

## **NOTICE OF INTENT**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Resident Quadrupeds and Nuisance Wildlife Control Operator Program (LAC 76:V.113, 125, 126, 127 and 135)**

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt changes to the rules and regulations that govern the permitting and operations of Nuisance Control Operators (NWCO), Control of Nuisance Wild Quadrupeds, Night Time take of Outlaw Quadrupeds, Nutria, and Beaver, Fox/Coyote Hunting Preserves and the Sale of Live Foxes and Coyotes, and Aerial Feral Hog Control Permits. The department regulates the operation of Fox/Coyote Hunting Preserves, the live sale of foxes and coyotes, the control of Nuisance Wild Quadrupeds, night time take of outlaw quadrupeds, nutria and beaver, and Aerial Feral Hog Control Permits.

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 1. Wild Quadrupeds

### §113. Fox/Coyote Hunting Preserve, Purchase and Sale of Live Foxes and Coyotes,

#### Permitting Year-Round Coyote Trapping

A. Purpose. These regulations are to govern the trapping, purchasing, selling and holding in captivity captive possession of live foxes and coyotes for chasing with hounds. These regulations will prohibit the importation and exportation of any species of foxes or coyotes to or from Louisiana in an effort to prevent possible disease and parasite contamination of native wild canids and humans. Humans are subject to infection with the liver being the most common site of larval growth. The infection is termed alveolar hydatid disease (AHD). The number of deaths per number of infected individuals has been 50-75 percent. These regulations are also enacted to allow the sport of fox/coyote hunting with dogs within enclosed areas. The regulations provide general rules including licensing, permits, fees, live trapping, sale and purchase of animals, holding cage requirements, enclosure requirements, acclimation requirements and report requirements.

#### B. Definitions

*Acclimation Pen*—an area which is built within or adjacent to fox/coyote hunting preserves which will contain game and exclude hounds and which will allow game to become acclimated to an enclosed environment.

*Bill of Sale*—receipt showing the amount of game purchased, the date of purchase, and the person from whom the game was purchased.

*Bona Fide Resident*—any person who has resided in the state of Louisiana continuously during the 12 months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his

legal domicile as demonstrated with all of the following, as applicable.

\_\_\_\_\_ a. \_\_\_\_\_ If registered to vote, he is registered to vote in Louisiana.

\_\_\_\_\_ b. \_\_\_\_\_ If licensed to drive a motor vehicle, he is in possession of a Louisiana registration for that vehicle.

\_\_\_\_\_ c. \_\_\_\_\_ If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

\_\_\_\_\_ d. \_\_\_\_\_ If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

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

*Box Trap*—a drop-door type of trap that upon the game's entry into the device encloses and detains the game.

*Cable Device*—wire device used for taking nongame quadrupeds.

*Closed Season*—that period of time of the calendar year not specifically included in the open season.

*Department*—the Louisiana Department of Wildlife and Fisheries.

*Enclosure*—(see *fox/coyote hunting preserve*).

*Fox/Coyote Hunting Preserve*—an area which is completely enclosed by adequate fencing to contain game red fox, grey fox, or coyote and hounds which is built and maintained for the purpose of training or chasing game with hounds.

*Fox/Coyote Hunting Preserve Operator*—anyone acting as an agent of the owner

in caring for or managing the maintenance and/or business of the preserve.

*Game*—any red fox or grey fox or coyote stocked in a fox/coyote hunting preserve for the purpose of dog training and/or chasing with hounds.

*Fox/Coyote Hunting Preserve Owner*—anyone who legally has possession or has legally leased property on which the enclosure is established.

*LDWF-Approved Applicant*—a person who has no Class 3 or greater wildlife or fish violations during the past three years, who has a minimum of two years of trapping experience and who is at least 15 years old.

*Landowner*—any person who owns land on which traps are set.

*Licensee*—any bona fide resident and lawful holder of an effective a valid trapper's or nongame quadruped exhibitor/breeder license duly issued under the authority of the department for the purposes of operating a fox/coyote hunting preserve.

*Nongame Quadruped*—alligators, beavers, bobcats, coyotes, grey foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks and other wild quadrupeds valuable for their furs or skins.

*Nongame Quadruped Breeder*—any person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds.

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

*Nontarget Animal*—any animal other than red fox, grey fox or coyote.

*Permittee*—any person who has obtained a valid permit from the department for trapping coyotes during the closed season.

*Person*—includes any individual person, association, corporation, partnership, or

other legal entity recognized by law.

