

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

October 4, 2012

RONNY GRAHAM
VICE-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, LA
OCTOBER 4, 2012
9:30 AM

1.	Roll Call	1
2.	Approval of Minutes of September 6, 2012	1
3.	Commission Special Announcements/Personal Privilege	1
4.	To hear Enforcement & Aviation Reports/September	1
5.	Update on Land Acquisition – Wham and Bussey Brake	1
6.	To receive and consider public comments on the Notice of Intent for 2013 Turkey Areas, Season, and Bag Limits for final Rule	2
7.	To receive and consider public comments on the Notice of Intent for General and WMA Turkey Hunting Regulations for final Rule	2
8.	To receive and consider a Notice of Intent to Revise Rules Governing Falconry	22
9.	To hear a Report on Assessment of the Impact of Hurricane Isaac to the White-Tailed Deer Herds in Southeast Louisiana; and to consider a Declaration of Emergency to Adjust the 2012-13 Deer Season Rules and Regulations in the Impacted Area	61
10.	To receive and consider public comments on the Notice of Intent on Crappie Regulations in Lake D’Arbonne for final Rule	65
11.	Set February Commission Meeting Date	67
12.	Receive Public Comments	67
13.	Adjournment	67

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 4, 2012

Vice-Chairman Ronny Graham presiding.

Pat Manuel
Stephen Sagera
Mike Voisin
Billy Broussard
Will Drost

Secretary Robert Barham was also present.

Commissioner Graham welcomed Mr. Will Drost as the newest member of the Wildlife and Fisheries Commission.

Chairman Graham called for a motion for approval of the **September 6, 2012 Commission Minutes**. A motion for approval was made by Commissioner Voisin and seconded by Commissioner Manuel. The motion passed with no opposition.

For the agenda item, **Commission Special Announcements/Personal Privilege**, there was none.

Lt. Col. Joey Broussard stated, for the agenda item, **To hear Enforcement & Aviation Reports/September**, the departments planes flew a total of 83.2 aviation hours for the month. There were 6 boating accidents reported with 4 injuries and 1 fatality. Col. Broussard offered a comparison of boating incidents and fatalities this year versus this time in 2011. In 2011 there were 132 incidents by this time versus 123, and 31 fatalities by this time versus 28 in 2012. Overall, compared to 2011, boating accidents, injuries, and deaths are lower in 2012. Three news releases were discussed. First, Colonel Broussard discussed three Jefferson Parish men who were caught with 62 red drum, which is 47 over the limit. The next was on eight men who were cited for possessing over the limit of teal on Catahoula Lake. All 51 teal that were seized were donated to charity. The last case was on the arrest of a Bridge City man after a three-year investigation into the illegal sale of red snapper. There were a total of 798 cases, which is lower than normal due to Hurricane Isaac efforts, and 256 written warnings issued during August and agents helped with 44 public assists.

The next item, **Update on Land Acquisition – Wham and Bussey Brake** was handled by Secretary Robert Barham. Secretary Barham announced that this would be pushed to a later meeting.

The next two items, **To receive and consider public comments on the Notice of Intent for 2013 Turkey Areas, Season, and Bag Limits for final Rule, and To receive and consider public comments on the Notice of Intent for General and WMA Turkey Hunting Regulations for final Rule** were handled by Mr. Jimmy Stafford. Mr. Stafford provided a handout with the four comments that were received, noting that there have been no further comments since the last meeting. Commissioner Voisin made a motion to move forward with the final Rule for both Notices of Intent, and Commissioner Sagrera seconded the motion. There being no further discussion and no public comment, the motion passed with no opposition.

(The full text of the Notices of Intent are made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Turkey Hunting Areas, Season, and Bag Limits (LAC 76:XIX.115)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey dates and limits for the 2013 season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts and only one turkey may be taken during the fall WMA lottery hunt.

B. Turkey season will open on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife rRefuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season.

D. Only those wildlife management areas listed herein are open to turkey hunting. All other wildlife management areas are closed.

E. 2013 Turkey Hunting Schedule

Area	Season Dates
A	March 23 - April 21
B	March 23 - April 14
C	March 23 - April 7
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 16-17

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Attakapas	March 23 - March 31	None
Bayou Macon	None	April 13 - 14

Big Lake	March 23 - April 7	None
Bodcau	March 23 - April 7	None
Boeuf	March 23 - March 31	None
Clear Creek	April 1 - April 21	March 23 - 24 March 30 - 31
Camp Beauregard	March 23 - March 31	None
Dewey Wills	None	March 23 March 24 March 30 March 31
Fort Polk- Vernon	March 23 - April 21	None
Grassy Lake	March 23 - March 31	None
Hutchinson Creek	March 23 - April 21	None
Jackson- Bienville	March 23 - April 7	None
Lake Ramsey	March 23 - April 7	None
Little River	March 23 - April 7	None
Loggy Bayou	None	April 12 - 14
Peason Ridge	March 23 - April 21	None
Red River	March 23 - April 7	None
Sabine	None	April 13 - 15 April 19 - 21
Sandy Hollow	March 23 - April 7	None
Sherburne	March 25 - 27	March 23 - 24
Sicily Island	None	March 23 - 25 March 26 - 28 March 29 - March 31 April 1 - 3 April 4 - 7
Tangipahoa Parish School Board	March 23 - April 21	None
Three Rivers	March 23 - April 7	None
Tunica Hills South Tract	April 8 - 14	March 23 - 24 March 30 - March 31 April 6 - 7
Tunica	April 8 - 14	March 23 - 24

Hills North Tract		March 30 - March 31 April 6 - 7
Union	None	April 12 - 14 April 19 - 21
Walnut Hills	March 23 - April 21	None
West Bay	None	March 23 - 24 March 30 - March 31 April 6 - 7

G. Wildlife Management Area and Kisatchie National Forest Lottery Youth Hunts

WMA/Ranger District	Lottery Youth Hunt Date
Big Lake	March 16
Bodcau	March 16 - 17
Clear Creek	March 16
Fort Polk-Vernon/Peason Ridge; Calcasieu Ranger District; Caney Ranger District; Catahoula Ranger District; Kisatchie Ranger District and Winn Ranger Dist.	March 16
Grassy Lake	March 16
Jackson-Bienville	March 16 - 17
Loggy Bayou	April 6 - 7
Pearl River	April 6 April 13
Pomme de Terre	April 6
Sherburne	March 16
Sicily Island	March 16
Spring Bayou	April 6
Tunica Hills	March 16
Union	April 6 - 7
West Bay	March 16

H. Non-lottery Youth Hunts

1. Bodcau WMA will be open April 13-14 (only youths may hunt).

2. Jackson-Bienville WMA will be open April 13-14 (only youths may hunt).

I. Wildlife Management Area Physically Challenged (Wheelchair Confined) Hunt

1. Jackson-Bienville WMA will be open April 15 - 21 to holders of valid physically challenged hunter (wheelchair classification) permits.

J. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March 23 - April 7; all remaining KNF lands, March 23 - April 14 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March 16-17 youth and physically challenged lottery only hunt, and lottery hunt only on March 23-24 and March 30-March 31. Old River Control and Lock Areas, March 23 - April 7.

3. National Wildlife Refuges: Bogue Chitto NWR, March 23 - April 14; Lake Ophelia NWR, March 23 - April 7 hunt ends at 12 p.m. each day; Tensas NWR, March 16-17 (youth only), March 23 - April 7; Upper Ouachita NWR, March 16 (youth lottery only).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38: .

