

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

December 4, 2008

**PATRICK C. MORROW
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
DECEMBER 4, 2008

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MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, December 4, 2008

Chairman Patrick Morrow presiding.

Earl King, Jr.
Stephen Sagrera
Robert Samanie, III

Assistant Secretaries Jimmy Anthony and Randy Pausina were also present for Secretary Robert Barham.

Commissioners Frederic Miller and Stephen Oats were absent from the meeting.

Chairman Morrow called for a motion for approval of the **November 6, 2008 Commission Minutes**. A motion for approval was made by Commissioner King and seconded by Commissioner Samanie. The motion passed with no opposition.

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

Mr. Sam Barbera, representing CCA of Louisiana, handled the next item, **Presentation of Volunteer of the Year Award by CCA**. He noted that for the last 25 years, CCA has been very lucky to have an army of volunteers and members to keep things moving along. One such volunteer, began helping CCA of Louisiana with their trade shows, membership meetings, and fishing tournaments on her own time. This person was now more than a volunteer, she has become a friend. Mr. Barbera then presented the 2008 Volunteer of the Year Award to Ms. Mandy Tumlin, an employee of the Department. Chairman Morrow thanked Ms. Tumlin for all of her efforts to promote the habitat in Louisiana.

The next item, **Presentation of Special Employee Recognition Awards** began with Col. Winton Vidrine stating he was handling this for Secretary Barham. Ms. Rebecca Hillebrandt and Ms. Cara Hoar helped furnish food to those handling the Command Center during the recent hurricanes. The food was delivered by these employees from the Office of Homeland Security. Col. Vidrine felt Ms. Hillebrandt and Ms. Hoar did an outstanding job. He then presented certificates which made the ladies "Honorary Wildlife Agents" and gave them each a cap and jacket from the Louisiana Agents Association. Chairman Morrow felt the ladies exemplified the commitment that all Department employees showed during the hurricanes. He then thanked all of the employees for their time and efforts.

To receive and hear Enforcement & Aviation Reports/November began with Lt. Col. Keith LaCaze stating this was a huge hunting month for waterfowl and deer. Reports showed there was success in waterfowl hunting throughout most of the state. Lt. Col. LaCaze thought there were no baiting cases made during November. He noted there were 1,860 citations issued statewide, 293 written warnings and agents helped with 34 instances of public assists for the month. He then talked about Louisiana Delta Farms Plantation and the flooding that occurred when Hurricane Gustav came through the state. All of the crops on the plantation were ruined which required the lands to be manipulated which conflicted with waterfowl baiting regulations. The Delta Farms closed their gates and did not allow waterfowl hunting. Going on, Lt. Col. LaCaze stated there were 7 boating accidents reported during November, with 3 injuries and 3 fatalities. The fatalities occurred in Union, Grant and Morehouse Parishes. Also, the Department's 3 planes flew a total of 83.0 hours for the month. News Releases centered on continuing with litter enforcement, night hunting in Catahoula Parish, a drug case in Concordia Parish, mullet fishing in Lake Pontchartrain and a gill net case in Orleans Parish. Chairman Morrow asked the Department to track the night hunting cases and give a report on its disposition. Lt. Col. LaCaze stated there were numerous night hunting cases around the state and a report would be provided on disposition as the cases were processed and adjudicated. Chairman Morrow felt the 3 fatalities were due to no PFD's and/or no kill switch. Lt. Col. LaCaze stated he was correct. Commissioner Samanie stated he noticed 34 cases of hunting migratory game birds from a moving motorboat and asked if that was normal. Lt. Col. LaCaze answered yes, noting those cases were primarily from the Lake Boeuf area.

To receive and consider Notice of Intent to amend the Rules and Regulations on White Lake Wetlands Conservation Area Conservation Management Plan was handled by Mr. Wayne Sweeney. A revised set of comprehensive rules were being submitted to go along with the previous rules specific to the lottery hunts which have been incorporated into this proposed rule. The additional rules follow similar guidelines to WMAs, but the area was a WCA (Wetlands Conservation Area). The main exceptions in the proposed rule included: not requiring a WMA permit, not requiring a Louisiana Wild Stamp for non-consumptive activities, and all public access would require a permit (except for current lessees). The fee structures on the hunts were being proposed to increase. The teal lottery hunt would increase to \$250 per hunt for 2 hunters; marsh lottery hunts would increase to \$350 per hunt; and the rice field lottery hunts would go to \$225 per hunt. There would still be no charge for the youth lottery hunts. The group hunts would increase from \$25,000 to \$30,000 for a 2 day hunt for up to 12 people. Mr. Sweeney stated there were 14 hunts sold this year and he did not think there would be a problem selling 14 again next year at the new fee. Commissioner Sagrera asked how many fishing lottery permits were issued. Mr. Sweeney stated there were 75 fishing permits issued last year and it was proposed to increase that number to 100 this year. Commissioner Sagrera asked if there was a demand for more than 75. Mr. Sweeney stated there were about 90 fishing lottery applications submitted last year. Chairman Morrow asked if the price per hunt was for a blind and Mr. Sweeney asked that the fee was one price no matter if it was 1 or 2 hunters in the blind. Chairman Morrow then asked about the use of dogs in the rice field hunts but not

