

NOTICE OF INTENT
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Alligators
(LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the alligator regulations governing alligator hide tag fees. The action suspends the alligator hide tag fee by \$1.00, thereby reducing the tag fee from \$4.00 per tag to \$3.00 per tag for license year 2023. The purpose of this change is to provide temporary relief to the alligator industry in a time of suppressed market conditions. This temporary reduction will automatically end December 31, 2023. Further, this notice of intent removes the requirement for payment of severance taxes and adjusts the following licenses to be consistent with fees established by Act No. 356 of the 2021 Regular Session of the Louisiana Legislature: resident fur buyer's license, nonresident fur buyer's license, resident fur dealer's license, nonresident fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer license, and alligator parts retailer license.

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, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A.-A.3.k. ...

A. 3. ~~1. There is levied a severance tax of \$0.25 on each alligator hide taken from within the state, payable to the state through the department by the alligator hunter or alligator farmer shipping or taking his own catch out of state, or shipping to an instate taxidermist, or by the dealer shipping skins or hides out of state or tanning alligator skins in Louisiana. Violation of this Subparagraph is a class two violation as described in R.S. title 56.~~

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

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

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

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

(b). any white or albino alligator hatchling produced from wild collected eggs authorized by a department alligator egg collection permit will remain in the possession of such licensed operators. Any white or albino hatchling must be reported immediately upon hatching to the department on a standard activity report form;

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

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

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

v. Violation of R.S. 56:280 shall subject the violator to a fine of not less than \$10,000 and imprisonment for not less than 6 months or more than 12 months, or both.

e n. Alligator meat and parts may be shipped in containers that are sealed and the parts identified to the CITES tag of origin. A fully executed alligator hunter, farmer, or parts dealer alligator parts sale or transaction form and shipping manifest shall meet

the U.S. Fish and Wildlife Service parts identification requirements, provided such form(s) is/are prominently attached to the outside of each shipping container. Alligator meat/parts shipped to another state must meet applicable state/federal requirements of the receiving state. Alligator meat/parts exported from the United States must meet the requirements of the U.S. Fish and Wildlife Service as well as those of the receiving country. Alligator skulls being exported shall carry a “tag” containing the CITES tag number and the hunter’s name and license number. The skull must also be physically marked with the number of the original CITES tag used for the hide of the individual alligator. Violation of this Subparagraph is a class three violation as described in R.S. title 56.

p. 9. For the purpose of bona fide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the department while in possession of a valid nongame quadruped breeder’s or exhibitor’s license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

4. Licenses, Permits and Fees

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

(a). Resident Alligator Hunter’s License (including commercial, helper, sport and nuisance classes) - \$25; for a resident alligator hunter’s license; including commercial, helper, sport and nuisance classes;

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

(c). Resident Fur Buyer's License - ~~\$25~~ \$55 (except for license years 2022 and 2023, in which the fee will be \$40); for a resident fur buyer's license;

(d). Nonresident Fur Buyer's License - \$100 ~~\$215~~ (except for license years 2022 and 2023, in which the fee will be \$157.50); for a nonresident fur buyer's license;

(e). Resident Fur Dealer's License - \$150 ~~\$400~~ (except for license years 2022 and 2023, in which the fee will be \$275; for a resident fur dealer's license (\$500 deposit required));

(f). Nonresident Fur Dealer's License - ~~\$300~~ \$800 (except for license years 2022 and 2023, in which the fee will be \$550); for a nonresident fur dealer's license (\$1,000 deposit required);

(g). Nongame Quadruped Exhibitor's License - ~~\$10~~ \$20 (except for license years 2022 and 2023, in which the fee will be \$15) for a nongame quadruped exhibitor's license;

(h). Nongame Quadruped Breeder's License - ~~\$25~~ \$50 (except for license years 2022 and 2023, in which the fee will be \$37.50); for a nongame quadruped breeder's license;

(i). Alligator Parts Dealer License - ~~\$50~~ \$105 (except for license years 2022 and 2023, in which the fee will be \$77.50); for an alligator parts dealer license;

(j). Alligator Parts Retailer License - \$5 \$10 (except for license years 2022 and 2023, in which the fee will be \$7.50); for an alligator parts retailer license;

(k). Alligator Hide Tag Fee - \$4 for each alligator hide tag, except for license years 2020 and 2021 year 2023, in which the fee for each alligator hide tag shall be \$3;

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

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

~~(n m).~~ \$25 for a designated agent collection permit.

A.4.a.ii.–A.4.j. ...

k. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the alligator hide tag fee and the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the alligator hide tag fee and the severance tax prior to shipment.

Violation of this Subparagraph is a class two violation as described in R.S. title 56.

A.4.l.–A.11.b.vi. ...

vii. The alligator hide tag fee and severance tax shall be collected by the department from the alligator hunter who is shipping his own alligators or raw alligator skins, or who intends to custom tan, or use for taxidermy, the alligators or raw skins.

A.11.b.viii.–A.11.d.vii. ...

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

A.11.e.i.–A.11.e.ii.(c). ...

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

A.11.e.iii. ...

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

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

inspection and prior to department issuance of shipping tag(s) and seal(s) or locking device(s), department personnel must collect:

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

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

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

vi. If any of the above requirements are not satisfied, the shipment will not be authorized. Violation of this Clause is a class three violation as described in R.S. title 56.

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

A.11.g.–A.18.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, ~~R.S. 56:259,~~
~~R.S. 56:262, R.S. 56:263 and R.S. 56:280.~~ and Title 56 of the Louisiana Revised Statutes,
Chapter 1, Part V, Subpart A.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries,
Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892
(September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July
2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December
2004), LR 31:2267 (September 2005), LR 33:677 (April 2007), LR 35:690 (April 2009), LR
37:2421 (August 2011), LR 39:2291 (August 2013), LR 42:909 (June 2016), LR 43:90 (January
2017), LR46:50 (January 2020), LR46:1398 (October 2020), LR 48:508 (March 2022), LR .

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.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S.
49:965.2 through R.S. 49:965.8.

Public Comments

Written comments may be addressed to Jeb Linscombe, Program Manager, Department of Wildlife and Fisheries, 200 Dulles Drive, Lafayette, LA, 70506 or via email to jlinscomb@wlf.la.gov, no later than 4:30 PM on Tuesday, October 4, 2022.

Joe McPherson

Chairman