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

Interested persons may submit written comments on the proposed Rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 6, 2012.

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 Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Ann L. Taylor

Chairman

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 turkey rules and regulations for the 2013 season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited. Still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and approved archery equipment but by no other means. Shooting

turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags.

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately

upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within seven days of the kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation web site.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed

prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M. g. osceola*, *M. g. intermedia*, *M. g. merriami*, *M. g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a Physically Challenged Hunter Permit with wheelchair

classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. EXCEPT properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of 2.

E. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beauregard;

ii. Bienville;

iii. Claiborne (Exception: See Federal Lands
Hunting Schedule for Kisatchie National Forest dates);

iv. East Baton Rouge;

v. East Feliciana;

vi. Grant (Exception: See Federal Lands
Hunting Schedule for Kisatchie National Forest dates);

vii. Jackson;

viii. LaSalle;

ix. Lincoln;

x. Livingston;

xi. Natchitoches (Exception: See Federal
Lands Hunting Schedule for Kisatchie National Forest dates);

xii. Pointe Coupee (Exception: See Sherburne
WMA for special season dates on all state,
federal, and private lands withing Sherburne
boundaries);

xiii. Rapides (Exception: See Federal Lands
Hunting Schedule for Kisatchie National Forest dates);

xiv. Sabine;

xv. St. Helena;

xvi. Tangipahoa;

xvii. Union;

xviii. Vernon (Exception: See Federal Lands
Hunting Schedule for Kisatchie National Forest dates);

xvix. West Baton Rouge;

xx. West Feliciana (including Raccourci Island);

xxi. Winn (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

b. Portions of the following parishes are also open:

i. Allen: North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles: That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu: North of I-10;

iv. Caldwell: West of Ouachita River southward to Catahoula Parish line;

v. Catahoula: South and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line. ALSO that portion lying east of LA 15;

vi. Evangeline: North and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south

to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin: That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville: West of the Mississippi River. (EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries);

ix. Jefferson Davis: North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison: That portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse: West of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita: All west of the Ouachita River. That portion east of the Ouachita River lying north of US 80 to LA 139, west of LA 139 to LA 134, north of LA 134 to the Morehouse parish line, south of the Morehouse parish line, and east of the Ouachita River.

xiii. Richland: That portion south of US 80 and east of LA 17;

xiv. St. Landry: That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. EXCEPTION: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xv. Upper St. Martin: All within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xvi. Tensas: That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B

a. All of the following parishes are open:

i. Ascension;

ii. Caddo;

iii. DeSoto;

iv. Red River;

v. St. Tammany;

vi. Washington.

b. Portions of the following parishes are open:

i. Bossier: All open except that portion bounded on the north by I-20, on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish Line;

ii. East Carroll: East of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville: All east of the Mississippi River;

iv. Webster: All open except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish line (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

3. Area C

a. All of the following parishes are open:

i. Concordia;

b. Portions of the following parishes are open:

i. Caldwell: All east of the Ouachita River;

ii. Catahoula: All of the parish EXCEPT for that portion located in Area A;

iii. Franklin: West of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Iberia: East of the West Atchafalaya Basin Protection Levee.

v. Richland: West of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vi. Tensas: East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on Wildlife Management Areas, National Wildlife Refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within Areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts: All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of \$5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one spring WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Hunters must abide by self-clearing permit

requirements. Hunters chosen for WMA lottery hunts may be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact with the lottery hunter at all times. Youths chosen for special youth only hunts may be assigned a guide on the day of the hunt provided that guides are available. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (Wheelchair Confined): Open only to hunters with a Physically Challenged Hunter Permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the Physically Challenged Hunter Permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs:

a. Sandy Hollow: No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne: All turkeys taken must be checked at the WMA headquarters.

c. Tunica Hills: All lottery hunters must wear provided GPS units while hunting if directed by researchers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:.

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 Statement, 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. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 6, 2012.

In accordance with Act 1183 of the 1999 regular session of the Louisiana Legislature, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice

of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Ann L. Taylor

Chairman

The next item, **To receive and consider a Notice of Intent to Revise Rules Governing Falconry** was handled by Mr. Jimmy Ernst. Mr. Ernst stated that falconry is jointly regulated by LDWF and the U.S. Fish and Wildlife Service (USFWS), but as of January 1, 2014 the USFWS will no longer issue falconry permits. He stated that there are about 62 licensed falconers in Louisiana. States that wish to retain falconry must adopt regulations at least as strict as those by the USFWS, so this NOI would amend the current falconry rules and regulations to an expanded rule that maintains many of the same provisions and add components of the federal rules. Mr. Ernst stated that falconry rules cover permit requirements, raptor housing, reporting requirements, transfer of raptors, species of raptors that may be used, and establish seasons for capture of wild raptors. Mr. Ernst stated that there are three classes of falconers: apprentice, general, and master. To become a falconer an applicant must pass a written exam and serve an apprenticeship with a General or Master falconer for two years. Mr. Ernst stated that apprentice falconers may possess only one raptor, general falconers may possess up to three raptors, and master falconers may possess up to five raptors. He stated that falconers may capture a wild raptor less than one year old from September 1, which was changed from October 1, to February 28, and general or master falconers can take a young bird from a nest year-round. A Louisiana Game Breeder License will serve as the falconry permit. Mr. Ernst provided a summary of changes, including adding more species of raptors for apprentice falconers, using the Louisiana Game Breeder License rather than the state/federal permit, electronic reporting, the falconry exam will be updated, adding a definitions section including terms unique to falconry, adding rules for raptor propagators, moving, lapsed permits, and new U.S. residents, expands coverage of care and transfer of raptors, as well as banding, tagging and microchipping raptors, and adds specific rules for eagles. Mr. Ernst reviewed the timeline, stating that the NOI will go through the normal process to become a final Rule, the Game Breeder's License will be amended to include each falconry permit level, a link will be added to the LDWF website for reporting, a database will be prepared for the USFWS, everything will be submitted to the USFWS no later than September 1, 2013 for final approval, and new rules will go into effect on January 1, 2014. Commissioner Voisin made a motion to adopt the NOI and Commissioner Sagraera seconded the motion. There being no further discussion and no public comment the motion passed with no opposition.

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

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Falconry (LAC 76:V.301)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules for use of snares and amend the rules relative to falconry.