the marsh hunts. Mr. Sweeney explained that the 12 marsh blinds never had dog stands and problems incurred with having dogs in a pirogue. Commissioner Sagrera asked if there was a plan to increase the number of rice field blinds. Mr. Sweeney noted there would be room to add blinds, but there was a need for a different mode of getting the hunters to the blinds. Chairman Morrow asked about the hold over leases from BP and whether they were year to year leases. Mr. Sweeney mentioned that prior to the donation in 2002, BP gave the lessees 10 year leases which would expire following the 2011-2012 hunting season. Then a decision would be made on the leases and possibly bidding them out. He also commented that the lessees have to abide by the regulation that does not allow afternoon hunting. Chairman Morrow felt it would be interesting to see what the ducks blinds would bring if it came up for bid in 2012. Hearing no further questions, Commissioner Samanie made a motion to adopt the Notice of Intent and it was seconded by Commissioner Sagrera. 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 rules and regulations for the White Lake Wetlands Conservation Area.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves, Wildlife Management Areas, Refuges and Conservation Areas

§335. White Lake Wetlands Conservation Area Conservation Management Plan

A. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Louisiana Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Sections 109 and 799.5 of Title 56. Failure to comply with these regulations will subject the individual to citation and/or expulsion from the conservation area.

B. Citizens are cautioned that by entering the White Lake Wetlands Conservation Area (WCA) managed by LDWF, they are subject to inspections of themselves and/or their vehicles for game, fish and/or license checks, inspections, and searches.

C. The White Lake WCA seasons may be altered or closed anytime by the department Secretary in emergency situations (flood, fire, or other critical circumstances).

D. Portions of the White Lake WCA are leased for various purposes, including, but not limited to, hunting, agriculture, grazing, trapping, and other surface activities and subsurface activities, including oil and gas operations. Lessees, Oil and Gas Operator's, and their employees, agents, invitees, licensees, will adhere to the terms and conditions outlined in their prospective leases and agreements. In addition Lessees and all others entering onto the White Lake WCA will adhere to the following rules and regulations:

1. White Lake WCA is a Restricted Use Area meaning that all persons other than employees of the Department or Lessee's, Oil & Gas Operators, their employees, agents, invitees, licensees, will not be allowed to access the White Lake WCA unless they are participating in a lottery activity, a non-consumptive activity, or some other Wildlife and Fisheries sponsored or coordinated event. To participate in lottery or non-consumptive activities, please review the information provided below for each activity.

E. Dumping garbage or trash on White Lake WCA is prohibited. Garbage and trash shall be properly disposed of in designated locations if provided.

F. Disorderly conduct or hunting under the influence of alcoholic beverages, chemicals and other similar substances is prohibited.

G. Except for those rights granted under existing leases, damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants, and non-game wildlife (including reptiles and amphibians) is prohibited without the prior approval from the White Lake WCA Manager or from the Secretary.

H. Burning of the marsh is prohibited. Lessee may request special permission to do control burning, which must be approved by the White Lake WCA Manager or the Secretary.

I. Free ranging livestock prohibited.

J. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATV's, horses, mules, bicycles, etc. allowed unless approved by the White Lake WCA Manager. Removal of vegetation (standing or down) or other natural material is prohibited.

K. Permits and Licenses

1. All persons shall be responsible for obtaining and possessing the proper license or licenses for the activities they will be engaged in when on the White Lake WCA. Proper identification and licenses must be readily available and presented to Wildlife and Fisheries personnel upon request. Licenses will not be available for purchase on site.

2. SPECIAL NOTE: A WMA PERMIT WILL NOT BE REQUIRED TO HUNT ON THE WHITE LAKE WCA. IN ADDITION, PERSONS USING THE WCA FOR ANY PURPOSE OTHER THAN HUNTING WILL NOT BE REQUIRED TO POSSESS A WILD LOUISIANA STAMP.

3. Permits will be issued to lottery fishermen and those individuals must carry their permit on their person while on the White Lake WCA. No permits will be issued to lottery hunters since those hunts are daily hunts and are coordinated and accompanied by Wildlife & Fisheries personnel. Self Clearing Permits are not necessary for any activities.

L. Firearms

1. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs while on the WCA except by wildlife enforcement agents and employees or contract guides working for the Department at White Lake.

2. Firearms may not be carried on any area before or after permitted hours except by authorized trappers, lessees, wildlife enforcement agents and employees or contract guides working for the Department at White Lake.

