department within 15 days following the close of the season.

iv. Each licensed alligator hunter disposing of one or more tagged alligators or alligator skins deemed to be of no value, must:

(a). Remove the CITES alligator tag(s) from each alligator/alligator skin at the time of disposal.

(b). Return to the Department all CITES alligator tags removed from disposed of alligators/alligator skins within 15 days following the close of the season.

(c). Provide the Department total lengths by corresponding CITES tag number of each alligator/alligator skin so disposed of within 15 days following the close of the season.

iv v. The Department must be notified of any trophy skins not sold to commercial buyers or dealers within 30 days following the close of the season, on official forms provided by or approved by the Department.

v vi. Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

vi vii. All records of commercial transactions involving alligator parts by alligator hunters shall be available for inspection by the Department.

vii viii. The alligator hide tag fee and severance tax shall be collected by the Department from the alligator hunter who is shipping his own alligators or

raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

~~viii~~ ix. Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. A nuisance alligator hunter shall comply with the same report requirements as a commercial alligator hunter and complete any other reports required by the Department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

i. Complete an official alligator parts transaction form, furnished by or approved by the Department for each alligator parts transaction. These forms shall be submitted to the Department along with the annual report. Violation of this Clause is a Class Two violation as described in Title 56.

ii. Complete an official lost tag form, furnished by the Department, for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the last day of the year that issued tags are valid. ~~Lost or stolen tags will not be replaced.~~ Violation of this Clause is a Class Two violation as described in Title 56.

iii. All unused hide tags must be returned to the Department within 15 days following the last day of the year that issued tags are valid. Violation of this Clause is a Class Two violation as described in Title 56.

iv. Each alligator farmer in possession of one or more tagged farm alligator skins deemed to be of no value, must notify the Department of the tag number and belly width of each farm alligator skin and must arrange for delivery of the farm alligator skin(s) to the Department. Department personnel will remove the CITES alligator tags and dispose of the farm alligator skins. Violation of this Clause is a Class Two violation as described in Title 56.

v. Each alligator farmer in possession of one or more tagged farm alligators deemed to be of no value, must notify the Department of the tag number and belly width of each farm alligator prior to disposal of the alligator. Alligator farmers must remove the CITES alligator tag(s) at the time of disposal and immediately return the tag(s) to the Department. Violation of this Clause is a Class Two violation as described in Title 56.

~~iv~~ vi. Each alligator farmer shall report annually, no later than December 1, on an official form provided by the Department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators, hides, and parts for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in nonrenewal of the nongame quadruped breeder's license. Violation of this Clause is a Class Three violation as described in Title 56.

~~v~~ vii. Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this Clause is a Class Two violation as described in Title 56.

~~vi~~ viii. Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this Clause is a Class Three violation as described in Title 56.

~~vii~~ ix. The alligator shipping label fee or the alligator hide tag fee and the severance tax shall be collected by the Department from the alligator farmer who is shipping alligators or raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

e. i. Fur buyers, fur dealers, alligator farmers and alligator hunters engaged in the business of buying and/or selling whole alligators or alligator hides must keep within the state a complete record on forms provided by or approved by the Department, all purchases and sales of whole alligators or alligator hides as described in Title 56, and;

ii. Every fur buyer, fur dealer, alligator farmer or alligator hunter having undressed alligator hides in his possession shall file with the Department within 60 days of purchase or within 60 days of tagging or prior to shipping out of state or prior to tanning skins in Louisiana, whichever occurs first, a complete report, on forms provided by or approved by the Department, a detailed description of alligator hides to be shipped or tanned. At the time of shipment or prior to tanning whole alligator skins, Department personnel will inspect whole hides and replace any broken or reattached tags. Department personnel will issue the appropriate number of yellow shipping tags, one for each shipment. At that time, Department personnel will affix a seal or locking device to each container. ~~and if container is reopened by anyone~~ It shall be a violation of this Subparagraph for any person other than Department personnel or Federal personnel this action will be considered illegal to reopen any sealed or locked container. In conjunction with the inspection and prior to Department issuance of shipping tag(s) and seal(s) or locking device(s), Department personnel must collect:

(a). All completed buyer/dealer records for skins in each shipment;

(b). Official shipping manifest including total length in inches (or feet and inches) referenced to CITES tag number of each whole wild skin in shipment and including total belly width in centimeters (measured at the fifth scute) referenced to CITES tag number of each whole farm raised alligator skin in shipment. A fully executed (filled out) shipping manifest containing all information required in the buyer/dealer record may be substituted with Department approval for the buyer/dealer record requirement on farm raised alligator skins;

(c). Stub portion of yellow shipping tag completely filled-out;

(d). Severance tax and alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer.

iii. Prior to cutting raw alligator skins into pieces, every fur buyer, fur dealer, alligator farmer or alligator hunter desiring to cut raw skins into pieces (flanks, bellies, or chalecos), must request Department personnel to inspect the whole alligator hides and (with appropriate assistance) apply CITES tags to each flank, chaleco, and belly so separated. Prior to tagging the flanks, chaleco and belly, Department personnel must receive an official manifest including measurement (as specified below) of each skin. For wild skins, the total length in inches (or feet and inches) referenced to the CITES tag number of each whole wild skin to be cut into pieces must be provided. For farm raised alligators skins, the total belly width in centimeters (measured at the fifth scute) referenced to the CITES tag number of each whole farm raised alligator skin to be cut into pieces must be provided. Prior to cutting the raw alligator skin, CITES tags will be attached to each flank and chaleco (tag applied to each hind leg area), and to each belly if either is to be separated from the tail. Once the tail portion of the skin is separated from the flanks, chaleco and belly, the original CITES tag must be removed and returned to the Department within 15 days of the cutting of the tail.

iv. Every fur dealer, alligator farmer or alligator hunter prior to shipping out of state or prior to tanning in state, partial alligator skins (flanks, bellies or chalecos) must provide an official shipping manifest listing a description of the partial alligator skins in the shipment along with the CITES tag number for each partial skin piece, referenced to the original CITES tag number that was placed on the wild alligator or farm raised alligator when harvested. Department personnel will review the manifest for accuracy and determine the number of original CITES tags referenced for the first time in order to assess the amount of severance tax and alligator hide tag fees owed by the shipper. Shipper will be thus informed by the Department within 10 working days of receiving the official shipping manifest.

v. At the time of shipment or prior to tanning, Department personnel will inspect alligator skin pieces and replace any broken or reattached tags. Department personnel will issue the appropriate number of yellow shipping tags, one for each shipment. At that time, Department personnel will affix a seal or locking device to each container. It shall be a violation of this Subparagraph for any person other than Department personnel or Federal personnel to reopen any sealed or locked container. In conjunction with the inspection and prior to Department issuance of shipping tag(s) and seal(s) or locking device(s), Department personnel must collect:

(a). All completed buyer/dealer records for skins in each shipment;

(b). Stub portion of yellow shipping tag completely filled-out;

(c). Severance tax and alligator hide tag fees owed by alligator hunter, alligator farmer or fur dealer for partial alligator skin pieces being shipped as referenced in Clause A.11.e.iv.

iii vi. If any of the above requirements are not satisfied, the shipment will not be authorized. Violation of this Clause is a Class Three violation as described in Title 56.

f. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Fur dealers in the business of tanning alligator hides must provide a monthly report, on forms provided by or approved by the Department, of all alligator hides being held in inventory. Failure to maintain complete records and to pay the required severance tax and alligator hide tag fees subjects any dealer to the full penalties provided and the immediate revocation of his license by the Department. No license shall be issued to a dealer who has not paid the tax and alligator hide tag fees for the preceding year. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. Each fur buyer or fur dealer in possession of one or more tagged alligator skins deemed to be of no value, must notify the Department of the tag number and total length of each wild alligator skin or belly width of each farm alligator skin and must arrange for delivery of the alligator skin(s) to the Department. Department personnel will remove the CITES alligator tags and dispose of the alligator skins. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h. Each fur buyer or fur dealer in possession of one or more tagged alligators deemed to be of no value, must notify the Department of the tag number and total length of each wild alligator or belly width of each farm alligator prior to disposal of the alligator. Fur buyers or fur dealers must remove the CITES alligator tag(s) at the time

of disposal and immediately return the tag(s) to the Department. Violation of this Subparagraph is a Class Two violation as described in Title 56.