Title 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 3. Wild Birds

§301. Falconry

~~— A. 1. Raptors for use in falconry may be captured or kept in captivity in Louisiana only under permit issued by the department. Raptor as used in these regulations means a live migratory bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*), or of the family Falconidae, or the great horned owl (*Bubo virginianus*) of the family Strigidae. Before any falconry permit is issued, the applicant shall be required to answer correctly at least 80 percent of the questions on a federally approved examination~~

~~provided and administrated by the department. The examination shall apply to all applicants for their first permit.~~

~~2. Applicants who show written proof of having successfully passed a federally approved falconry examination in another state may be issued a Louisiana falconry permit.~~

~~B. Falconry permits shall be valid for a period of one year and shall be renewed on July 1 of each year. There shall be four classes of permits issued.~~

~~1. Apprentice Permit~~

~~a. An applicant for an apprentice permit shall be at least 16 years old and shall be sponsored by a person holding a general or master falconry permit. A sponsor may not have more than three apprentices at any one time.~~

~~b. Apprentice permittees may not possess more than one raptor and may not obtain more than one raptor for replacement during any 12 month period.~~

~~c. Apprentice permittees may take and possess only a passage American Kestrel (*Flaco sparverius*), a red tailed hawk (*Buteo jamaicensis*), or a red shouldered hawk (*Buteo lineatus*). Such a bird may be taken from October 1 through February 26.~~

~~2. General Permit~~

~~_____ a. An applicant for a general falconry permit shall be at least 18 years old and shall have at least two years' experience at the apprentice level or its equivalent.~~

~~_____ b. General permittees may not possess more than two raptors and may not obtain more than two raptors for replacement during any 12 month period.~~

~~_____ c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by general permittees.~~

~~_____ 3. Master Permit~~

~~_____ a. An applicant for a master falconry permit shall have at least five years of experience in the practice of falconry at the general license level or its equivalent.~~

~~_____ b. Master permittees may not possess more than three raptors and may not obtain more than two raptors for replacement during any 12-month period.~~

~~_____ c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by master permittees.~~

~~_____ 4. Nonresident Permit~~

~~_____ a. An applicant for a nonresident falconry permit shall possess a general or master falconry permit or~~

~~license in his state of residence. A copy of this permit or license shall be submitted with the application.~~

~~b. Nonresident permittees may not import into or possess more than two raptors in Louisiana and may not obtain more than two raptors in this state for replacement during any 12 month period.~~

~~c. Passage and eyas birds may be taken from October 1 through February 26 and eyases only from May 1 through May 31 by nonresident permittees.~~

~~C. Permittees shall have in possession a falconry permit and a valid hunting license when engaged in the practice of falconry. In addition, a state game breeder's license is required to keep any raptor in captivity. This license may be obtained from the department at a cost of \$10 annually.~~

~~D. Permittees shall abide by all seasons, bag limits, and other regulations of the department when practicing falconry on game species. Protected birds and mammals taken incidentally by a raptor shall not be retained or possessed by a permittee.~~

~~E. Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are transferred. If the period of care is to exceed 30 days, the department shall be notified.~~

~~F. All raptors obtained shall be marked immediately upon acquisition by numbered nonreusable markers supplied by the United States Fish and Wildlife Service. These markers shall not be altered and shall be removed from birds which die, or are released into the wild, and surrendered immediately to the department.~~

~~G. Permittees must submit a report to the department by July 31 indicating the following information:~~

~~1. a listing of all raptors in his possession on June 30 by species, marker number, sex, age, and date and where or from whom acquired;~~

~~2. a listing of all raptors possessed or acquired since the previous annual report but no longer possessed, by species, marker number, sex, age, date and where or from whom acquired or given to, whether escaped, died, or released, and the date the event occurred;~~

~~3. a listing of all birds and mammals taken while engaged in the practice of falconry.~~

~~H. The department may deny issuance or renewal or revoke any falconry permit if the applicant or permittee has been convicted of a violation of any federal or state falconry regulation. A permittee whose permit has been denied or revoked~~

~~shall immediately dispose of any raptors possessed under the authority of the falconry permit as directed by the department.~~

~~I. All facilities and equipment shall be maintained at or above the standards established by these regulations.~~

~~1. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.~~

~~2. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators, except that perches more than 6 1/2 feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.~~

~~3. The following items shall be in possession before a falconry permit can be issued:~~

~~a. at least one pair of aliymeri or similar type jesses constructed of pliable, high quality leather or suitable synthetic material to be used when the raptor is flown free. Traditional one piece jesses may be used on raptors when not being flown;~~

~~b. at least one flexible, weather resistant leash and one strong swivel of acceptable falconry design;~~

~~c. at least one suitable water container, 2 to 6 inches deep and wider than the length of the raptor for each raptor;~~

~~d. at least one weathering-area perch of acceptable design for each raptor;~~

~~e. a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2 ounce.~~

A. The Louisiana falconry regulations pertain to the use of native raptors (Accipitriformes - vultures, osprey, kites, harriers, accipiters, buteos, and eagles; Falconiformes - caracaras and falcons; and Strigiformes - owls) that are protected under the Migratory Bird Treaty Act, and exotic

raptors, for purposes of falconry. No person may possess wild or captive bred raptors for the purpose of falconry without a valid permit as provided in these regulations.

B. Definitions

Aerie – the nest of an eagle or other bird of prey, built in a high inaccessible place such as a cliff face.

Department – Louisiana Department of Wildlife and Fisheries

Eyass – a young raptor that is still in the nest.

Falconer – a person with a valid Louisiana Game Breeder's License for falconry or a person with a valid falconry license/permit from another state.

Hack – temporary release of a falconry raptor to the wild for purposes of conditioning and training.

Hybrid – offspring produced from the cross-breeding of two or more species of raptors or offspring of cross-bred raptors.

Imping – using a feather to repair or replace a broken feather of a raptor.

Imprinted Raptor – a raptor that was hand-raised from 2 weeks of age, or younger, until it has fledged; it is considered an imprint for the duration of its life.

Molting Weight – the heavier, non-hunting weight of a raptor, when the weight is not reduced for training and hunting.

Passage Bird – a raptor that has left the nest and is less than one year of age.

Permit – Louisiana game breeder's License for falconry.

Sponsor – a general or master falconer with a valid Louisiana falconry license who is at least 18 years old and has at least 2 years of experience at the General Falconer level who agrees to supervise the training of an apprentice falconer.

Take – to trap or capture a wild raptor, including removal of a nestling from a nest or aerie.

Wild Raptor – a species of native raptor that originated in the wild. No matter how long the bird is held in captivity, or whether it was transferred to another licensee, it remains a wild bird. However, for purposes of wild take restrictions, the department does not consider the raptor to be taken from the wild by any subsequent licensee to whom it is legally transferred.

USFWS – U.S. Fish and Wildlife Service.

C. Types of Permits, Requirements and Responsibilities

1. Apprentice Permit

a. Apprentice falconers must be at least 16 years of age.

b. An apprentice falconer under 18 years of age must have a parent or legal guardian sign the application, attesting that he or she is legally responsible for the permittee's activities.

c. An apprentice falconry applicant must have a letter from a sponsor, stating that he or she will assist the apprentice with learning about the husbandry and training of raptors held for falconry, relevant laws and regulations and deciding what species of raptor is appropriate for the apprentice.

d. Apprentice falconry applicants must correctly answer at least 80 percent of the questions on the falconry exam to qualify for a license. The applicant's facilities and equipment must pass an inspection before obtaining a bird.

e. Apprentice falconers may possess no more than one raptor for use in falconry, even if the permittee has a falconry permit issued in another state.

f. Apprentice falconers may take a wild raptor of any species except, a bald eagle (*Haliaeetus leucocephalus*), a white-tailed eagle (*Haliaeetus albicilla*), a Steller's sea-eagle (*Haliaeetus pelagicus*), a golden eagle (*Aquila*

chrysaetos), a swallow-tailed kite (Elanoides forficatus), a Swainson's hawk (Buteo swainsoni), a peregrine falcon (Falco peregrinus), a flammulated owl (Otus flammeolus), an elf owl (Micrathene whitneyi), a short-eared owl (Asio flammeus) or any federally listed endangered or threatened species.

g. Apprentice falconers may possess any Accipitriform, Falconiform, or Strigiform raptor species, including wild, captive-bred, or hybrid individuals, except a federally listed threatened or endangered species or a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, or a swallow-tailed kite.

h. Apprentice falconers do not need to capture their own wild raptor; a raptor can be transferred to an apprentice falconer by another falconer.

i. Apprentice falconers may only take raptors less than one year old, except nestlings may not be taken.

j. Apprentice falconers may not possess a raptor taken from the wild as a nestling.

k. Apprentice falconers may not possess a raptor that is imprinted on humans.

l. Apprentice falconers may take passage birds from September 1 through February 28 only.