3. Firearms and bows and arrows are not allowed on the WCA during closed seasons. Exceptions are made for authorized lessees and individuals participating in coordinated shooting activities on the White Lake Skeet Range and Sporting Clay Course, wildlife enforcement agents and employees or contract guides working for the Department at White Lake.

4. Center-fire rifles and handguns larger than .22 caliber rim fire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto the WCA except by authorized trappers, lessees, wildlife enforcement agents and employees or contract guides working for the Department at White Lake.

5. Target shooting and other forms of practice shooting are prohibited. Exceptions are made for authorized lessees and individuals participating in coordinated shooting activities on the White Lake Skeet Range and Sporting Clay Course.

M. Waterfowl hunting is prohibited after noon on all portions of the White Lake WCA, including those areas which are leased for hunting purposes.

N. Commercial Activities. Commercial activities are prohibited without prior approval from White Lake WCA Manager and the Secretary or unless otherwise specified.

O. Camping. Camping on the White Lake WCA, including trailers, houseboats, recreational vehicles and tents, is prohibited unless otherwise approved by the White Lake WCA Manager and the Secretary or unless otherwise specified.

A P. Consumptive Activities. The general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area Management Plan is as follows:

<u>ACTIVITIES</u>	<u>SEASON</u>	<u>COST</u>
Alligators Wild Alligator Harvest Alligator Egg Collection	LDWF Season June & July	40% of public bid Public bid
Waterfowl Teal Lottery Hunts	LDWF Season	\$100 per gun <u>\$250 per hunt with a maximum of 2 persons per blind</u> No cost
Youth/Physically Challenged	First Weekend	
Hunts Marsh Lottery Hunts	LDWF Season	\$150 per gun <u>\$350 per hunt with a maximum of 2 persons per blind</u>
Rice Lottery Hunts	LDWF Season	\$150 per gun <u>\$225 per hunt with a maximum of 3 persons per blind</u> \$25,000 per group \$30,000 per group
Group Hunts	LDWF Season	
Fishing	March 15-August 15	\$40 per permit

1. The number/quantity of alligators, eggs, hunters, groups and permits for the above activities shall be established annually based upon biological and technical data presented by the Department to the Board.

2. Commission members, and their immediate families, are prohibited from participating in any consumptive activities on the White Lake Wetlands Conservation Area, including lottery and group hunts and lottery fishing.

3. Currently all public hunting and fishing activities are done through a lottery system. Except for lessee's and their invited guest, no person may enter onto the

White Lake WCA for the purpose of hunting or fishing unless they have applied and been selected for one of the lotteries offered. Lottery activities include, but may not be limited to, the following: Fishing Lottery, Teal Hunting Lottery, Waterfowl Marsh Hunting Lottery, Waterfowl Rice Field Hunting Lottery, Waterfowl Youth Hunting Lottery, Waterfowl Group Hunting Lottery. Details on these Lottery activities can be found seasonally, on the LDWF website www.wlf.louisiana.gov. For more information contact the White Lake WCA Manager at 337-479-1894.

4. In addition to the rules already mentioned, the following special rules apply for the below lottery activities. These special rules are subject to change each year and will be attached to the lottery applications when advertised on the LDWF website.

a. Fishing Lottery

i. Fishing will be allowed in the Florence Canal and Oil Field Location Canals off of the Florence Canal ONLY.

ii. There will be no fishing in any of the marsh areas or in the main Camp Canal or other areas that are marked "NO FISHING".

iii. All boats will be limited to a maximum of 40 horsepower motor.

iv. All "No Wake" signs must be obeyed.

v. Fishing must be done from boat only.

vi. Rod and reel sport fishing only (no archery fishing, trot lines, jug lines etc.).

vii. Holder of the permit must be present (permit not transferable).

viii. There will be no boat launching from the White Lake properties. (Permittee must utilize public boat launch.)

ix. Permit holder must have permit and boat decal.

x. Any violations of Louisiana boating or fishing regulations or any rule violations will result in immediate termination of permit.

xi. Permittee will not be allowed to enter onto the White Lake WCA until sunrise and must exit the property by sunset.

xii. No firearms allowed on premises.

b. Teal Lottery Hunts

i. The Louisiana Department of Wildlife and Fisheries has established a lottery waterfowl (teal) hunt on White Lake property that has the potential to provide excellent waterfowl hunting. Hunts will be restricted to persons selected by lottery and will be limited to 2 persons/unit. All hunters will hunt as a group with a guide. No splitting up will be allowed. The primary purpose of these hunts is to provide a quality experience. Strict adherence to the following rules and regulations will be required to ensure a safe and enjoyable hunt.