g i. Alligator parts dealers acquiring alligator parts, shall complete an official alligator parts purchase form at the time of each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form at the time of each sale. These forms shall be furnished by or approved by the Department and shall be submitted to the Department annually, no later than June 30, and;

i. Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

ii. The records of transactions involving alligator parts shall be available for inspection by the Department and shall be maintained complete for a period of one year following any transaction.

iii. Violation of this Subparagraph is a Class Two violation as described in Title 56.

h j. Any alligator parts retailer purchasing finished alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the Department. Violation of this Subparagraph is a Class Two violation as described in Title 56.

12. Alligator Meat

a. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this Subparagraph is a Class Three violation as described in Title 56.

b. Alligator meat processed in the State of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this Subparagraph is a Class Two violation as described in Title 56.

c. All processed alligator meat for sale must be packaged in suitable containers which identifies the contents as alligator meat, marked with a valid Department license number and comply with all state and federal packaging and labeling requirements. Violation of this Subparagraph is a Class Two violation as described in Title 56.

d. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this Subparagraph is a Class Two violation as described in Title 56.

13. Disposal of Alligators by the Department

a. The Department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

b. The Department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the Department deems have need for such alligators, however these institutions cannot sell or barter these animals which must be returned to the Department at the conclusion of the program or need.

c. Confiscated alligator hides and parts may be destroyed by the Department pending the outcome of the criminal trial.

d. Confiscated alligator eggs or live alligators may be sold or may be cared for by the Department and released in suitable alligator habitat when and where they can survive when appropriate. All costs incurred by the Department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the Department. The Department may consign confiscated alligators to a licensed farm for raising purposes and may compensate the farmer for his expenses by transferring ownership to him of a percentage of the confiscated alligators; not to exceed 50 percent.

14. Alligator Egg Collection

a. Alligator egg collection permits are a three party permit between the Department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by Department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the Department. The Department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the Department on forms provided by the Department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

b. Alligator egg collection permits may be issued by the Department provided:

i. Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection A.15 of this Section (Alligator Farm Facility Requirements).

ii. All land documentation required on the alligator egg collection permit has been presented to the Department.

iii. Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

iv. Applicant has obtained all legal and necessary signatures from landowners/land managers.

c. It is unlawful for an alligator farmer or a permitted Designated Collection Agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

d. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this Subparagraph is a Class Three violation as described in Title 56.

e. Collection of wild alligator eggs can only be made after contacting the appropriate regional supervisor of the Enforcement Division no less than 24 hours prior to each collection trip. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season and shall not exceed the number on his Alligator Egg Collection Permit. Violation of this Subparagraph is a Class Four violation as described in Title 56.

g. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by Department biologists. Violation of this Subparagraph is a Class Three violation as described in Title 56.

h. Failure to hatch at least 70 percent of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

i. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85 percent for two consecutive years.

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than 12 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36 inches and a maximum of 60 inches (no alligator over 60 inches total length will be accepted for release) in total length and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for Department-authorized return to the wild alligators while being processed, stored, or transported. The Department shall be responsible for supervising the required return of these alligators. A Department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Any farmer who owes 1000 or more alligators at 48 inches must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31; and the remainder by August 25th. A farmer may do more than the required one-fourth of his releases earlier if available unscheduled days allow. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in Title 56.

k. The percentage of alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this Subparagraph is a Class Four violation as described in Title 56.

15. Alligator Farm Facility Requirements

a. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum facilities as applicable to their particular operation during a required facility examination by Department personnel prior to license issuance:

i. Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter

theft of alligators.

ii. Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by Department personnel.

iii. Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by Department personnel.

iv. Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the Department.

v. All controlled-temperature alligator sheds (environmental chambers) shall be of a design acceptable to the Department. Each shed shall maintain a minimum water and air temperature of 80° Fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

(a). One square foot of space shall be required for each alligator less than 24 inches in length.

(b). Three square feet of space shall be required for each alligator measuring 25 inches to 48 inches in length.