2. General Permit

a. General falconers must be at least 16 years of age.

b. A general permit applicant under 18 years of age must have a parent or legal guardian sign the application, attesting that he or she is legally responsible for the permittee's activities.

c. General permit applicants must submit a document from a general falconer or master falconer (preferably the applicant's sponsor) stating that the applicant has practiced falconry at the apprentice level or equivalent for at least two years, including maintaining, training, flying, and hunting the raptor(s) for at least four months in each year. That practice may include capture and release of falconry raptors.

d. General permit falconry applicants may not substitute any falconry school or education program to shorten the period of 2 years at the apprentice level.

e. General falconers may take and possess any Accipitriform, Falconiform, or Strigiform raptor except a bald eagle, a white-tailed eagle, a Steller's sea-eagle, a golden eagle, a swallow-tailed kite. Except peregrine falcons may only be taken by general falconers in possession of a valid peregrine falcon trapping permit.

Note: The number of peregrine falcon trapping permits is very limited. Additional regulations apply to the take and possession of federally listed threatened and endangered species.

f. General falconers may use captive-bred individuals and hybrids of the species authorized for possession.

g. General falconers may possess no more than 3 raptors, even if the licensee has falconry permit issued in another state.

h. General falconers may remove nestlings from a nest or aerie, provided at least one nestling is left inside the nest or aerie.

i. General falconers may take passage birds, except peregrine falcons, from September 1 - February 28 only and eyasses year-round. General falconers may take an American kestrel (*Falco sparverius*) or a great horned owl (*Bubo virginianus*) of any age from the wild from September 1 - February 28 only. Peregrine falcons (passage birds only) may be taken by general falconers in possession of a valid peregrine falcon trapping permit from September 20 - October 20 only.

3. Master Permit

a. Master permit applicants must have practiced falconry with his or her raptor(s) at the general falconer level for at least five years.

b. Master falconers may take and possess any Accipitriform, Falconiform, or Strigiform raptor except a bald

eagle or a swallow-tailed kite. Except peregrine falcons may only be taken by master falconers in possession of a valid peregrine falcon trapping permit.

Note: The number of Peregrine Falcon Trapping Permits is very limited. Additional regulations apply to take and possession of federally listed endangered and threatened species.

c. Master falconers may take and possess a golden eagle, a white-tailed eagle, or a Steller's sea-eagle after obtaining authorization for eagles and sea-eagles from the department.

d. Master falconers may possess captive-bred individuals or hybrids of species authorized for possession.

e. Master falconers may possess no more than five wild raptors even if the licensee has a falconry permit issued in another state.

f. Master falconers may possess any number of captive-bred raptors, but must train them in the pursuit of wild game and use them in hunting.

g. Master falconers may remove nestlings from a nest or aerie provided at least one nestling is left inside the nest or aerie.

h. Master falconers may take passage birds, except peregrine falcons, from September 1 - February 28 only and eyasses year-round. Master falconers may take an American kestrel or a great horned owl of any age from the wild from September 1 - February 28 only. Peregrine falcons (passage birds

only) may be taken by Master falconers in possession of a valid peregrine falcon trapping permit from September 20 - October 20 only.

4. Nonresident Permit

a. A non-resident falconer who resides in Louisiana for more than 120 consecutive days but who does not intend to establish residency must obtain a nonresident falconry license.

b. Non-resident falconers shall possess a valid falconry permit or license from his or her state of residence. A copy of this permit or license shall be submitted with the non-resident falconry permit application.

c. Non-resident falconers may not import or possess more raptors than allowed by their state of residence.

d. Non-resident falconers may not take more than two raptors in Louisiana during the calendar year.

e. Raptors taken from the wild in Louisiana must be species the non-resident falconer is authorized to possess in their state of residence, except peregrine falcons may not be taken in Louisiana by non-resident falconers.

f. While in Louisiana, non-resident falconers must keep their raptors in facilities that have passed the Louisiana falconry facility inspection.

g. Non-resident falconers may take passage birds, except peregrine falcons, from September 1 through February 28 only.

h. Non-resident falconers at the general or master level may take eyasses year-round, provided at least one nestling is left in the nest or aerie.

5. Raptor Propagator Permit. A Louisiana game breeder's license for falconry and a USFWS raptor propagation permit must be obtained to legally propagate raptors in Louisiana. Properly permitted propagators:

a. shall comply with federal raptor propagation regulations and reporting requirements;

b. shall obtain written authorization from the department before taking wild raptors or eggs;

c. shall submit a Louisiana Raptor Harvest Report Form (available on the department website) to the department within 10 days of taking a raptor or raptor egg in Louisiana;

d. may take and possess any Accipitriform, Falconiform or Strigiform raptor except a bald eagle, a golden eagle, or a swallow-tailed kite. Except peregrine falcons may only be taken by General or Master falconers in possession of a valid peregrine falcon trapping permit.

Note: The number of peregrine falcon trapping permits is very limited. Additional regulations apply to take and possession of federally listed endangered and threatened species.

e. may possess captive-bred individuals or hybrids of species authorized for possession;

f. may possess any number of wild or captive-bred raptors;

g. may remove eggs or nestlings from a nest or aerie provided at least one egg or nestling is left;

h. may take passage birds, except peregrine falcons, from September 1 - February 28 and eggs and eyasses year-round. May take an American kestrel or a great horned owl of any age from the wild from September 1 - February 28 only. Peregrine falcons (passage birds only) may be taken September 20 - October 20 only by general or master falconers in possession of a valid peregrine falcon trapping permit;

i. may take no more than two raptors or eggs from the wild in the calendar year;

j. may possess and propagate federally threatened or endangered raptor species only if authorized by the USFWS Regional Migratory Bird Permit office to do so;

k. may take a raptor listed by the USFWS as endangered or threatened from the wild for propagation purposes only if authorized by the department and in possession of a USFWS endangered species permit authorizing this activity;

l. may use falconry training or conditioning practices such as, but not limited to, creance (tethered) flying, lures, balloons, or kites in training or conditioning captive-bred progeny of raptors legally possessed;

m. may use captive-bred offspring less than one year old for falconry as a means of training progeny of raptors legally possessed.

6. Temporary Permit

a. Non-U.S. residents with experience in falconry must correctly answer at least 80 percent of the questions on the Louisiana falconry exam to qualify for a permit. The department will review the applicant's documented experience and issue a falconry permit consistent with that experience. The falconer's facilities and equipment must pass an inspection before the falconer obtains a bird.

b. Temporary permit holders may fly legally imported falconry raptors provided the raptors are exported when the falconer leaves the U.S., and that two functioning radio transmitters are attached when the raptors are flown free.

c. Temporary permit holders may not take a raptor from the wild for use in falconry.

7. Taking Falconry Raptors to Another Country to use in Falconry Activities.

a. A Louisiana falconry permittee may export legally possessed falconry birds to another country to use in falconry in accordance with the regulations of the destination country and all state and federal regulations governing import/export.

8. Updating a Falconry Permit after a Move

a. A falconer who moves to a new state, tribe or territory with falconry birds must inform the falconry regulatory authorities in each jurisdiction of the address change within 30 days.

b. A falconer moving from another state to Louisiana with the intent to establish residency must obtain a Louisiana falconry permit within 120 days. The falconer may bring his or her lawfully possessed birds into the state in the interim.