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

*Raising*—the production of red fox, grey fox, or coyotes in controlled environmental conditions or in outside facilities.

*Rearing*—(see *raising*).

*Relaxing Lock*—locking device on a snare that loosens and tightens in response to the game's action.

*Resident*—(see *bona fide resident*).

*Snare*—wire device used for taking nongame quadrupeds.

*Soft Catch*<sup>TM</sup>—trap (manufactured by Woodstream Corporation), no modifications.

*Take*—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

*Transport*—in its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

*Trap*—any device used in the capture of birds, quadrupeds or fish.

*Trapper*—any person properly licensed by the department engaged in the trapping of nongame quadrupeds.

C. Licenses, Permits and Fees. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56.

1. An annual special permit may be issued to a Department of Wildlife and

Fisheries approved applicant [authority granted by Louisiana laws pertaining to Wildlife and Fisheries, R.S. 56:123(C)] for the trapping of coyotes only, outside of the annual trapping season. In order for the permittee to sell live coyotes, he must also possess a nongame quadruped breeder's license (R.S. 56:262.1) and a valid trapping license;

1. A trapper's license is required to take foxes or coyotes by means of a trap during the open season for nongame quadrupeds, however, coyotes may be taken by trap during the closed season by any properly licensed trapper.

2. A nongame quadruped exhibitor's license may be issued permitting the applicant to possess, breed and/or exhibit ~~such animals~~ live foxes or coyotes outside of the open trapping season, provided he meets the rules and regulations of the department;

3. A nongame quadruped breeder license may be issued permitting the applicant to possess, breed, propagate, exhibit, and sell ~~such animals alive~~ live foxes or coyotes outside of the open trapping season.

#### D. General Rules

1. No person shall take, possess, purchase or sell live foxes or coyotes, except as provided in these regulations ~~and R.S. Title 56~~.

2. No person shall hold in captivity any live foxes or coyotes ~~outside of the open trapping season~~, except as provided in these regulations ~~and R.S. Title 56~~.

3. Fox/coyote hunting preserves shall be of a type and construction such that it will insure the normal containment of foxes, coyotes and hounds.

4. Fox/coyote hunting preserves shall contain an adequate number of escape areas which are houndproof. These may be provided by maintaining thickets, brush piles, windrows, or where natural cover is insufficient, by providing manmade escapes such as culverts

or houndproof feeding stations.

5. Licensees holding live foxes or coyotes in captivity shall be required to make available to the game:

a. food that is palatable, uncontaminated and nutritionally adequate to ensure normal growth and maintenance;

b. water which is fresh, uncontaminated and available at all times.

6. No person shall transport, possess, purchase or sell any live foxes or coyotes taken outside the state of Louisiana. Live foxes and coyotes obtained from outside the state of Louisiana prior to the enacted date of these regulations and in possession of properly licensed persons shall be exempt.

7. No person shall transport from the state or offer for sale out of state any live foxes or coyotes.

8. Acclimation pens shall be constructed adjacent to or within an enclosure to insure the containment of foxes and coyotes and the exclusion of hounds. This requirement may be waived for "training enclosures" or in enclosures where running is discontinued for a minimum of two weeks while foxes/coyotes adjust to the enclosure environment.

9. No person may engage in the business of raising or exhibiting or otherwise possessing fox or coyotes for the purpose of operating a fox/coyote hunting preserve unless he or she has acquired and possesses a valid nongame quadruped breeder or exhibitor license.

10. A licensed trapper may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transactions, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

11. ~~Permittees~~ Trappers trapping coyotes during the closed trapping season) will be required to use only either a padded (4 9/16-6 1/2 inch inside jaw width at hinge posts), offset, laminated or wide (4 5/8-6 3/8 inch inside jaw width at hinge posts) or unmodified (5 inch inside jaw width at hinge posts) foot-hold trap, or a box-type trap, or a cable restraint with a relaxing lock that loosens and tightens in response to the wildlife's action.

12. ~~Permittees~~ Trappers trapping coyotes during the closed trapping season and licensed as a nongame quadruped breeder may offer for sale such coyotes. During any such transaction, a bill of sale must be provided by the seller to the purchaser and retained for a period of one year by the purchaser.

~~13. It shall be unlawful to trap coyotes during the closed trapping season without a permit issued by the department.~~

~~13~~ 14. ~~Permittees~~ Trappers will be required to check traps daily.