(c). One additional square foot of space shall be required for each additional 6 inches of alligator length for alligators above four feet in length.

vi. All alligator egg incubators shall be of a design acceptable to the Department. Each incubator shall maintain a water and air temperature of 85° to 91° Fahrenheit during the egg incubation.

vii. Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

viii. All alligator facilities should be constructed in a suitable location so as to minimize contact with people.

b. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and Department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this Subparagraph is a Class Three violation as described in Title 56.

c. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to Department requirements to allow for the maximum hatching success. Violation of this Subparagraph is a Class Three violation as described in Title 56.

d. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers which maintain a minimum temperature of 80° Fahrenheit year-round and containing dry and wet areas of sufficient surface area to permit all alligators to partially submerge in water. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the Department to move them to outside growth areas. Violation of this Subparagraph is a Class Three violation as described in Title 56.

e. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for partial submersion or exit from water shall be provided for each group of alligators held. Violation of this Subparagraph is a Class Three violation as described in Title 56.

f. All facilities, alligator stock, and records are subject to examination by Department personnel prior to permitting and thereafter during farm operation. Violation of this Subparagraph is a Class Three violation as described in Title 56.

g. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without permitting/approval of the Department. Violation of this Subparagraph is a Class Three violation as described in Title 56.

h. Any alligator egg or alligator raised on an alligator farm shall be cared for under conditions that do not threaten the survival of such egg and alligator as determined by the biological staff of the Coastal and Nongame Resources Division. In making such determination, Coastal and Nongame Resources Division biologists shall take into consideration sanitary conditions, temperature control, feeding, overcrowding and other conditions which effect the survival of alligator eggs and alligators. If the biological staff of the Coastal and Nongame Resources Division determines that the survival of any alligator egg or alligator is threatened due to the conditions on an alligator farm, the Department shall notify the alligator farmer and shall provide the farmer with 60 days to take corrective action. If the farmer fails to take corrective action within 60 days, the Department shall have the authority to confiscate any alligator egg or alligator which remains under conditions that threaten the survival of such alligator egg or alligator and to dispose of such alligator egg or alligator as the Department deems necessary. Violation of this Subparagraph is a Class Four violation as described in Title 56.

16. Exceptions

a. The Department or an authorized representative of the Department may take by any means and possess alligators, alligator eggs, or parts of alligators while in the performance of official duties.

b. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the Department within 24 hours.

17. Penalty for Violation

a. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

b. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

c. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses/permits held by the violator and, as further penalty, for serious, repeat, or multiple violations, the Department shall have the right to deny a violator any and all licenses/permits relating to alligators for a period not to exceed three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 33:677 (April 2007), LR 35:690 (April 2009), LR 37: .

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 the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Robert Love, Coastal and Nongame Resources Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, June 2, 2011.

In accordance with Act #1183 of 1999, 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).

Stephen W. Sagrera
Chairman

Mr. Tom Hess presented the next item, **To hear Report on Reintroduction of Whooping Cranes**. He began stating the goal of the project was to establish a self-sustaining whooping crane population around White Lake Wetlands Conservation Area. A self-sustaining population was a flock of 130 individuals and 30 nesting pairs that survives for 10 years without any additional restocking. Mr. Hess then talked about the history of whooping cranes in Louisiana. They historically occurred in the marshes of White Lake and the Chenieres and it was thought there were as many as 2500 in the area during the 1700's. By 1870, there was only 500 to 700 cranes in North America as a whole. The last Louisiana whooping crane was collected from White Lake in 1950 and it was transported to Aransas National Wildlife Refuge in Texas. In August 2009, staff developed a fact sheet of what was wanted, then came a visit to stakeholders (rice growers, Farm Bureau, oil and gas industry, crawfish farmers and Louisiana Land Owners Association) to gain consensus before the project began. One note of concern was having to get the population designated as non-essential experimental population status under the Endangered Species Act. In Florida, over a 13 year period, 289 cranes were brought in and they also had their population listed as non-essential experimental population status. Mr. Hess then noted White Lake WCA was located south of Gueydan and consisted of 20,000 acres of ag land and 50,000 acres of freshwater marsh. The pen site was on the refuge area. The Rockefeller staff worked with the heavy equipment crew and built the pen. Arrival date for the 10 whooping cranes was February 16, 2011. The birds were checked by the Department veterinarian and then individually moved to the covered pen site. The birds stayed in the covered pen site from February 16 to March 14, which was "flight day". Staff placed radio transmitters with solar panels, color coded bands and U.S. Fish and Wildlife Service bands on the birds. March 14 was the first day the birds were able to fly and Mr. Hess noted they were doing well. A report was received that one of the cranes had flown to an area above Crowley and another had gone east toward Forked Island. Education and outreach work was being conducted.