9. Reinstatement of a Lapsed Falconry Permit

a. If a falconer's permit has lapsed for fewer than five years, it may be reinstated at the level the falconer held previously if he or she provides proof of certification at that level.

b. If a permit has lapsed for five years or longer, it may be reinstated at the level previously held if the applicant correctly answers at least 80 percent of the questions on the falconry test and the applicant's facilities and

equipment pass an inspection before the permit is reinstated and before possessing a bird.

10. Permit to practice falconry at an appropriate level for experienced falconers who are new residents in the United States.

a. U.S. residents with falconry experience in another country may be issued a falconry permit commensurate with documented experience if appropriate documentation is provided detailing the applicant's experience, the applicant correctly answers at least 80 percent of the questions on the Louisiana falconry test, and the applicant's facilities and equipment pass an inspection before a permit is issued.

D. Facilities for Housing Raptors

1. Raptors held under falconry permit shall be kept in humane and healthful conditions. Housing facilities shall provide protection from adverse weather, predators and domestic animals.

2. All raptor housing facilities must pass an inspection by department personnel or others authorized by the department before a license will be issued.

3. Each facility must have at least one suitable perch for each raptor and at least one opening for sunlight.

4. Untethered raptors may be held in the same facility if they are at molting weight and compatible with each other.

5. Raptor housing facilities must provide enough room for the raptor to fly if untethered or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.

6. Facilities must contain a suitable water container, and fresh, clean water shall be provided unless weather, a medical condition, or other circumstance requires the temporary denial of water.

7. A single facility that meets the requirements of both indoor and outdoor facilities is acceptable.

8. An indoor facility must be large enough to allow easy access for the care and feeding of raptors housed therein. If raptors are free-lofted, all walls that are not solid must be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure. Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy

feathers. If falconry raptors are housed inside the home, the falconer does not need to modify windows or other openings of the structure provided the raptor is kept tethered.

9. An outdoor facility must be totally enclosed, and may be made of heavy-gauge wire, chain-link fencing, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material. It must be covered and have at least a covered perch to protect a raptor held in it from predators and weather. The facility must be large enough that the bird cannot strike the enclosure when flying from the perch.

10. A falconer shall notify the department within five business days of relocating a raptor housing facility to a new location.

11. A falconer shall allow Department personnel to inspect the facilities and/or raptors without advance notice.

E. Falconry Facilities on Property not owned by the Licensee

1. Falconry facilities may be on property owned by another person. Regardless of location, falconry facilities must meet the requirements described in this Rule.

2. If the facilities are on property owned by another person, the licensee must submit a signed and dated statement from the property owner authorizing department

personnel to inspect the facilities and/or raptors without advance notice.

F. Equipment

1. At the time of the facility inspection, each applicant shall have in possession the following equipment:

a. at least one pair of jesses constructed of pliable, high-quality leather or suitable synthetic material, or materials and equipment to make them;

b. at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

c. at least one weathering-area perch of acceptable design for each raptor;

d. a suitable bath container;

e. a reliable scale or balance suitable for weighing the raptors, graduated in increments of not more than 1/5 ounce or 5 grams.

2. When being transported, a falconry raptor must have a suitable perch and protection from extreme temperatures, wind and excessive disturbance.

G. Care of falconry raptors by another falconry licensee
Any falconer may care for the birds of another falconer at either falconer's facilities. The falconer providing the care must be given a signed and dated statement from the owner of the birds describing the time period of temporary care and what

activities are authorized. The falconer providing the care must also be given a copy of the USFWS form 3-186A showing that the absent owner is the possessor of the raptors. Temporary care may not exceed 120 consecutive calendar days. Under extenuating circumstances such as illness, military service or family emergency, the department may authorize indefinite extension of temporary care.

H. Care of Falconry Raptors by Someone without a Falconry License

1. A person without a falconry permit may care for a licensed falconer's raptors at the licensee's facilities for up to 45 consecutive days. The raptors must remain in the facilities and the caretaker may not fly them for any reason. Care may be extended indefinitely under extenuating circumstances such as illness, military service or family emergency if authorized in writing by the department.

I. Transfer of Falconry Raptors if a Licensee Dies

1. A surviving spouse, executor, administrator, or other legal representative of a deceased falconer may transfer any bird held by the deceased falconer to another falconer within 90 days of the death of the falconer. After 90 days, disposition is at the discretion of the department.

J. Banding or Tagging Raptors used in Falconry

1. If a falconer takes a northern goshawk (*Accipiter gentilis*), Harris's hawk (*Parabuteo unicinctus*), peregrine falcon, or gyrfalcon (*Falco rusticolus*) from the wild or acquires one from a rehabilitator, the raptor must be banded with a permanent, non-reusable, numbered USFWS leg band provided by the department upon request. Falconers may purchase and implant an ISO (International Organization for Standardization) compliant (134.2 kHz) microchip in addition to the band. The falconer must report the band number when reporting acquisition of the bird. Within 10 days from the day on which the bird is taken from the wild, it must be reported by entering the required information, including band number, in the electronic database on the appropriate USFWS website. A falconer may request an appropriate band in advance of any effort to capture a raptor. A raptor captured from the wild may not be banded with a seamless numbered band.

2. A raptor bred in captivity must be banded with a seamless metal band. If a seamless band is lost or removed from a captive bred bird, it must be reported within 10 days and a request made for a non-reusable USFWS replacement band. Immediately upon re-banding the bird, the required information, including the band number, must be entered into the electronic database on the appropriate USFWS website.

3. If a band must be removed or is lost from a wild raptor, the falconer must report this removal or loss to the department within 5 days and request a non-reusable replacement band. The falconer must file an electronic report within 10 days of re-banding at the USFWS website.

4. Birds with documented health or injury problems caused by bands may be exempted in writing from banding by the department once documentation is reviewed. If an exemption is issued, the falconer must keep the written exemption in his/her possession when flying or transporting the exempted bird. If that bird is a wild northern goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the band must be replaced with an ISO-compliant (134 kHz) microchip obtained from the department.

5. Raptor bands shall not be altered, defaced or counterfeited except that a falconer may remove the rear tab and smooth the surface without affecting the integrity or numbering of the band.

K. Additional Regulations on Taking, Transporting and Possessing of Raptors for Falconry

1. A falconer who resides in another state may take raptors from the wild in Louisiana if he or she has in possession a valid falconry permit/license from his or her state of residence and if the falconer abides by all Louisiana and

federal falconry regulations. If a raptor is taken in Louisiana, the non-resident falconer must complete a Louisiana Raptor Harvest Report Form (available on the department web site) and submit it to the department within 10 days of acquiring the raptor. Non-resident falconers may not take peregrine falcons, bald eagles or swallow-tailed kites in Louisiana.

2. A falconer shall not intentionally capture a raptor that he or she is not authorized to possess. Any bird captured that is not authorized for possession shall be released immediately at the site of capture.

3. Falconers who capture raptors that are wearing research bands, research markings or transmitters shall report all band numbers and other markings to the USGS Bird Banding Laboratory.

4. Any falconer is authorized to capture a raptor trapped inside a building. The bird shall be released immediately into the wild unless it is sick or injured, in which case it shall be transferred to a licensed rehabilitator within 24 hours.