(a). SAFETY IS FIRST AND FOREMOST IN EVERYONE'S MIND. NO LOADED FIREARMS EXCEPT WHILE HUNTING IN THE BLIND. HOWEVER, A HUNTER SHALL BE ALLOWED TO CARRY A LOADED FIREARM OUTSIDE THE BLIND TO DISPATCH AND RETRIEVE WOUNDED WATERFOWL. TAKE EVERY PRECAUTION TO HAVE A SAFE AND ENJOYABLE HUNT.

(b). Selected participants must arrive at the designated site by 5:00 AM. Anyone arriving after 5:00 AM will not be allowed to enter the area. Hunting will end no later than 9:00 AM.

(c). Guides and hunt area (blind) will be assigned the morning of the hunt.

(d). Access will be provided to a designated parking area. Transportation from the parking area to the site will be provided.

(e). Each hunter shall have appropriate licenses (basic license, state duck stamp, federal duck stamp, and HIP certification) prior to arrival. NO LICENSES WILL BE AVAILABLE AT THE HUNTING SITE. Licenses will be checked at the same time permits are reviewed. No one will be allowed in a hunting area without the proper lottery permit.

(f). Legal firearms, as specified in the hunting regulations pamphlet, except no 10 gauge shotguns will be allowed.

(g). Persons engaging in "sky busting" will be asked to leave.

(h). No dogs will be allowed.

(i). Hunters will be responsible for removing all litter from the area and surrounding areas.

(j). No alcoholic beverages will be permitted on the premises.

c. Marsh Waterfowl Lottery Hunt

i. The Louisiana Department of Wildlife & Fisheries has established a lottery waterfowl marsh hunt on White Lake property that has the potential to provide excellent waterfowl hunting. Hunts will be restricted to persons selected by lottery and will be limited to 2 persons/unit. All hunters will hunt as a group with a guide. No splitting up will be allowed. The primary purpose of these hunts is to provide a quality experience. Strict adherence to the following rules and regulations will be required to ensure a safe and enjoyable hunt.

(a). SAFETY IS FIRST AND FOREMOST IN EVERYONE'S MIND. NO LOADED FIREARMS EXCEPT WHILE HUNTING IN THE BLIND. HOWEVER, A HUNTER SHALL BE ALLOWED TO CARRY A LOADED FIREARM OUTSIDE THE BLIND TO DISPATCH AND RETRIEVE WOUNDED WATERFOWL. TAKE EVERY PRECAUTION TO HAVE A SAFE AND ENJOYABLE HUNT.

(b). Selected participants must arrive at the designated site by the time specified in your notification letter. Anyone arriving after that time will not be allowed to enter the area. Hunting will begin in the morning at legal shooting time and will end no later than 9:00 AM.

(c). Guides and hunt area (blind) will be assigned the morning of the hunt.

(d). Access will be provided to a designated parking area. Access from the parking area to the site will be provided.

(e). Each hunter shall have appropriate licenses (basic license, state duck stamp, federal duck stamp, and HIP certification) prior to arrival. NO LICENSES WILL BE AVAILABLE AT THE HUNTING SITE. Licenses will be checked at the same time permits are reviewed. No one will be allowed in a hunting area without the proper lottery permit.

(f). Legal firearms, as specified in the hunting regulations pamphlet, except no 10 gauge shotguns will be allowed.

(g). Persons engaging in "sky busting" will be asked to leave.

(h). No dogs will be allowed.

(i). Hunters will be required to report their total kill in writing at the end of the hunt.

(j). Hunters will also be responsible for removing all litter from the area and surrounding areas.

(k). No alcoholic beverages will be permitted on the premises.

d. Rice Field Waterfowl Lottery Hunt

i. The Louisiana Department of Wildlife & Fisheries has established a lottery waterfowl (rice field) hunt on White Lake property that has the potential to provide excellent waterfowl hunting. Hunts will be restricted to persons selected by a lottery and will be limited to 3 persons/unit. Blinds and decoys are provided; however, NO GUIDES WILL BE PROVIDED FOR THE RICE FIELD HUNTS. No splitting up will be allowed. The primary purpose of these hunts is to provide a quality experience. Strict adherence to the following rules and regulations will be required to ensure a safe and enjoyable hunt.

(a). SAFETY IS FIRST AND FOREMOST IN EVERYONE'S MIND. NO LOADED FIREARMS EXCEPT WHILE HUNTING IN THE BLIND. HOWEVER, A HUNTER SHALL BE ALLOWED TO CARRY A LOADED FIREARM OUTSIDE THE BLIND TO DISPATCH AND RETRIEVE WOUNDED WATERFOWL. TAKE EVERY PRECAUTION TO HAVE A SAFE AND ENJOYABLE HUNT.

(b). Selected participants must arrive at the designated site by the time specified in the notification letter. Anyone arriving after that time will not be allowed to enter the area. Hunting will begin in the morning at legal shooting time and will end no later than 9:30 AM.

