

NOTICE OF INTENT

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

Outlaw Quadruped, Nutria and Beaver Night Take Permits

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby advertise their intent to promulgate rules and regulations governing the take of outlaw quadrupeds, nutria and beaver during the nighttime hours from September 1 of each year through the last day of February of the next year.

Title 76

WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 1. Wild Quadrupeds

§126. Outlaw Quadruped, Nutria and Beaver Night Take Permits

A. Purpose

To establish rules and regulations for the take of outlaw quadrupeds, nutria and beaver during the nighttime hours (one-half hour after official sunset to one-half hour before official sunrise) from September 1 of each year, through the last day of February of the next year.

B. Permits

1. On private property, the landowner, or his lessee or agent with written permission from the landowner may obtain a permit authorizing the take of outlaw quadrupeds, nutria, or

beaver during nighttime hours from September 1 through the last day of February of the next year.

2. Permit Applications shall be completed on forms provided by the department, with all required information including but not limited to: Applicants name, date of birth, contact information, date of application, parish information for applicant, landowner, and location of property subject to the permit, map, acreage, legal description, landowner's expressed authorization to allow night take for these species and any other information required by the department for the proper administration of the permit issuance. Any change of information requires the submission of a new permit application. Applications must be submitted to the regional enforcement office in which the property is located or to the Wildlife Permits Coordinator at the Baton Rouge headquarters.
3. Permits may be issued during business hours by the Wildlife Enforcement Captain located in the applicable regional enforcement office, or by electronic means at the discretion of the department.
4. Permits shall be valid for a period of one year beginning July 1 and terminating on June 30 of the following year. Permits may be renewed annually without additional application upon submission of the annual report and affirmation of the permittee's desire to renew, so long as the permittee has adhered to the rules of the permit and all information contained in the application remains accurate. The permit may be terminated by the permittee, landowner, or lessee at any time. The department may terminate any permit at any time for a violation of any regulation associated with the permit or for any violation of law committed during the participation by any person during the permitted activity. The department may also terminate permits for biological issues or specific enforcement

concerns that may arise.

5. Permits are not transferrable and are only valid for the property for which they were issued.
6. No person shall be issued or obtain a permit if they have been convicted of Class 3 or greater wildlife violation within a five year period or have been prohibited in any way from legally participating in a hunting activity.

C. General Rules

1. Permit holders may take or authorize the take of outlaw quadrupeds, nutria or beaver during nighttime hours on private property for which the permit was issued from (one- half hour after official sunset to one-half hour before official sunrise) during the dates of September 1 through the last day of February of the next year.
2. Permittees are responsible for all participants and actions of such which take place as authorized by this permit.
3. Permittees and any participant shall not trespass or commit any other violations of law while conducting activities authorized by the permit.
4. No person shall be allowed to participate or be present during activities authorized by the permit if convicted of a Class 3 or greater wildlife violation within the previous five years or if they have any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such participation will be considered a violation of the permit regulations.
5. Outlaw quadrupeds, nutria and beaver may be taken by any means of take authorized by LA R.S. Title 56.
6. The original permit or copy thereof, issued by the department shall be with any

permittee participating in activities under the authority of the permit.

7. Permittees shall notify the department's law enforcement 24-hour dispatch at 1-800-442-2511 prior to engaging in activities authorized under the permit and identify each individual who will be participating in any way with activities authorized by the permit and permit number. Upon notification, the permittee shall be issued a confirmation number for the notification.
8. A report of activities which took place under this permit shall be required to be submitted to the department by June 30 of each year on official forms provided or as otherwise approved for this purpose by LDWF, and consist of:
 - a. Name, permit number, and signature of permit holder;
 - b. Number of outlaw quadrupeds (coyotes, armadillos, feral hogs), nutria and beavers killed under the permit during year;
9. Permittees hereby indemnify and hold harmless the state, department, and other applicable public agencies and employees and accept full responsibility and liability for any damages or injuries that occur during or as a result of activities related to the permit issued herein.

D. Penalties for Violation.

1. If any person is found to be in violation of any provision of this section, except for the reporting requirements as prescribed by Paragraph C (8), or any other law during activities authorized by the permit issued pursuant to this section, the permit shall immediately be voided and such permit shall not be reissued and shall remain void unless there is an acquittal for the offense committed.

2. Persons found in violation of rules and regulations contained herein or any other laws shall be subject to the same penalties as authorized by law as if no permit was issued, in addition, violation of these regulations will be a class two violation as defined in title 56:32 of the Louisiana Revised Statutes.
3. Persons failing to provide the annual report shall not be subject to the penalty and provisions herein. Any such person failing to comply with the annual report as prescribed by C.8. shall not be reissued a permit until the reporting requirement under paragraph C.8. is submitted to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112; 56:115;
56:116.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42: _____.

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.

Family Impact Statement

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

Poverty Impact Statement

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

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comment

All interested persons may submit comments relative to the proposed rule to Melissa Collins, Post Office Box 98000, Baton Rouge, LA 70898-9000, or mcollins@wlf.la.gov prior to September 4, 2016.

Bart R. Yakupzack

Chairman