5. A falconer may recapture any raptor wearing falconry equipment and return it to the proper owner. A captured raptor that is wearing falconry equipment must be reported to the department within five days. It does not count against the

permittee's take or possession limit while temporarily in possession.

6. Take of raptors from the wild shall be reported electronically within 10 days by entering the required information into the electronic database via the appropriate USFWS website.

7. Falconers must abide by state, tribal, territorial, and federal laws and restrictions regarding take, possession, and transfer or loss of any wild raptor.

8. No permittee may take more than two raptors from the wild per calendar year for use in falconry.

9. General and master falconers may take no more than one bird of a federally threatened species from the wild each year. A valid federal endangered species permit must be obtained prior to taking a threatened bird.

10. If a permittee is present at the capture site for the taking of a raptor from the wild, even if another person actually captures the bird, the permittee is considered the person who removes the bird from the wild and must report the take by entering the required information into the electronic database via the appropriate USFWS website, within 10 days of the capture of the bird. This will count as one of the two wild raptors the permittee is allowed to take within the calendar year.

11. A general or master falconer may take a raptor from the wild for another licensee who is not present during the taking, report the acquisition, and then transfer it to the other licensee. The general or master falconer who removed the raptor from the wild must report the take within 10 days, even if it was promptly transferred to another permittee. This will count as one of the two wild raptors that the falconer who took the bird is allowed during that calendar year.

12. A falconer may acquire a raptor from a licensed rehabilitator if the falconer is authorized to possess that species of bird. A raptor acquired from a rehabilitator will count as a raptor taken from the wild and shall be reported within five days of acquisition.

13. A raptor injured during capture may be kept and properly reported as a falconry acquisition within 10 days of capture and treated by a veterinarian or licensed wildlife rehabilitator. Alternatively, the raptor may be turned over to a veterinarian, wildlife rehabilitator or department biologist if he or she agrees to accept it, in which case it will not count against the falconer's take or possession limit. In either case, the falconer who captured the bird is responsible for the costs of care and rehabilitation of the bird.

14. Any time a permittee acquires, transfers, re-bands or microchips a raptor or has a raptor stolen or loses a

raptor to the wild and does not recapture it within 30 days, or a raptor dies, the change must be properly reported via the USFWS website within 10 days.

15. Falconers may transfer, sell, purchase or barter captive bred raptors that are marked with seamless bands to other licensees who are authorized to possess them. Falconers may not purchase, sell, trade or barter wild raptors or captive bred raptors not marked with seamless bands, but they may transfer them to other permittees.

16. Falconers may transfer wild raptors to other falconers authorized to possess them.

17. A falconer may transfer a wild raptor to other permit types after the bird has been used in falconry for two years (or one year for a sharp-shinned hawk (*Accipiter striatus*), a Cooper's hawk (*Accipiter cooperii*), a merlin (*Falco columbarius*), or an American kestrel. The falconer must provide a copy of the 3-186-A form documenting the transfer to the Federal migratory bird permit office that administers the other permit type in addition to filing an electronic report. Falconers may transfer a wild raptor to another permit type in less time, provided the bird has been injured, is no longer suitable for use in falconry, and the case is documented in writing by a veterinarian or properly permitted wildlife rehabilitator. Copies of the 3-186-A and the letter from the

veterinarian or rehabilitator must be submitted to the federal office that administers that permit type in addition to filing an electronic report.

18. Falconry raptors may be used for captive propagation without transferring them to a federal raptor propagation permit provided the birds are banded and used for this purpose fewer than eight months in a year and that the person propagating the raptors possesses a federal raptor propagation permit.

19. The theft of a raptor from a permittee must be reported to the department and to the USFWS regional law enforcement office within 48 hours of discovery of the theft of the bird.

20. Falconers must keep copies of all electronic database submissions documenting take, transfer, loss, re-banding or microchipping of each falconry raptor for 5 years after the bird was transferred, lost or died.

21. Falconers must carry legible copies of their falconry permits with them whenever conducting falconry activities away from their falconry facilities. This includes trapping, transporting, flying, working or hunting with raptors and traveling through other states, tribal lands, or territories. Falconers from other states may transport their raptors through Louisiana without any additional permits as long

as they have legible copies of their falconry permits/licenses in their possession. Falconers residing in other states may bring their raptors to Louisiana for educational purposes without any additional permits as long as they are in Louisiana less than 120 consecutive days and have a valid falconry permit/license in their possession.

22. Falconers hunting with raptors in Louisiana must abide by applicable hunting regulations including possession of hunting licenses, stamps, and permits.

L. Hybrids. When flown free, including when at hack, a hybrid raptor must have attached at least two functioning radio transmitters for use in locating the bird.

M. Use of Eagles in Falconry

1. With authorization for eagles from the department, master falconers may possess up to a total of three eagles of the following species: golden eagle, white-tailed eagle, or Steller's sea-eagle. A golden eagle, white-tailed eagle, or Stellar's sea-eagle counts as a bird to be included under the falconer's possession limit. Master falconers who wish to possess native eagles or sea-eagles for use in falconry must request and receive written authorization for eagles or sea-eagles prior to obtaining one and must submit the following documentation:

a. a letter detailing experience in handling large raptors, including information about the species handled and the type and duration of the activity;

b. at least two letters of reference from people with experience handling and/or flying large raptors such as eagles, sea-eagles, ferruginous hawks (*Buteo regalis*), northern goshawks, or great horned owls. Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the falconer's ability to care for eagles or sea-eagles and fly them in falconry.

2. A master falconer authorized by the department to possess a golden eagle may capture one under the provisions in 50 CFR 21.29 and 50 CFR 22 for taking a golden eagle for falconry.

N. Releasing Raptors into the Wild

1. Wild raptors may be permanently released at any time.

2. No hybrids or exotics of any kind may be permanently released in Louisiana.

3. Captive-bred raptors may be permanently released to the wild only with written authorization from the department

and only after a suitable hacking period in a suitable location and at an appropriate time of year. The seamless band must be left on the bird. The release must be properly reported to the department and to the USFWS within 10 days of the permanent release.

O. Hacking. General and master falconers may hack falconry raptors. Hacking is not allowed near a nesting area of a federally threatened or endangered animal or in any location where the raptor is likely to harm a federally listed threatened or endangered animal. Falconers may contact the department for information on nesting locations of federal listed species prior to hacking any falconry raptor.

P. Use of Native Raptors in Conservation Education Programs

1. General and master falconers may use their birds in conservation education programs presented in public venues. Apprentice falconers may do so only when supervised by a general or master falconer.

2. Fees may be charged for such educational programs but only to the extent necessary to recover costs for participating.

3. Education programs must relate to the biology, ecological roles and conservation needs of raptors and other migratory birds.

Q. Other Educational uses of Native Raptors

1. Falconers may allow their birds to be photographed or filmed to make movies or other sources of information on the practice of falconry or on the biology, ecological roles and conservation needs of raptors and other migratory birds but may not be paid for doing so.

2. Falconers may not use their birds to make movies, commercials or engage in other commercial ventures that are not related to falconry.

3. Falconers may use their birds to promote or endorse products or endeavors related to falconry provided the falconer is not paid or otherwise compensated for such usage.

R. Assisting in the Rehabilitation of Raptors. General and master falconers may assist properly licensed migratory bird rehabilitators in preparing rehabilitated raptors for permanent release to the wild. While doing so, the falconer may keep the bird in his or her facility while the bird remains on the rehabilitator's permit. The rehabilitator must provide the falconer with a document that identifies the bird and states that the falconer is assisting in the bird's rehabilitation. All rehabilitation raptors shall be released or returned to the rehabilitator within 180 days, unless written authorization is obtained from the department to condition them for a longer period.