(c). Hunters will be required to stay in blind during hunt except to retrieve birds.

(d). Access will be provided to a designated parking area. Transportation to and from the parking area to the blinds will be provided. Selected participants may be required to walk a minimum of 200 yards across a flooded rice field carrying their gear.

(e). Each hunter shall have appropriate licenses (basic license, state duck stamp, federal duck stamp, and HIP certification) prior to arrival. NO LICENSES WILL BE AVAILABLE AT THE HUNTING SITE. Licenses will be checked at the same time permits are reviewed. No one will be allowed in a hunting area without the proper lottery permit.

(f). Legal firearms, as specified in the hunting regulations pamphlet, except no 10 gauge shotguns will be allowed.

- leave.
- (g). Persons engaging in “sky busting” will be asked to
- per blind.
- (h). Retrieving dogs will be allowed but only one dog
- writing at the end of the hunt.
- (i). Hunters will be required to report their total kill in
- from the area and surrounding areas.
- (j). Hunters will be responsible for removing all litter
- premises.
- (k). No alcoholic beverages will be permitted on the

e. Youth Waterfowl Hunt Lottery

i. The Louisiana Department of Wildlife and Fisheries has established a guided lottery youth waterfowl hunt on White Lake property that has the potential to provide excellent waterfowl hunting. Hunts will be restricted to persons selected by a lottery with one person being selected from each of 7 geographical regions of the state and one person being selected from the state at large. The hunt will be limited to 2 persons/unit (a youth under the age of 16 and a parent or guardian). All hunters will hunt with a guide. The primary purpose of these hunts is to provide a quality experience for young waterfowl hunters. Strict adherence to the following rules and regulations will be required to ensure a safe and enjoyable hunt.

(a). SAFETY IS FIRST AND FOREMOST IN EVERYONE’S MIND. NO LOADED FIREARMS EXCEPT WHILE HUNTING IN THE BLIND. HOWEVER, A HUNTER SHALL BE ALLOWED TO CARRY A LOADED FIREARM OUTSIDE THE BLIND TO DISPATCH AND RETRIEVE WOUNDED WATERFOWL. TAKE EVERY PRECAUTION TO HAVE A SAFE AND ENJOYABLE HUNT.

(b). Selected participants must arrive at the designated site outlined on your notification letter by 5:15 a.m. Anyone arriving after 5:15 a.m. will not be allowed to enter the area. Hunting will end no later than 9:00 a.m.

(c). Guide and blind assignments will be made the morning of the hunt.

(d). Access will be provided to a designated parking area. Transportation from the parking area to the site will be provided.

(e). Legal firearms, as specified in the hunting regulations pamphlet, except no 10 gauge shotguns will be allowed.

- leave.
- (f). Persons engaging in “sky busting” will be asked to
- (g). No retrievers/dogs will be allowed.
- from the area.
- (h). Hunters will be responsible for removing all litter
- possess and shoot a firearm.
- (i). Only hunters under the age of 16 will be allowed to
- (j). Hunters should be familiar with the firearm they
will be shooting and be capable of handling it in a safe manner.

Q. OTHER HUNTING ACTIVITIES. There are currently no other public hunting opportunities available on the White Lake WCA. This includes deer hunting and all other game birds and animals.

B. Schedule of Costs for Public Use of Facilities for Non-Consumptive Activities

R. Non-Consumptive Activities. Schedule of Costs for Public Use of Facilities for Non-Consumptive Activities.

1. Daily Use

a. \$300 - Includes one day use of Lodge for meetings with nothing provided (for up to 15 people, weekdays only).

b. \$300 + \$10/person - Includes one day use of Lodge for meetings with coffee, cold drinks and bottled water provided.

c. \$300 + \$20/person - Includes one day use of Lodge for meetings with coffee, cold drinks, bottled water and lunch provided. The lunch provided will consist of a sandwich tray and chips or something similar. It will not include a hot lunch.

d. Exemptions from cost – When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

2. Overnight Use

a. \$400 + \$25/person/night – Includes overnight stay at Lodge with nothing provided except linens. (For up to 12 people, weekdays only).

b. \$400 + \$35/person/night - Includes overnight stay at Lodge with coffee, cold drinks, bottled water and linens provided.

c. \$900 + \$35/person/night - Includes overnight stay at Lodge with coffee, cold drinks, bottled water, meals (breakfast, lunch and supper) and linens provided.

d. Exemptions from cost – When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

e. Exemptions from all costs apply to all persons invited by the Department to department sponsored events related to education, conservation or fish or wildlife related issues.

3. Skeet Range

a. \$10/person/25 clay pigeons.

b. \$15/person/25 clay pigeons, 25 shotgun shells provided.

c. Exemptions from all costs apply to all persons invited by the Department to department sponsored events related to education, conservation or fish or wildlife related issues.