~~14~~ 15. ~~Permittees~~ Trappers will be required to have in possession written permission from the landowners or lessee where traps are set.

~~15~~ 16. ~~Permittees~~ Trappers shall release all nontarget species in a manner so as to keep stress or injury minimal.

~~16~~ 17. It shall be unlawful to sell native wild foxes or coyotes outside the state of Louisiana.

~~17~~ 18. ~~Trappers and permittees~~ Licensees who hold game foxes or coyotes for more than one day for sale shall confine animals at a rate of no more than one fox per 9 square feet and one coyote per 17 square feet. The cage must be high enough for each animal to easily sit or stand. The cage must be escape-proof and offer protection from adverse weather.

~~18~~ 19. Fox/coyote hunting preserves shall be exempt from the commission action



which prohibits the running of coyotes during the open turkey season.

19 20. The ~~Department of Wildlife and Fisheries~~ department has the authority to conduct disease investigations at any time and, pending the results of the disease investigations, has the authority to quarantine fox/coyote hunting preserves if deemed necessary. The department also has the authority to prohibit the release of animals that are diseased or have been exposed to diseased animals.

20 21. Neurological or sick animals shall be humanely euthanized and shall not be moved or sold in an effort to prevent the spread of disease. Licensees shall be required to immediately report to the department the occurrence of any disease contracted by captive fox or coyotes. These diseases include but are not limited to rabies, canine distemper, sarcoptic mange or Echinococcus infections.

21 22. Animals held under any ~~non-game~~ nongame quadruped breeder, ~~or non-game~~ nongame quadruped exhibitor, ~~or coyote trapping~~ license shall not be physically altered, except for medical treatment by a Louisiana licensed veterinarian, or mutilated in any way.

#### E. Report Requirements

1. Report forms provided by the department must be completed and filed with the department by all persons who have been issued a nongame quadruped breeder or exhibitor license ~~or who have been issued a special permit allowing the trapping of coyotes only in the closed season in accordance with this Subsection.~~ ~~Reports shall include but not be limited to the information specified in R.S. 56:262.1(d).~~ Failure to complete these forms properly and completely will result in nonrenewal of the nongame quadruped breeder or exhibitor license.

2. All licensed nongame quadruped exhibitors will be required to include information regarding numbers of animals by species in captivity, number of known losses

(death or escape), number of animals by species purchased and the sources of game wildlife purchases.

3. All licensed nongame quadruped breeders will be required to include information regarding numbers of animals by species in captivity, numbers of losses, numbers of animals by species purchased and the sources of game wildlife purchases, and number of sales by species and the person who bought the game. Records must be maintained for a minimum of three years.

F. Penalty for Violation. Violation of these regulations will be a Class 2 violation with the following exceptions.

1. Violation of the license requirements for nongame quadruped breeders and nongame quadruped exhibitors, including the reporting requirements, shall be a Class ~~3~~ 2-B violation (see §113.C.1, 2, 3 and D.2. of this Chapter).

~~2. Violation of the reporting requirements shall be a Class 3 violation (see §113E.1-3 of this Chapter).~~

~~2~~ 3. Violation of the regulations pertaining to import of foxes and/or coyotes into the state or export of foxes and/or coyotes from the state shall be a Class 4 violation (see §113.D.6-7 of this Chapter).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:116.1(D), R.S. 56:140, R.S. 56:259, and R.S. 56:262.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:205 (February 1991), amended LR 49:512 (March 2023), LR 49:1568 (September 2023), LR .

## **§125. Control of Nuisance Wild Quadrupeds**

A. This rule applies only to the control of the wild quadrupeds listed below and only when they are conclusively proven to be creating a nuisance or causing damage to property. The burden of establishing that the animal in question is causing the property damage shall rest with the property owner.

B. The following wild quadrupeds may be taken year-round by any properly licensed hunter without permit by the property owner or his designee, with written landowner permission, but only by trapping or shooting during legal daylight hours:

1. coyote;
2. armadillo;
3. nutria;
4. beaver;
5. raccoons;
- 6 ~~5.~~ skunks; and
- 7 ~~6.~~ opossums.

C. Squirrels, rabbits, foxes, bobcats, mink, otter, muskrat, raccoons and any of the other species listed above may be trapped alive and relocated to suitable habitat without permit provided the following conditions are met.

1. Written permission is obtained from the property owner where the animals are to be released and such written permission is carried in possession while transport and release activities are taking place.