S. Abatement Activities. Master falconers must have a valid federal abatement permit to use raptors in abatement activities. General falconers may do so only as a sub-permittee of the holder of the abatement permit.

T. Additional Falconry Practices

1. Falconry practices, such as, but not limited to, the use of creance flying, lures, balloons, or kites in training or conditioning falconry raptors is permissible.

2. Falconry birds may be used to take any bird species for which a depredation order is in place in accordance with the conditions of the applicable depredation order. The falconer must not be paid or otherwise compensated for doing so.

U. Accidental Take of Prey: If a prey item is killed by a falconry bird unintentionally, including an animal taken outside of a regular hunting season, the falconer may allow the raptor to feed on the kill in the field, but the animal may not be taken into possession. Accidental take of any federally listed threatened or endangered species must be reported to the USFWS Ecological Services field office and the department.

V. Possession and Disposition of Molted Feathers

1. Falconers may possess flight feathers for each raptor species in possession or previously held.

2. Falconers may receive flight feathers from other falconers, wildlife rehabilitators or propagators in the United

States and may give feathers to them or to other permittees allowed to possess them. Feathers may not be bought, sold or bartered. When the licensee's permit expires or is revoked, all remaining feathers shall be donated to someone authorized to possess feathers or destroyed. Molted primaries, secondaries and rectrices from golden eagles must be collected and either retained or sent to the National Eagle Repository.

W. Disposition of Carcasses. The carcass of a falconry bird may be donated to someone authorized to possess it. If the bird was banded or microchipped prior to its death, the bird may be kept so the feathers are available for imping. The carcass may be mounted by a taxidermist for use in conservation programs. The band or microchip must remain in place. Carcasses not kept or donated shall be burned, buried or otherwise destroyed. Golden eagle carcasses must be sent to the National Eagle Repository.

X. Penalties. Violation of this rule constitutes a class 2 violation as provided in 56:115. Additionally, a person who is convicted of a violation of these rules may be ineligible for a falconry permit for a period of up to three years from the date of the conviction.

Y. Falconers are also responsible for conducting their activities in accordance with federal regulations that apply to falconry and are found in 50 CFR 21.29.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 4:299 (August 1978), LR 39:

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 Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

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

Interested persons may submit written comments on the proposed Rule to Mr. Kenny Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., December 6, 2012.

Ann L. Taylor

Chairman

Mr. Kenny Ribbeck handled the next item, **To hear a Report on Assessment of the Impact of Hurricane Isaac to the White-Tailed Deer Herds in Southeast Louisiana; and to consider a Declaration of Emergency to Adjust the 2012-13 Deer Season Rules and Regulations in the Impacted Area.** Mr. Ribbeck stated that he is here to present the impact to the deer herd relative to Hurricane Isaac. The areas of concern that will be discussed are the Lake Maurepas Basin, Plaquemines Parish, and St. Bernard Parish, all of which are historically lower deer density and poor habitat quality areas. Mr. Ribbeck showed a FEMA map of the impacted areas that showed 391,000 acres of impact in the Maurepas Basin Area, noting that about 140,000 acres of WMA property was included. The assessment was accomplished by foot, boat, and aerial surveys, as well as interviews with hunters and landowners and reports from the general public. Mr. Ribbeck stated that in the Lake Maurepas basin area the surge waters were 5-6 feet above normal and the concern was that major flooding occurred for at least 4 days, which is a long time for the herd to be stressed. Light to moderate adult mortality and high fawn mortality was experienced, as determined by carcasses, reports from hunters and landowners, and the lack of fawns present with adult deer. Fawn mortality is estimated at 90%. Mr. Ribbeck reported that minimal to short term habitat impact is expected in this area. Mr. Ribbeck stated that conditions were worse in Plaquemines Parish with severe flooding on the east and west banks, as well as a 14 foot surge in the lower east bank. Residents in this area say that this storm was much worse than Katrina because of the flood surge. Mr. Ribbeck stated that there was more severe habitat degradation, salt water shock and debris, along with high fawn mortality and moderate adult mortality. Mr. Ribbeck showed a map of the affected area that illustrated how stressed the herd was. Moving on to St. Bernard Parish, Mr. Ribbeck stated that conditions were incurred outside of the major flood wall, and that lower marsh and unprotected areas were severely flooded. He stated that high fawn mortality and low adult mortality were likely. He also stated that the good habitat that remained was portions of the MRGO spoil bank that was not topped, and fortunately that is a fair amount of habitat. Mr. Ribbeck also discussed indirect impacts in the affected areas, including additional stress due to the long periods of flooding, the possibility of increasing the prevalence/occurrence of hemorrhagic disease (HD) which was beginning to be seen more before the storm. Mr. Ribbeck stated that there will be little recruitment from the fawn crop this year, so future year cohorts will be greatly reduced.

Mr. Ribbeck stated that he is bringing a request for an Emergency Declaration of season change. In the Maurepas Basin changes are being recommended in a defined area within the flood impact area, including Joyce, Manchac and Maurepas Swamp WMA's. Mr. Ribbeck reviewed the recommended changes which are laid out in the Declaration of Emergency, stating that basically the department is requesting no doe days and reducing the buck by 50%. Mr. Ribbeck then moved to the WMA season changes. Joyce WMA is the same as the Maurepas defined area, except still hunt only, which is how the herd is normally managed. Biloxi and Manchac WMA are low deer use WMA's, and no changes are recommended. The department recommends the same changes on Maurepas WMA as in the defined are, only a few more strict changes, as listed in the Declaration of Emergency. No changes are recommended on Pass-a-Loutre WMA. Mr. Ribbeck stated that in Plaquemines and St. Bernard Parishes, in the area outside of the major flood wall, excluding Biloxi and Pass-a-Loutre WMA's and a small portion outside of Chalmette, as requested by public comments because that area was no impacted. Again, recommendations for the areas in Plaqueines and St. Bernard Parishes are listed in the

Declaration of Emergency. Before public comments were received Commissioner Voisin moved to adopt the Declaration of Emergency and Commissioner Drost seconded the motion.

Mr. Barney Callahan spoke in favor of the season changes, thanking Scott Durham and Kenny Ribbeck for their work. Mr. Callahan was pleased with the season change recommendations. Mr. Callahan voiced his concern for no change in archery seasons.

Commissioner Manuel asked if these changes would pose a problem with enforcement, and Colonel Winton Vidrine answered that it is under control.

There being no further discussion or public comment the motion passed with no opposition.

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

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Adjustment of the 2012-13 Deer Season Rules and Regulations

In accordance with the emergency provisions of R.S. 49:953, R.S.56:115, and R.S.56:116 of the Administrative Procedure Act, and under the authority of R.S. 56:6.1, the Wildlife and Fisheries Commission hereby alters the previously established deer hunting seasons for 2012-13 for the specific areas described below:

Lake Maurepas Basin Defined Area: Portions of St. Tammany, Tangipahoa, Livingston, Ascension, St. James, St. John and St. Charles parishes; beginning west of the Tchefuncte River from Lake Pontchartrain to LA 22; also south and east of LA 22 to LA 70, and east of LA 70 to LA 3125; and north

and east of LA 3125 to LA 641; and west of LA 641 to US 61;
then north of US 61 to the Jefferson Parish line.