Before going on to the next agenda item, Commissioner Oats suggested a point of order and go back to the item on hunting regulations. He then made a motion to reconsider, seconded by Commissioner Voisin and unanimously approved. Commissioner Oats stated staff has been working with the industry on the personal watercraft issue for 7 separate areas. He then recommended the Commission hear those 7 areas by name and then adopt them individually as amendments to the Notice of Intent. This would allow for public comment to be received before the next meeting. Mr. Randy Myers stated they have 7 different areas for the use of the personal watercraft on WMAs. The restrictions would be similar to that in place on Pearl River WMA (Type A PWC year model 2003 and beyond which are 8 feet or more in length, can be used on the WMA April 1 until Monday after Labor Day weekend, no person shall operate a PWC at a speed greater than Slow - No Wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, persons engaged in angling or any other manually powered vessel). The areas to be considered were Biloxi WMA, Boeuf WMA, Catahoula Lake, Manchac WMA, Maurepas Swamp WMA, the remaining portions of Pearl River WMA and Pointe-aux-Chenes WMA. Commissioner Oats made a motion to amend the Notice of Intent to include personal watercraft for Biloxi WMA and seconded by Commissioner Morrow. Hearing no comments, the motion passed with no opposition. Then Commissioner Oats made the same motion for Boeuf WMA and seconded by Commissioner Morrow. There being no comments, this motion passed with no opposition. Next Commissioner Oats made the same motion for Catahoula Lake and seconded by Commissioner Morrow. The motion was unanimously approved. Commissioner Oats made the same motion for Manchac WMA and this was seconded by Commissioner Morrow. Hearing no public comments, the motion passed with no opposition. Commissioner Oats made the same motion for Maurepas Swamp WMA and Commissioner Morrow seconded the motion. The motion was unanimously approved. Commissioner Oats made a similar motion for the remainder of Pearl River WMA and seconded by Commissioner Morrow. No public comments were heard and the motion passed with no opposition. Finally, Commissioner Oats made the same motion for Pointe-aux-Chenes WMA and Commissioner Morrow seconded the motion. Hearing no public comments the motion was unanimously approved. Commissioner Oats stated this was an effort to accommodate the discussion for PWC's on these areas. He then asked the staff to notify those who commented at this meeting on this issue.

To consider Declaration of Emergency and Notice of Intent on Opening of Sabine Lake to Commercial Oyster Harvest began with Mr. Al Sunseri stating he appreciated the time to speak on Sabine Lake being reopened for commercial harvest for the first time in over 50 years. He then stated he owned P & J Oyster Company which was the oldest continually operating oyster company in the United States.

Mr. Sunseri noted they have experienced a significant impact due to the Deepwater Horizon oil disaster. As part of a historical background, he stated that in 2004, legislation was put into place to allow the use of small mechanical dredges which changed the way of harvesting oysters in Calcasieu Lake and Sabine Lake. Hurricane Katrina came and the industry could not continue to work and get the area reopened. Following Hurricane Katrina, federal funds were requested to help the oyster industry. Part of the funds were to be used to do water quality sampling and biological sampling in Sabine Lake. Mr. Sunseri stated they have worked through 2 administrations and a number of state agencies that sit on the Oyster Task Force. In February 2010, all testing came back with approval from the Food and Drug Administration. It was found that there were over 750,000 market sized oysters in the Louisiana side of Sabine Lake and the resource was healthy. This would be a great opportunity for those in the industry to be able to utilize as a user group. Mr. Sunseri mentioned this has been a very difficult year with very few oysters landed in Louisiana and a detriment to the oyster industry and providers of the product. He then asked the Commission to move favorably on opening Sabine Lake for commercial oyster harvest with a 20 sack limit as soon as practical.