2. Animals are treated in a responsible and humane manner and released within 12 hours of capture.

D. Traps shall be set in such a manner that provides the trapped animal protection from harassment from dogs and other animals and direct sun exposure.

E. Nuisance animals listed above may be so controlled by the property owner or his designee with written landowner permission, to prevent further damage.

F. Property owners must comply with all additional local laws and/or municipal ordinances governing the shooting or trapping of wildlife or discharge of firearms.

G. No animal taken under this provision or parts thereof shall be sold, except the animal's glands and urine. A valid trapping license is required to sell or pelt nuisance furbearers during the open trapping season. Live coyotes may be sold, provided the seller has a valid Nongame Quadruped Breeder's License and a valid Trapper's License.

H. No species taken under the provisions of this rule shall be kept in possession for a period of time exceeding 12 hours. Coyotes may be possessed alive, provided the seller has a valid Nongame Breeder's License and a valid Trapper's License.

I. This Rule has no application to any species of bird as birds are the subject of other state and federal laws, rules and regulations.

J. Game animals, other than squirrels and rabbits, may only be taken by hunting during the open season under the conditions set forth under Title 56 of the Louisiana Revised Statutes and the rules and regulations of the Department of Wildlife and Fisheries.

K. A permit may be issued to landowners or their designees to take white-tailed deer during the closed season when deer are causing substantial damage to commercial agricultural crops or orchards. Crops or orchards of less than 5 acres will not be considered for permits unless alternative exclusionary methods, including electric fencing, have been attempted and proven unsuccessful. Loss of 25 percent or more of the expected production or value of a crop must be

documented by a Louisiana Department of Agriculture and Forestry crop specialist or Louisiana State University Cooperative Extension Service agent. Emergency deer removal permits may be issued by Department of Wildlife and Fisheries Wildlife Division with approval by the Deer Program Manager and Enforcement Division. Landowners or their designees may take only the number of deer recommended by a Department of Wildlife and Fisheries biologist and specified on the permit. Only antlerless or unbranched antlered deer are legal for removal. All deer taken under this permit must be tagged in a manner specified on the permit before being moved from the site of the kill. Deer may only be taken during daylight hours and all deer meat will be salvaged and donated to a recipient or charitable organization approved by the Department of Wildlife and Fisheries. Biological samples may be requested by Department of Wildlife and Fisheries biologists for research and health monitoring purposes.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, 56:6(10) and (15), R.S. 56:112 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 28:2570 (December 2002), repromulgated LR 29:51 (January 2003), amended LR 35:703 (April 2009), LR .

## **§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**

**B. 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~~ The landowner, lessee or agent, with written permission from the landowner, 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 ~~R.S. 56~~ Title 56 of the Louisiana Revised Statutes and the rules and regulations of

the Department of Wildlife and Fisheries.

~~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.~~

~~5 7. Any person attempting to take outlaw quadrupeds, nutria, or beaver between the hours of one-half hour after official sunset to one-half hour before official sunrise shall notify the sheriff of the parish in which the property is located of the intention to attempt to take outlaw quadrupeds, nutria or beaver within 24 hours prior to the attempted taking or immediately upon taking. Permittees shall notify the department's law enforcement 24-hour dispatch at (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 of this Section, 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.

1 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 2 3 violation as defined in R.S. 56:323.

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 Paragraph C.8 of this Section shall not be reissued a permit until the reporting requirement under Paragraph C.8 of this Section is submitted to the department.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1692 (October 2016), amended LR

## **§127. Nuisance Wildlife Control Operator Program**

### **A. Purpose**

1. The purpose of this Section is to establish guidelines for the permitting of Nuisance Wildlife Control Operators (NWCO's) and the procedures to be used by the NWCO's in controlling nuisance wildlife.

2. NWCO's are defined as individuals who offer commercial services for the control of nuisance wildlife.

## B. Permits

1. All NWCO's must have a valid NWCO permit issued by the Louisiana Department of Wildlife and Fisheries (LDWF) in their possession while engaged in nuisance wildlife control activities. NWCO permits are issued only to individuals and each individual engaged in NWCO activities must possess a NWCO permit issued in his/her name. This rule does not provide for or authorize any NWCO to name a subpermittee.

2. In addition to the NWCO permit, all NWCO's must possess a valid Louisiana trapping license and valid Louisiana basic hunting license (or equivalent) in their possession while engaged in nuisance wildlife control activities. Additionally, any NWCO servicing non-protected reptile and amphibian nuisance calls must possess a valid basic fishing license or equivalent.