4. Boat Tours

a. \$10/person/ride. Limited to authorized function attendees.

b. Exemptions from cost – When a state, federal or local agency or university conducts research or educational activities in cooperation with the Department, or conducts activities of benefit to White Lake or the Department, the above costs shall be exempt. Costs for food and drink (\$10 per person for drinks, \$20 per person per meal) may be assessed.

5. Use of facilities is subject to availability as well as staff availability and other scheduled events on the area. The facilities shall not be made available for political fundraisers.

6. The Department shall determine appropriate insurance or indemnity requirements for use of the facilities.

7. The Louisiana Department of Wildlife and Fisheries establishes dates each year for the use of White Lake WCA facilities, located within the WCA in Vermilion

Parish, for non-consumptive group activities including nature photography, bird watching, educational field trips, and business retreats. These dates and more information about the facilities available and associated costs will be posted on the LDWF website on or around the first of each year. The website address is www.wlf.louisiana.gov. On the home page click on the hunting tab located near the top of the page and then click on White Lake WCA for information.

8. The primary purpose of non-consumptive access to White Lake WCA is to provide a quality experience within a unique environment preserved as fish and wildlife habitat.

9. In addition to the rules already mentioned, the following special rules apply to the non-consumptive activities. These special rules are subject to change each year and may be revised on the website posting. Strict adherence to all rules and regulations will be required to ensure a safe and enjoyable experience.

a. Safety is a primary consideration. All visitors must adhere to posted safety rules and directions provided by site staff while on the property.

b. Access will be provided to a designated parking area.

c. Boat transportation to and from the site will be provided as part of the day use and overnight use access. Group participants must arrive at the White Lake WCA boat dock at the designated departure time (9:00 a.m. for day use; and no later than 4:00 p.m. for overnight use). The site boat dock is located at the southernmost end of Highway 91, south of Gueydan.

d. Boat Guides for boat tours and biologists for lecture sessions must be requested in advance of the group's arrival on site.

e. No firearms may be brought on to the WCA unless authorized by LDWF.

f. Visitors must adhere to No Littering rules on site.

g. All group use dates must be requested at least two weeks in advance.

h. A deposit of \$100.00 is required to reserve a date on the non-consumptive schedule.

AUTHORITY NOTE: Promulgated in accordance with Act 613 of the 2004 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:538 (March 2007), amended LR 33:1882 (September 2007), LR .

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 written comments on the proposed rule to Mr. Jimmy Anthony, Assistant Secretary, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, February 5, 2009.

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).

Patrick C. Morrow
Chairman

To receive and consider Notice of Intent to amend Alligator Regulations on Release Size and Definition of Alligator Hunter Helper began with Mr. Noel Kinler stating this was the whole alligator rule. One of the reasons for presenting the entire rule was that the Division name, which appears throughout the document, was changed from Fur and Refuge Division to Coastal and Nongame Resources Division. Another change was to change the definition of an alligator helper for the wild alligator harvest season. A helper would be assigned to help a particular hunter or hunters fulfill their tag allotment. The last change related to the length requirements for the release of alligators. Staff has worked with all industry participants to modify this portion of the rule. Currently 12 percent of the animals in the 36 to 60 inch size range has to be returned and only 5 percent could be in the 54 to 60 inch range. The farmers have progressed in growing alligators more quickly and to give them more freedom in manipulating their stock, the 5 percent overage would be done away with and this will allow them to release any number of alligators in the 54 to 60 inch range. Mr. Kinler concluded thinking these rule changes would assist the alligator farmers and not hurt the wild harvest and they would protect our staff in not releasing animals too excessive in size. Commissioner Samanie asked if an alligator hunter helper could be anyone in the boat. Mr. Kinler answered no, a guest could do anything but kill the alligator. A helper would be someone that goes separate from the hunter with the tags and run the lines and pulls the trigger. Commissioner Sagrera asked if the rule change on size release was also a recommendation from the Alligator Advisory Council. Mr. Kinler stated yes, there was an alligator industry meeting in November with the new Advisory Council and they made a motion to support this rule change. Commissioner King asked how are nuisance alligator hunters selected and compensated. Mr. Kinler explained there are about

65 hunters assigned statewide, vacancies are filled from recommendations from the local parish government or the Enforcement Division, and he noted a policy has been established defining the requirements for experience and other criteria. He added they make sure there are a sufficient number of people to handle the complaints, but not so many people that the complaints are diluted for each hunter, since he was paid by his ability to harvest and remove the alligator and sale it for profit. The nuisance hunters handle about 5,000 to 6,000 complaints each year which equals to a harvest of between 2,500 and 3,000. Commissioner King asked if the hunters were compensated by the alligators they take and can the alligators be taken year round. Mr. Kinler answered yes. He felt this was a really good and aggressive program. Commissioner King asked if the nuisance hunters were contractors. Mr. Kinler stated the hunters were not really contractors, but added they were selected by the Department and compensated by the sale of the alligators they harvest. Commissioner King noted the reason for asking the questions was the alligator problem they were having in Morgan City. Mr. Kinler stated there were 2 hunters assigned to St. Mary Parish, one in Franklin and the other in Calumet. Mr. Phil Bowman stated the nuisance hunter program was structured. Commissioner King felt it was a great protocol for the program. Hearing no further questions, Commissioner King made a motion to adopt the Notice of Intent and it was seconded by Commissioner Sagera. This motion passed unanimously.