Secretary Robert Barham stated he appreciated the oyster industry very much and noted the Department has been very aggressive in supporting the industry through these trying times especially with BP refusing to pay for action taken in response to the oil coming to the oyster beds. Funds have been found to contribute towards a new cultch plant off the coast and the Department has found additional money for another cultch plant. However, Secretary Barham did not think this action was the right thing to do. The first reason was because this action item was put on the agenda with a short time slot for public comments especially with this not being an emergency situation. Another reason was the recent signing of a MOU with the state of Texas to consult and operate together on the management of the waters that separate the 2 states. The initial point in reaching a MOU with Texas was the management of Toledo Bend and Sabine River. Texas agreed to do essentially everything Louisiana asked them to do except that they expressed their desire to not open Sabine Lake for oyster harvest. When the request first came through, the lake was closed due to health reasons but now that has changed however Texas has not changed their position. Then Secretary Barham added that Texas was stringent on their enforcement and if an oyster fisherman went into Texas waters, they will impound their boat and the fisherman was handcuffed and taken to jail. Also, this reef was the largest, natural unharvested reef in the world and the Department's job was to preserve and protect the natural resources. There are built-in

conflicts between user groups, when a new area is opened for the oysters, recreational fishermen will complain about that area. Secretary Barham concluded stating the main reason for not opening Sabine Lake was the agreement with Texas. Commissioner Voisin stated that he was told that the Secretary had the authority to open this area without the Commission. Also there have been a series of people ask for the area to be reopened. Then he asked how much research was the Department doing in Sabine Lake at this time. Secretary Barham did not think much since it was closed due to health reasons. Mr. Patrick Banks stated a new sampling plan for Sabine was being implemented. Prior to last year there was periodic sampling of the lake, but beginning last year, there have been regular samples with 6 oyster sampling stations taking monthly dredge information and a stock assessment once a year. Commissioner Voisin stated that he read the MOU with Texas and felt Secretary Barham was correct in his statement to manage fisheries jointly where it can. Secretary Barham responded by saying cooperative management.

Mr. Ben Weber began stating that no one would dispute that the oyster industry was in tough times. But he did not believe the reef would provide anything more than a temporary benefit for the fishermen. Mr. Weber stated he represents the National Wildlife Federation and he noted the vertical oyster reef does a great deal to protect coastal communities. The removal of the reef would be inconsistent with the Louisiana Comprehensive Master Plan for a Sustainable Coast and inconsistent with BJ 2008-7 on coastal matters. Mr. Weber felt it would take more than a temporary fix to get them right.

Mr. Stan Harris, Louisiana Restaurant Association, stated one of the things they hear from their members constantly was that they need oysters. One question the restaurants get asked was where do the oysters come from and Mr. Harris felt it was difficult to let them know they were not from Louisiana. He has spent a lot of time over the last four months with the oyster industry and the Task Force on partnering together to reach the resources and be able to offer them to the restaurant guests. Mr. Harris noted they stand with the oyster community and asked for favorable consideration of opening Sabine Lake oyster resource. Temporary solutions was a start and that was what was needed to help the industry sustain themselves.

Mr. Tommy Cvitanovich had to leave the meeting but was in favor of opening the season in Sabine Lake.

Mr. Stephen Peyronnin, Executive Director of the Coalition to Restore Coastal Louisiana, felt the Commission would hear a lot

about the physical attributes to the reef and productivity values.

In response to Secretary Barham's comments, he added it would be unwise to open the reef to commercial harvest as a need for consistency with the State Master Plan perspective. Two key objectives of the Master Plan was important to look at. The first was looking at an opportunity to reduce risk to economic assets and communities in the region. Mr. Peyronnin felt southwest Louisiana would have to rely on the natural landscape features to reduce their risk from storm surge and the vertical reefs were an essential part in reducing storm surge. The second key objective was maintaining a diverse array of habitat for species of wildlife. To make a unilateral decision based on a single user group would not be the most prudent thing to do at this time. Mr. Peyronnin ended noting their support for Secretary Barham's comments. Commissioner Voisin asked Mr. Peyronnin how much research has the Coalition done in Sabine Lake over the last 10 years and he was told not a specific amount over the last 10 years. A position paper was submitted to the Department in 2008 on the values of historic or vertical oyster reefs and it did reflect directly on Sabine Lake. Commissioner Voisin felt the Coalition spent no dollars in Sabine Lake.