3. NWCO permits will be issued on a calendar year basis (January 1-December 31) and must be renewed annually.

## C. Permit Requirements

1. All applicants must be 18 years of age or older.

2. The applicant must achieve a minimum score of 80 percent on the LDWF NWCO examination. The examination shall consist of questions relating to wildlife biology and behavior, nuisance animal control methods and procedures, and nuisance wildlife control laws, rules and regulations. Any applicant who fails to pass the examination may take another examination no earlier than 30 days from the date of the prior examination. Applicants may not attempt to take the NWCO examination more than three times per calendar year.

3. Anyone who has been convicted of a Class **II 3** or greater wildlife violation in Louisiana, or the equivalent in another state within the past three years, ~~or has been~~

convicted of a felony in Louisiana or another state, shall not be eligible for a NWCO permit.

Also, any person whose hunting or trapping license privileges have been revoked and is prohibited from hunting and trapping in Louisiana shall not be allowed to possess or operate under the authority of a NWCO permit.

~~4. All applicants must attend a LDWF sponsored NWCO training class prior to or within 6 months of receiving their permit. A class registration charge may be applied. Those NWCOs with valid permits at the time this rule becomes effective will have one year from the effective date of amended regulations to complete the training class requirement. All NWCOs are required to attend six hours of LDWF approved continuing education every three years after attending the NWCO training class. Failure to attend the training class or obtain the six hours of LDWF approved continuing education every three years will result in revocation of the NWCO permit.~~

#### D. Exemptions

1. Employees of the Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, Louisiana Department of Transportation and Development, U.S. Fish and Wildlife Service, and USDA/APHIS/Wildlife Services are exempt from all NWCO permit requirements while they are on duty and carrying out official business of their respective agency. Also, city, parish, or local municipal government employees assigned to animal control duties are exempt from permit requirements while on duty and carrying out official business of their respective agency. It is recommended that exempted agencies adopt a policy requiring euthanasia of all skunks, raccoons, feral hogs, coyotes, and nutria. Animals that are not euthanized may not be released on LDWF owned or managed land such as wildlife management areas or refuges and may not be sold, bartered or exchanged.

E. Reporting and Renewal Requirements

~~1. All nuisance wildlife complaints that result in a site visit by a NWCO must be fully documented on Nuisance Wildlife Complaint Forms or in a format provided by LDWF.~~

~~2. Nuisance Wildlife Complaint Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and NWCO permits will not be renewed until these forms are received. Reports will cover the period from December 1 of the prior license year to November 30 of the current license year. However, the 30 day grace period that follows expiration of the NWCO permit, applies to report filing only and does not authorize NWCOs to engage in nuisance wildlife control activities without a current NWCO permit.~~

1. All NWCO's must complete the annual reporting form electronically.

2 3. Any NWCO who does not submit his/her report by the 30th day after the expiration date of the permit, or who submits a false or materially incomplete report shall be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the NWCO will be considered for reapplication upon receipt of the late Nuisance Wildlife Complaint Form(s) annual report.

3 4. Report forms Records must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department. NWCO's must maintain copies of all Nuisance Wildlife Complaint Forms records and reports for three years.

F. Procedures and Guidelines

1. The NWCO permit authorizes the holder to capture, euthanize or relocate designated species of wildlife by safe and effective means at any time of the year and without limits provided the operator is acting on a valid, documented wildlife complaint.

2. The following procedures and guidelines for NWCO permittees shall be in effect to establish what species of wildlife may be taken under the authority of this permit, the legal methods that may be used to take nuisance wildlife under the authority of this permit, and the legal methods of disposing of nuisance wildlife.

a. Only wildlife damage or nuisance complaints affecting humans and/or their property are considered valid complaints. Complaints involving conflicts between two or more species of wildlife are not valid nuisance wildlife complaints.

b. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap the following species when such action is warranted by a valid nuisance wildlife complaint: armadillo, beaver, bobcat, coyote, feral hogs, fox, mink, muskrat, nutria, opossum, otter, rabbit, raccoon, squirrel (including flying squirrel) and skunk. NWCO permittees are only authorized to live trap and relocate, live trap and euthanize, or lethally trap reptiles and amphibians that are not protected by federal law. Nuisance birds may be controlled as provided by existing law. Except, Muscovy ducks may be captured and euthanized by licensed NWCO's. Muscovy ducks are not permitted to be relocated. Bats may be controlled by exclusion or by capture and relocation only. Bats shall not be controlled by any lethal methods. It is recommended all NWCO's working with bats complete the Bat Conservation International (BCI) professional excluders' course available on-line. Red-eared sliders may not be relocated or released off or away from the site of capture.