Chairman Morrow announced Mr. Nathan Wall submitted a comment card in favor of the proposed regulations.

(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 governing the definition of an alligator hunter helper and release length for farm raised alligators 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 ~~Fur and Refuge~~ 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. 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 hunters are divided into four classes:

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

ii. Helper - Anyone who is licensed by the Department to act as an authorized agent of a commercial alligator hunter(s) in conducting alligator harvest activities. The helper may hunt independently of the commercial alligator hunter(s) he is assigned to assist. The helper's license must bear the name and license number of the commercial alligator hunter(s) authorizing the licensing of the helper. ~~assist a commercial hunter during alligator harvest activities; alligator hide tags cannot be issued to a helper license holder.~~

iii. Sport - Anyone who is licensed by the Department and guided by a commercial hunter during alligator harvest activities; alligator hide tags cannot be issued to a sport license holder.

iv. Nuisance - A 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.

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.

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 Subsection 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. 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 ~~Fur and Refuge~~ 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 ~~Fur & Refuge~~ 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 bonafide 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. 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:

- i. \$25 for a resident alligator hunter's license; including commercial, helper, sport, and nuisance types;
- ii. \$150 for a nonresident alligator hunter's license;
- iii. \$25 for a resident fur buyer's license;
- iv. \$100 for a nonresident fur buyer's license;
- v. \$150 for a resident fur dealer's license (\$500 deposit required);

- deposit required);
- vi. \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
 - vii. \$10 for a nongame quadruped exhibitor's license;
 - viii. \$25 for a nongame quadruped breeder's license;
 - ix. \$50 for an alligator parts dealer license;
 - x. \$5 for an alligator parts retailer license;
 - xi. \$4 for each alligator hide tag;
 - xii. \$4 for each whole alligator leaving the state as alligator shipping label fee;
 - xiii. \$0.25 severance tax for each alligator hide taken from within the state;
 - xiv. \$25 for a Designated Agent Collection Permit.

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 Subsections 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 Subsection 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. Legal methods for taking alligators in the wild are as follows:

i. Hook and line;

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

iii. 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).

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 - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning July 15th and ending 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, ~~Fur & Refuge~~ 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. 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. 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. 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:

i. 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

ii. 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.

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

vii. 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. 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 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. 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. 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. 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, Department personnel will inspect 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 other than Department personnel or Federal personnel this action will be considered illegal. 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 wild skin in shipment and including total belly width in centimeters (measured at the fifth scute) referenced to

CITES tag number of each 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. If any of the above requirements are not satisfied, the shipment will not be authorized. Violation of this Subparagraph 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. 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. 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 ~~54~~ 60 inches (~~credit will not be given for inches above 54 inches, however each farmer will be allowed to return a maximum of 5 percent of their total releases due in any given year in the size range of 55 inches to 60 inches total length; 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 ~~Fur & Refuge~~ Coastal and Nongame Resources Division. In making such determination, ~~Fur & Refuge~~ 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 ~~Fur & Refuge~~ 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: .

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: Philip Bowman, Coastal and Nongame Resources Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898, prior to Thursday, February 5, 2009.

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).

Patrick C. Morrow
Chairman

To receive and consider a Resolution and Declaration of Emergency on a Closure of Portions of State Outside Waters to Shrimping was given by Mr. Marty Bourgeois. The closure would be in that area bounded to the west by Freshwater Bayou Canal eastward to

the U.S. Coast Guard Navigational Light at Caillou Boca. This action would become effective at official sunset on December 16, 2008 in conjunction with the closure of all state inside waters. Current samples show that the white shrimp in these areas average smaller than the minimum 100 count per pound size. This action would protect these overwintering white shrimp and would provide them the opportunity to reach a larger and more marketable size. The proposed action would also give the Secretary authority to close additional waters if the need arises or reopen portions of the outside waters if the closure was no longer necessary. Also, the Secretary could set special seasons without impacting the brown shrimp. Commissioner Samanie asked if the normal closure date was in January for outside waters. Mr. Bourgeois stated historically portions of the outside waters close early to mid-January. But last year, the Commission adopted a closure that coincided with the state inside waters since the shrimp were averaging 120 to 150 count. He noted this was a better management tool which could provide more opportunity to harvest the shrimp when they are larger and more valuable. Commissioner Samanie agreed with Mr. Bourgeois. Then, Commissioner Samanie made a motion to adopt the Resolution, it was seconded by Commissioner King and passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION

Closure of State Outside Waters to Shrimping
adopted by the
Louisiana Wildlife and Fisheries Commission
December 4, 2008

WHEREAS, R.S. 56:497 provides the open shrimp seasons for all or part of the state waters shall be fixed by the Louisiana Wildlife and Fisheries Commission, and

WHEREAS, R.S. 56:497 provides the Commission shall also have the right to set special seasons for all or part of the state waters, and

WHEREAS, R.S. 56:497 provides the Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicates that marketable shrimp, in sufficient quantities, are available for harvest, and

WHEREAS, R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound, except during the time period from October fifteenth through the third Monday in December when there shall be no count, and

WHEREAS, in state outside waters, water temperatures remain below 15 degrees Centigrade and the growth rate of white shrimp is therefore slow, and

WHEREAS, current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in a portion of state outside waters average smaller than 100 possession count and additional small white shrimp are expected to recruit to these waters during the remainder of winter and early spring, now

THEREFORE BE IT RESOLVED, the Wildlife and Fisheries Commission does hereby order a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude at official sunset on Tuesday, December 16, 2008.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary.

BE IT FURTHER RESOLVED, the Wildlife and Fisheries Commission does hereby authorize the Secretary of the Department of Wildlife and Fisheries to open special seasons for the harvest of white shrimp in any portion of the State's inside waters where such a season would not detrimentally impact developing brown shrimp populations.

BE IT FURTHER RESOLVED, the Declaration of Emergency closing state outside waters is attached to and made a part of this resolution.

Patrick C. Morrow, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to

use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close state outside waters to shrimping by zone each year as it deems appropriate, the Wildlife and Fisheries Commission hereby orders a closure to shrimping in that portion of state outside waters, south of the Inside/Outside Shrimp Line as described in R.S. 56:495, from the western shore of Freshwater Bayou Canal at 92 degrees 18 minutes 33 seconds west longitude to the U.S. Coast Guard navigational light off the northwest shore of Caillou Boca at 29 degrees 03 minutes 10 seconds north latitude and 90 degrees 50 minutes 27 seconds west longitude. This closure is effective at official sunset, Tuesday, December 16, 2008.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) count per pound except during the time period from October fifteenth through the third Monday in December. Current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that white shrimp in this portion of state outside waters do not average 100 possession count and additional small white shrimp are expected to recruit to these waters. This action is being taken to protect these small white shrimp and provide them the opportunity to grow to a larger and more valuable size.

The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to close to shrimping, if necessary to protect small white shrimp, any part of remaining state outside waters, if biological and technical data indicate the need to do so or if enforcement problems develop, and to reopen any area closed to shrimping when the closure is no longer necessary; and hereby authorizes the Secretary of the Department of Wildlife and Fisheries to open and close special shrimp seasons in any portion of state inside waters where such a season would not detrimentally impact developing brown shrimp populations.

Patrick C. Morrow
Chairman

The Commissioners agreed to hold the **April 2009 Meeting** on Thursday, April 2, 2009, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments**. Mr. Ronald Coco, Avoyelles Wildlife Federation, stated they were fortunate to have 3 WMAs in their area but each followed a different rule for deer hunting. Pomme de Terre had a mandatory deer check, Grassy Lake had a mandatory deer check and a daily permit and Spring Bayou had a mandatory deer check and a self-clearing permit. He then asked why could not all 3 WMAs be managed the same for the opening days of the deer season. Assistant Secretary Jimmy Anthony told Mr. Coco that the hunters needed to read the pamphlet. Mr. Kenny Ribbeck stated he appreciated the situation described and the reasons for the discrepancy was the fact staff wanted to try something new in order to get additional information for the Legislature and provide a bonus deer for hunters on the WMAs. This issue would be addressed when the staff meets later in the month, added Mr. Ribbeck. Chairman Morrow felt the Department

was aware of the problem and it would be addressed with maybe all of them having the same rules and regulations. Mr. Coco then commented that the residents of Avoyelles Parish did not see any reason to kill more deer, does especially, with the program to control nuisance wild quadrupeds. Chairman Morrow stated the new program for damage to crops was discussed at the last meeting. Mr. Coco added there was already the DMAP program for killing deer and felt the deer harvest was down this year. Chairman Morrow added that the Department's regulations are looked upon globally and there was a major problem with the deer population. Mr. Coco asked about the timeframe for comments on that proposal and was told it would be ratified in April.

There being no further business, Commissioner King made a motion to **Adjourn** the meeting and it was seconded by Commissioner Sagrera.

Robert J. Barham
Secretary

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