Dr. Keith Ouchley, Executive Director of The Nature Conservancy of Louisiana, strongly supported the Department's position to keep Sabine reef closed for harvest. The Nature Conservancy, a science based organization, has worked in Louisiana for over 30 years to restore some iconic places. From this work, the Conservancy knew that the Sabine reef was a very rare and unique place in terms of its vertical nature and size. This vertical reef provides habitat for many species other than just oysters. Dr. Ouchley noted Sabine Reef was alone at the top of the list for natural oyster reefs. This reef is composed of about 1500 acres and Louisiana has about 1.76 million acres of public seed grounds. He added that they were not opposed to the oyster industry but the Conservancy would continue to work to restore and enhance the state's fishery, but it was just as important to protect natural habitats.

Mr. Scott Parker stated he has been in the oyster business for about 30 years and was now a commercial fisherman. He felt the commercial fishermen were in bad shape and the state would begin losing them if they cannot work. Also, Mr. Parker thought they may lose the fishery to imports. What the industry needs was a "stepping stone". Harvesting the oysters would not be a problem since it is a renewable resource and it would expand the reef and allow it to grow. This would allow for a more predictable oyster.

Mr. Chris Macaluso presented a Resolution adopted by the Louisiana Wildlife Federation at its recent state convention. As the Coastal

Outreach Coordinator for the Federation, he noted that the Resolution supported Secretary Barham's ascertains to leave the reef intact and closed to commercial harvest. The Resolution urged the Louisiana Legislature to designate the Sabine reef as the Sabine Reef Oyster Sanctuary. The opening of this reef to commercial harvest would be detrimental to the natural structure. Also, shoreline protection projects such as oyster reefs and other reefs will be used extensively for coastal restoration measures. Mr. Macaluso stated that if you look at aerial photos of the southeast shore of Sabine Lake, what will be seen is a marsh that is intact and healthy. The vertical reef was a prime reason for the healthy marsh in Sabine Lake. Opening the area to oyster dredging would reduce or possibly eliminate the ability to protect the shoreline and adjacent marsh. Concluding, Mr. Macaluso added they support Secretary Barham's request to leave the area closed to commercial harvest.

Mr. Marc Barker did not wish to speak but was against the proposal.

Mr. David Cresson, Executive Director of the Coastal Conservation Association of Louisiana, agreed with Secretary Barham on the short lead time given for this agenda item. The Association was partly composed of 60,000 conservationists from Texas and Louisiana. Mr. Cresson then supported the recommendation by the Department and Secretary Barham to keep Sabine Lake closed to oyster harvest. He noted they were sensitive to the hardships of the oyster industry, but the first obligation was to the state's coastal resources. If the coast was lost, critical fisheries and wildlife habitat would also be lost.

Mr. Al Sunseri commented that the Wildlife and Fisheries Commission came from the Louisiana Oyster Commission and was one of the first conservation groups in the United States. He stated that the reason Louisiana was number 1 in oystering was they have nurtured oyster grounds, planted cultch material on private farms and nurtured public grounds, and obtained federal funds to expand oyster farms. Verticalness of reefs did not mean they should not be utilized. Mr. Sunseri stated the oyster fishermen were great stewards of the coast by being the first coastal restorers by putting in a river diversion with no cost to the state of Louisiana. Out of respect for those at the meeting, Mr. Sunseri requested the item be deferred until the next meeting. He expressed appreciation to the Chairman for putting this on the agenda at such a late time. The oyster industry has been working on this request for the last 6 years without any opposition including the administrations. He promised everyone that opening Sabine Lake to commercial oyster harvest would not impact the reef. A 20 sack limit and good enforcement would only expand the reef and

make it better. Chairman Sagrera apologized to Secretary Barham in the wording of the item, it was to begin discussions and not to have an up or down vote.