c. The NWCO permit does NOT authorize the capture and/or

handling of white-tailed deer, bears, wild turkeys or alligators.

d. The sale, trade, barter, gifting or retention of any wildlife or part thereof taken under the authority of a NWCO permit is prohibited except that furbearers taken during the open trapping season may be sold as provided by law except glands and urine of the animal. ~~Additionally, individuals wishing to trap coyotes outside of open trapping season may do so with the purchase of an annual special permit which may be issued to a Louisiana Department of Wildlife and Fisheries approved applicant for the trapping of coyotes only, outside of the annual trapping season. In~~ Except in order ~~for the permittee~~ to sell live coyotes ~~he~~ an individual must ~~also~~ possess a nongame quadruped breeders license (R.S. 56:262.1) and a valid trapping trapper's license.

e. NWCO permittees must follow all state and federal laws, rules and regulations that apply to the taking of wildlife, with the exception of season dates and bag limits, except as otherwise provided in this section.

f. All wildlife taken under a NWCO permit shall be taken and disposed of in a manner to ensure safe and effective handling and/or euthanasia. Acceptable carcass disposal options include deep burial (four feet), incineration, and sanitary landfills. Disposal of carcasses must be in compliance with all local codes and ordinances. Euthanasia of a captured animal is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

g. Traps or other capture devices set for live capture (including leg foot hold traps) shall be checked a minimum of once every 24 hours and all animals removed. Traps intended to result in immediate death must be checked a minimum of once every 48 hours. All traps and other capture devices shall be marked with permanent tags bearing the telephone

~~number and~~ LDWF issued permit number of the NWCO.

h. Only legal methods of take, as provided by existing law, shall be authorized under the NWCO permit. In addition to legal traps and ~~snare~~ cable devices, nets and capture by hand are authorized.

i. All traps and other capture devices shall be set in a manner that:

~~i ii~~. will minimize the risk to non-target animals;

~~ii iii~~. will minimize the risk to the public and to pets; and

~~iii iv~~. are out of the view of the general public.

j. The NWCO permit does not authorize the use of firearms, except that nutria, beaver, coyotes, armadillos, ~~otter, raccoon, skunk~~ and feral hogs where legal, may be taken as provided by existing law. Firearms may also be used in accordance with the American Veterinary Medical Association (AVMA) guidelines on euthanasia. ~~Discharge~~ Use of any firearms shall be subject to all state, parish and municipal restrictions and ordinances.

k. When relocation is authorized, the NWCO may have the wildlife in possession for no more than 24 hours unless specifically authorized by the department.

l. Wildlife that is relocated shall be released at least five miles outside of any city limit and must be released within the state of Louisiana.

m. Wildlife shall not be released on private land without written permission of the landowner or landowner designee.

n. Wildlife shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the release property.

o. Captured wildlife that appears to be sick or injured shall not be relocated. NWCO's must contact the appropriate LDWF regional office for instructions

regarding sick wildlife. Injured animals may be delivered to a licensed rehabilitator or euthanized in accordance with AVMA guidelines.

p. Raccoons, skunks, feral hogs, coyotes and nutria shall not be relocated and shall be euthanized, within 12 hours of capture, in accordance with the current AVMA guidelines on euthanasia. Except, coyotes may be sold live if the NWCO also possess a valid Nongame Quadruped Breeder's License.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6 (10) and (15), and R.S. 56:112 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2080 (September 2004), amended LR 36:75 (January 2010), LR .

### **§135. Aerial Feral Hog Control Permits**

#### **A. Purpose**

1. The purpose of this Section is to establish regulations concerning the use of aircraft to aid in the control of feral hogs. The regulations provide and establish general rules regarding permit requirements, reporting requirements, landowner authorization, and safety training.

#### **B. Definitions**

*Aerial Hog Control Permit*—a permit issued by LDWF to locate, pursue, take, harass, or kill feral hogs by using an aircraft.

*Applicant*—an individual, partnership, or corporation who files an application for an aerial hog control permit.



*Department or LDWF*—the Louisiana Department of Wildlife and Fisheries.

*Gunner*—an individual who uses a firearm to shoot or attempt to shoot feral hogs pursuant to an aerial hog control permit.