Archery Season - no change

Youth, Bucks only, still: Oct. 27-28 (2 days)

Bucks only, still: Nov. 23 - Dec. 2 (10 days)

Bucks only, with or without dogs: Dec. 8 - 30 (23 days)

Bucks only, primitive: Jan. 19 - 27 (9 days)

***Plaquemines Parish and St. Bernard Parish, outside of the major
flood wall:***

Archery Season - no change

Youth, Bucks only, still: Oct. 27-28 (2 days)

Bucks only, still: Nov. 23-25 (3 days)

Bucks only, with or without dogs: Dec. 22-Jan.6 (16 days)

Bucks only, primitive: Jan. 19 - 27 (9 days)

Wildlife Management Areas:

Biloxi WMA - Archery Season - no change

Joyce WMA - same as *Lake Maurepas Basin Defined Area*,
except still hunt only

Manchac WMA - Archery Season - no change

Maurepas Swamp WMA

Archery Season - no change

Youth, Bucks only: Nov. 3-4 (2 days)

Bucks only, modern firearms, mandatory check: Nov. 23
(1 day)

Bucks only, modern firearms: Nov. 24 - 25 (2 days)

Bucks only, modern firearms: Dec. 22 - 28 (7 days)

Bucks only, primitive: Jan. 14 - 20 (7 days)

Pass-a-Loutre WMA -

Archery Season - no change

Bucks only shotgun - no change

These actions are being taken as a result of significant deer mortality estimated within the flood zone areas identified above as a result of Hurricane Isaac. The aforementioned 2012-2013 deer hunting seasons will become effective October 4, 2012.

Ann L. Taylor

Chairman

Mr. Ribbeck announced that Mike Balboni was in attendance from the U.S. Forest Service and would like to speak to announce the U.S. Forest Service final decision on dog-deer hunting on Kisatchie National Forest. Commissioner Voisin made a motion to add Mr. Balboni to the agenda, Commissioner Broussard seconded the motion, and the motion passed.

Mr. Balboni provided an update, stated that in February the Forest Service made a decision to prohibit dog-deer hunting on Kisatchie. The decision was appealed and went to the Chief's office in Washington, and a final decision was due on September 30th. On September 28th the Chief's office made a decision on the appeal to affirm the Regional Forester's decision to prohibit dog-deer hunting on the Kisatchie. Mr. Balboni stated that the decision came with some instructions to clarify some things and make some edits before implementing the decision, which should be completed fairly quickly. There was discussion amongst the Commissioners on how this would impact us, since our season is already set to allow dog-deer hunting on Kisatchie. Commissioner Broussard asked if there will be any more appeal or if this is final. Mr. Balboni stated that there is no more appeal process, that the decision is completed except for litigation if someone chooses. He also stated that the Secretary of Agriculture can always review decisions the Forest Service makes. Commissioner Broussard asked if they plan to have this decision complete for this deer season, and Mr. Balboni answered yes. Commissioner Graham asked Colonel Vidrine about enforcement of this decision. Colonel Vidrine answered that yes, it will be enforced and Secretary Barham commented that it is our obligation to implement all Federal and State laws. There was discussion on notifying the public of the decision.

The next agenda item, **To receive and consider public comments on the Notice of Intent on Crappie Regulations in Lake D'Arbonne for final Rule**, was handled by Mr. Mike Wood. Mr. Wood stated that at the April meeting the Commission passed a Notice of Intent to reduce the daily limit of crappie in Lake D'Arbonne from 50 to 25. Mr. Wood stated that a total of 359 comments were received, 32 for and 327 against the proposal. A letter was received from the Lake D'Arbonne Watershed District expressing support for the proposal. Mr. Wood stated that the biological opinion of the department is neutral. Commissioner Voisin moved adoption of the Notice of Intent for final Rule, and Commissioner Broussard seconded the motion.

For public comments, Mr. Johnny R. Fatheree submitted a comment card in favor of the proposal, but did not wish to speak. Mr. Steve Danna spoke in favor of the proposal, stating his opinion that quantity of fish in the lake is not a problem, rather the size. He believes that decreasing the limit may allow the size of fish to increase, allowing people the chance to catch a trophy fish. Mr. Steve Cagle, of the Lake D'Arbonne Watershed Commission was next to speak in favor of the proposal. Mr. Cagle would like the chance to get the size of white perch back up. Commissioner Graham commented that he used to live on Lake D'Arbonne in the 90's and that there were a lot of 2lb white perch back then, but from what he hears from fishermen today that has changed. There is no doubt that it is a good resource lake, and that there are a lot of small fish, but the goal is to increase the size of the fish.

There being no further public comments or discussion, 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 hereby advertises its intent to establish the following rule on Crappie (*Pomoxis spp.*) on D'Arbonne Lake, located in Union Parish, Louisiana.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§197. Crappie Regulations—Daily Take

A. ...

B. D'Arbonne (Union Parish)

1. Daily Limit - 25 fish per person:

a. on water possession - same as daily limit per person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1(c).

HISTORICAL NOTE: Promulgated in accordance with Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2339 (October 2004).

Interested persons may submit comments relative to the proposed Rule to: Mike Wood, Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to: mwood@wlf.la.gov prior to Thursday, August 9, 2012.

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

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the

preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Ann L. Taylor

Chairman

The Commissioners agreed to hold the **February Commission Meeting** on Thursday, February 7, 2012.

For public comments, Mr. Michael Gough addressed the Commission with concerns regarding high fencing. Mr. Gough stated that he was born and raised in Caldwell parish, and his great-grandfather left them 200 acres in Winn parish. He stated that in 2002, 5,500 acres was purchased in Winn, Caldwell, and Lasalle parishes and that high fencing has been placed around the property since then. Mr. Gough said that you cannot see a deer on his property. Mr. Gough stated that this is where he learned to hunt and fish, and he feels that the installation of high fencing has taken that away from him. He showed some pictures to illustrate the problem to the Commission. Mr. Gough stated that the entire ecosystem is being affected. Mr. Gough stated that there are lots of people being affected by the high fences, and he wanted to make the Commission aware of the problem. Commissioner Voisin asked what the purpose of the fencing is. Mr. Gough stated his belief that the purpose is to keep deer off of other people's property, and to sell high-dollar hunts. Mr. Gough thanked the Commission for allowing him to speak to them. Commissioner Graham asked Secretary Barham for clarification on what department oversees high fencing, as he thought it was the Department of Agriculture. Secretary Barham confirmed that the Department of Agriculture controls high fencing, and that the decision would be made at the legislative level. He suggested that Mr. Gough visit his Senator or Representative, but that all game farming is regulated at the agricultural level. Mr. Gough stated that he has tried without success. Commissioner Graham stated that our hands are tied because of the Department of Agriculture. Commissioner Manuel commented that whoever owns that land bought it, that it was not given to them, and that they are spending their own money to fence it in. Mr. Gough acknowledged that, and thanked the Commission for their time.

Next, Mr. Ronald Coco addressed the Commission, stating that he has been told that too few regulations booklets were distributed this year. Marianne Burke, Public Information Director, addressed the Commission stating that the same numbers of regulations booklets were sent out this year as in years past. She also noted that the regulations booklet design changed this year to make it smaller, so there are more booklets per box. Mrs. Burke assured Mr. Coco that there has been no change in the number of regulations booklets sent out, and requested that anyone who needs more or has a concern please contact her office. There was discussion about the regulation booklets and distribution methods.

There being no further business, Vice-Chairman Graham **Adjourned** the meeting.

Ann L. Taylor
Chairman