Commissioner Voisin stated the Commission has acted on Sabine Lake ever since he has been attending the meetings when the oyster season was set. It has been managed for commercial harvests for oysters. He commented that in a letter to the Oyster Task Force the Secretary Barham suggested that the next Commission Meeting would be "an ideal opportunity to have your concerns addressed". Commissioner Voisin agreed that Louisiana should work with neighboring states jointly but this state should not allow Texas to run Louisiana. The oyster industry was down 50 to 60 percent in productivity. Sabine Lake was set up as a commercial oyster harvested area and the industry has worked with the Department of Health for 6 years to get the area open. Commissioner Voisin reminded everyone that he brought Sabine Lake up at the oyster setting meeting last year and was assured that as soon as the FDA approved it would be opened. He added that Sabine Lake was a beautiful lake with a nice resource. The marsh is intact and healthy in the area for more than just the oyster resource purpose.

As stated by Mr. Sunseri, with an active harvest of 20 sacks there could be 915,000 sacks as documented by the latest resource assessment. Commissioner Voisin commented this was the top layer of the vertical reef and it could possibly have several layers holding up to 5 year classes of oysters which could equal to about 3 million sacks of oysters in the area. In the best of times, Louisiana produces 2.5 million sacks of oysters per year and this area has the potential of helping the oyster community today. He added that they supported the Governor in opening the freshwater diversion structures. Sabine Lake was not a temporary fix, the Commission has voted for 50 years to keep the area closed for health purposes. Also the lake has great research value but the Commissioner wondered why nothing was being done except by the Department of Health and Hospitals and the Department of Wildlife and Fisheries for the last year preparing for a commercial reopening. He supported reef expansion to protect the coast but did not know of any such activity in the Sabine area. When they "rake" the oysters, they take them from the top, they break them up and take the shells they attach to when born and throw them back overboard. Commissioner Voisin noted the reef is on the Louisiana side of Sabine because there was a commercial fishery and it has expanded. He then made a motion to set up a stakeholders committee to discuss and report back to the Commission at its May meeting on the Sabine Lake oyster harvest area. Commissioner Oats seconded the motion since it was just placed on the agenda the day before the meeting. He felt the Commission needed to be receptive to short term solutions due to the unprecedented times. Commissioner

Oats felt it was right to continue the discourse. Commissioner Broussard asked if the Department would give any data and Commissioner Oats replied there is a lot of information. Hearing no further discussion, the motion passed with no opposition.

The Commissioners agreed to hold the **August 2011 Meeting** on Thursday, August 4, 2011, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Chairman Sagrera then asked for **Public Comments**. Mr. Joe Macaluso stated the editorial position of The Advocate on the Commission and Department was to urge the Legislature and Governor to extract some portion of state sales tax to support the Department. The state's sportsmen and the recreational and commercial interests provides more than \$450 million in sales tax. In reference to the limited access areas on the 4 WMAs, Mr. Macaluso felt there was not a lot of participation nor many ducks taken. He urged the Department to continue the study for 2 or 3 years on the 4 existing areas before expanding to 2 other areas. The last subject was the amendment on personal watercraft. Mr. Macaluso reminded the Commission of what happened two years ago when an "11th hour deer amendment" was added and how it stirred up the community. He supported the PWC's on the lower end of Pearl River WMA, but did not think the upper portion of the area could not be shared by large and small watercraft. If everyone cannot get involved in a proposed amendment and have the opportunity to comment, Mr. Macaluso felt those type amendments should not be proposed. Commissioner Oats solicited Mr. Macaluso's support in getting the amendment out to everyone and encourage them to submit their comments.

Mr. Dwayne Cowart, representing the National Marine Manufacturers, thanked the Commission and staff for accommodating personal watercraft users by proposing the amendments. The timing issue was their misunderstanding of the rules. He noted these are not the jet skis of 15-20 years ago but are family watercraft.

There being no further business, Chairman Sagrera **Adjourned** the meeting.

Stephen W. Sagrera
Chairman

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