*Landowner's Authorization*—signed consent from the landowner or the landowner's agent.

*Observer*—any person other than the pilot or gunner who is on board an aircraft while feral hog control measures are being taken pursuant to an aerial hog control permit.

*Permittee*—any individual who has obtained a valid aerial hog control permit.

*Pilot*—an individual who pilots an aircraft to locate, pursue, take, harass, or kill feral hogs pursuant to an aerial hog control permit.

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

*Qualified Landowner or Landowner's Authorized Agent*—a person who contracts to be a gunner or observer and who has not:

a. been convicted of a class **H 3** or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years;

**b.** been convicted of a felony in Louisiana or another state; or

**b e.** been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act).

*Take*—in its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

#### C. Permits

1. An aerial feral hog control (AFHC) permit authorizes the permittee to

utilize a helicopter to locate, pursue, take, harass, or kill feral hogs.

2. It shall be unlawful for any person to use a helicopter to locate, pursue, take, harass, or kill feral hogs without an AFHC permit.

3. Possession of an AFHC permit does not exempt the permit holder from other local, state, or federal rules, laws, or permit requirements.

4. Permits are not transferrable.

#### D. Permit Requirements

1. Application for an aerial feral hog control (AFHC) permit shall be made on an official application form provided by the department. AFHC permits will be valid for the calendar year in which issued and will expire on December 31 of each year.

2. A permit may be issued in the name of an individual, partnership, or corporation for named pilots to locate, pursue, take, harass, or kill feral hogs by the use of an aircraft.

3. Application for a permit shall include:

- a. name, address, and phone number of applicant;
- b. if applicant is an individual, the birth date, federal aviation administration (FAA) certificate number, and driver's license number of the applicant;
- c. name, address, driver's license number, FAA license number, and date of birth for each individual pilot; and
- d. make, model, color, and registration number of each aircraft to be used.

4. Anyone who has been convicted of a class **II 3** or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, **has been convicted of a**

~~felony in Louisiana or another state,~~ or been convicted of a violation of 16 U.S.C. §§3371-3378 (the Lacey Act) shall not be eligible for an AFHC permit.

5. The application must contain a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing an AFHC permit. AFHC permits will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries that occur during or as a result of activities related to the AFHC permit.

E. Landowner's Authorization

1. Prior to participation in permitted activities, a permit holder must submit to LDWF a landowner's authorization form (LOA) for each contiguous and non-contiguous piece of property on which feral hog control activities will be performed.

2. A landowner's authorization form will be made on an official application form provided by the department and shall include:

- a. the name, mailing address, driver's license number, and phone number of the landowner;
- b. the name, mailing address, driver's license number, and phone number of the authorized landowner's agent, if applicable;
- c. the name and permit number of the permittee;
- d. a description and specific location of the property, including acreage; and
- e. justification for why feral hogs should be controlled by use of a helicopter.

3. A landowner's authorization for feral hog control will be valid for the

duration of the permit, unless:

- a. that permit expires without renewal or is revoked;
- b. the landowner's authorization specifies a time limit; or
- c. the landowner requests in writing to LDWF and the permittee that

authorization be withdrawn.

4. A single LOA form may be submitted by a group of landowners or by an association on behalf of such landowners. In the case of a group submission, the landowner's authorization form must have an attached list of participating landowner names, phone numbers, mailing addresses, physical addresses of the properties, and acreages for each participating landowner. The justification for control will be for the entirety of the properties listed on the form.

5. Property outlined in an LOA must exceed 1000 acres to be eligible for feral hog control activities under an AFHC permit.

6. If a LOA is approved by LDWF, a unique control number will be issued to identify the property and LOA in permit activities.

7. AFHC permit activities may not commence on a property until a LOA control number has been assigned by LDWF and received by the permittee.

#### F. Landowner's Authorization to Appoint Subagents

1. A permittee may contract with a qualified landowner or landowner's authorized agent to act as a gunner or observer in the location, pursuit, taking, harassing or killing of feral hogs from a helicopter, provided that the permittee possesses a valid, properly obtained LOA describing the activity.

2. A landowner with a valid LOA number can allow an AFHC permit holder

to appoint subagents to act as gunners or observers during permit activities, provided that the landowner or the landowner's authorized agent has completed a landowner's authorization to appoint subagents (LAAS) form. Such forms shall be made on an official application form provided by the department and shall include:

- a. the name, mailing address, and phone number of the landowner;
- b. the name, mailing address, and phone number of the authorized landowner's agent, if applicable;
- c. the name and permit number of the permittee;
- d. LOA number;
- e. physical address of the property referenced by the LOA number;
- f. signatures and dates of agreement to the terms by the landowner or landowner's authorized agent and the permittee; and
- g. time limit for the LAAS, if desired.

3. LAAS forms will be valid for the duration of the permit, unless:

- a. that permit expires without renewal or is revoked;
- b. if the LAAS specifies a time limit; or
- c. if a landowner requests in writing to the permittee that authorization be withdrawn.

4. AFHC permit holders will be responsible for completion of LAAS forms, and will maintain completed LAAS forms in perpetuity.

5. LAAS forms will be made available for inspection upon demand by LDWF personnel.

#### G. General Rules

1. A holder of an AFHC permit is authorized to engage in feral hog control by the use of an aircraft only on land described in the landowner's authorization (LOA).

2. The AFHC permit shall be carried in the aircraft when performing feral hog control activities using an aircraft.

3. The permit is only valid for the taking of feral hogs from a helicopter. Taking any wildlife or animals other than feral hogs is strictly prohibited.

4. A pilot of an aircraft used for feral hog control must maintain a daily flight log and report as detailed below. The daily flight log must be up-to-date and made available for inspection upon demand of LDWF employees.

5. A pilot of an aircraft must possess and maintain a valid pilot's license as required by the FAA.

6. All pilots and permittees must comply with FAA regulations for the specific type of aircraft listed in the permit.

7. The permit holder may only use an aircraft to take feral hogs that are causing verifiable damage to land, structures, crops, water, or livestock, domestic animals, or human life.

8. An AFHC permit holder may only take feral hogs that are located on property outlined in the LOA. It is prohibited to fire shots over property not included in the LOA. It is prohibited to fire upon, haze, harass, or track any animals, including feral hogs, located on property not listed in the LOA.

9. Any activities performed under this permit must occur during daylight hours, from one-half hour before official sunrise to one-half hour after official sunset.

10. An AFHC permit is not to be used for sport hunting.

11. All observers and gunners must successfully complete a four hour safety training held by the permittee prior to participating in AFHC permit activities. Safety training must include aspects of:

- a. aircraft safety procedures;
- b. target and non-target animal identification;
- c. firearm safety;
- d. emergency procedures.

12. Attendance at a safety training course will allow a gunner or observer to participate in AFHC permit activities for 90 days after successfully completing the class.

13. Permittee must report violations of these regulations by pilots, observers, gunners, or ground personnel during AFHC activities to LDWF within 24 hours of occurrence of the violation.

14. Any unreported violation of AFHC regulations by a pilot, gunner, or observer may result in immediate and permanent loss of this permit and possible criminal prosecution.

#### H. Reporting and Renewal Requirements

1. A report of activities completed under this permit shall be required within 30 days of the end of each calendar quarter. Additionally, a report of activities completed under this permit shall be required when submitting a request for permit renewal or upon termination of the permit. All reports shall be maintained for a minimum of three years. This report shall be completed on official forms provided for this purpose by LDWF, and consist of daily flight log sheets, showing:

- a. name, permit number, and signature of permit holder;

- b. number of feral hogs managed under the permit;
- c. landowner's authorization control number issued by LDWF;
- d. dates of flight;
- e. time of day an authorized flight begins and is completed;
- f. type of management taken by use of aircraft;
- g. name, pilot's license number, and signature of pilot;
- h. name and address of gunner(s) and observer(s);
- i. date that safety training was successfully completed by observer(s)

and gunner(s).

2. Application for renewal of an AFHC permit must be submitted to LDWF no later than 45 days prior to expiration of the permit and AFHC permits will not be renewed until all renewal requirements are received.

3. If no flights were taken during the calendar quarter, a negative daily flight log and report must be submitted to LDWF.

I. Penalties for Violation. Unless another penalty is provided by law, violation of these regulations will be a class two violation as defined in title 56 of the *Louisiana Revised Statutes*. In addition, upon conviction for violation of these regulations, the AFHC permit associated with the permittee may be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:112(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:2282 (November 2014), amended 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**

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

#### **Provider Impact Statement**

This proposed 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**

Interested persons may submit written comments relative to the proposed Rule until September 1, 2025, to Bradley Breland, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to [bbreland@wlf.la.gov](mailto:bbreland@wlf.la.gov).

Kevin Sagrera

Chairman