

# Louisiana Laws and LDWF Commission Regulations that Pertain to Trapping, Furbearers, and Quadrupeds

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# Constitution of the State of Louisiana

## Article 1 Declaration of Rights

### § 27 Freedom to Hunt, Fish and Trap

Last Modified 12/07/2004

#### §27. Freedom to Hunt, Fish and Trap

Section 27. The freedom to hunt, fish, and trap wildlife, including all aquatic life, traditionally taken by hunters, trappers and anglers, is a valued natural heritage that shall be forever preserved for the people. Hunting, fishing and trapping shall be managed by law and regulation consistent with Article IX, Section 1 of the Constitution of Louisiana to protect, conserve and replenish the natural resources of the state. The provisions of this Section shall not alter the burden of proof requirements otherwise established by law for any challenge to a law or regulation pertaining to hunting, fishing or trapping the wildlife of the state, including all aquatic life. Nothing contained herein shall be construed to authorize the use of private property to hunt, fish, or trap without the consent of the owner of the property.

# Louisiana Laws

## Title 3 Agriculture and Forestry

RS 3:72 Terms Defined, Agricultural Co-Operative Associations

Last Modified 08/12/2003

### §72. Terms defined

As used in this Part, the terms defined in this Section have the meanings here given to them, except where the context expressly indicates otherwise:

- (1) "Agricultural products" include horticultural, viticultural, forestry, dairying, livestock, poultry, bee and farm and range products, and furbearing animals raised or produced on a defined acreage.
- (2) "Member" includes actual members of associations with or without capital stock.
- (3) "Association" means any association or corporation organized under this Part.
- (4) "Person" includes individuals, firms, partnerships, corporations, and associations.
- (5) "Muskrat farmer" applies to any person engaged in the business of trapping muskrats, skinning the animals, and preparing the furs for market, on rented, owned, limited, or defined acreage.

RS 3:74 Powers of Association; Activities Permitted for Agricultural Co-Operative Associations

Last Modified 08/12/2003

### §74. Powers of association; activities permitted

An association may be organized with the following purposes, authority, and powers:

- (1) To engage in any activity in connection with the producing, marketing, selling, harvesting, dairying, preserving, drying, processing, canning, packing, milling, ginning, compressing, storing, handling, or utilization of any agricultural products produced by it or produced or delivered to it by its members; or in connection with the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring or use by it or its members of supplies, machinery or equipment; or in connection with the construction or maintenance of houses, barns, sheds or facilities for its use or the use of its members.
- (2) To borrow money and to make advances to members.
- (3) To establish funds in pool for the purpose of indemnifying or replacing damaged, lost, or destroyed livestock or other corporeal movables pertaining to agriculture belonging to members.
- (4) To act as agent or representative of any member, or members, in any of the above mentioned activities.
- (5) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge or guarantee the payment of dividends or interest on, or the retirement or redemption of shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the production, warehousing, handling or marketing of any of the products handled by the association.
- (6) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(7) To purchase or otherwise acquire, or to buy, hold and exercise all privileges of ownership or tenancy over such movable and immovable property as may be necessary or convenient for the conducting and operating of any of the business of the association or incidental thereto.

(8) To market muskrat furs, trapped, farmed or processed by muskrat farmers.

(9) To provide medical services and benefits for the members and families of members on fee basis.

(10) To engage in the construction, acquisition and operation of electric lines and appurtenances thereto for the distribution of electricity to its members; to purchase, generate or otherwise acquire electricity for such distribution and to sell or distribute electricity to its members.

(11) To do each and everything necessary, suitable or proper for the accomplishment of any of the purposes or the attainment of any one or more of the objects herein enumerated, or conducive to or expedient for the interest or benefit of the association, and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized, or to the activities in which it is engaged; and to do any such thing anywhere.

(12) To sue and be sued, prosecute and be prosecuted, to stand in judgment and sue before any court; to contract and be contracted with.

RS 3:751 Beaver, Coyote, and Coydog Control Program  
Last Modified 06/12/2009

#### §751. Beaver, coyote, and coydog control program

A. There is hereby established a beaver, nuisance feral swine, coyote, and coydog control program which shall be developed by the Louisiana Department of Agriculture and Forestry to be administered by the Livestock Brand Commission. The program shall be limited to population control of beavers, nuisance feral swine, coyotes, and coydogs on private or public lands, excluding federally-owned lands, but including lands whereupon servitudes are granted to a federal entity.

B. Any state, local, or private funds available to the commissioner to fund the program may be used to match federal funds available for such purpose. The commissioner may execute such agreements with any agency of the federal government to obtain matching funds to finance the beaver, nuisance feral swine, coyote, and coydog control program.

C. Nonfederal funds to help finance the program may be obtained by the commission from the following sources:

(a) Appropriations by the legislature.

(b) Charges on participating landowners.

(c) Contributions from any other sources for such purpose.

D. The Livestock Brand Commission may adopt rules and regulations as are necessary to implement and enforce the provisions of this Section.

E. Operation of the program shall be subject to the availability of funds.

§3031. Bounty on beaver

A. The department may, when funds are provided, offer a bounty of a minimum of five dollars for each beaver destroyed. Upon presentation of the beaver to any bona fide or licensed alligator farm, a receipt shall be issued in such form as prescribed by the department to the person presenting the animal. The department shall redeem such receipt by paying to such person upon presentation of the receipt, whether in person or by mail, a sum of five dollars, or such greater amounts as may be established by the department, for each such receipt as bounty. The redemption of such receipts shall be paid only from funds especially appropriated for this purpose, and it is expressly provided that no such bounty shall be paid from any regular receipts, funds or appropriations of the department.

B. The commissioner shall promulgate such rules and regulations, pursuant to the Administrative Procedure Act, as necessary to the extent that funds are provided to implement this Section.

C. No bounty shall be paid when funds, personnel, or equipment of the department are employed in capturing and killing any beaver.

D. The provisions of the Chapter shall not be applicable in St. Tammany Parish.

§3032. Pilot program

A. The governing authority of the parishes of East Carroll, West Carroll, Morehouse, Madison, and Richland, in cooperation with the Department of Agriculture and Forestry, shall create a pilot program to offer a bounty on beaver. The purpose of the pilot program shall be to explore the benefits of offering a bounty on beaver in order to control the beaver population and the damage caused by beaver.

B. The bounty offered shall total fifteen dollars for each pelt, ten dollars to be paid by the state, provided that funds are appropriated therefor, and five dollars to be paid by the parish governing authority.

C. The governing authority of each of the parishes shall provide a collection point or points for collection of the beaver pelts. The bounty shall be paid upon presentation of the pelt at the collection site.

D. Each individual presenting a pelt or pelts must show proof of residence in that parish. Persons presenting pelts from another parish will be rendered ineligible for further participation in the program.

Title 9 Civil Code- Ancillaries

RS 9:2795 Limitation of Liability of Landowner of Property Used for Recreational Purposes;  
Property Owned by the Department of Wildlife and Fisheries; Parks Owned by Public Entities  
Last Modified 08/12/2003

§2795. Limitation of liability of landowner of property used for recreational purposes; property owned by the Department of Wildlife and Fisheries; parks owned by public entities

A. As used in this Section:

(1) "Land" means urban or rural land, roads, water, watercourses, private ways or buildings, structures, and machinery or equipment when attached to the realty.

(2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(3) "Recreational purposes" includes but is not limited to any of the following, or any combination thereof: hunting, fishing, trapping, swimming, boating, camping, picnicking, hiking, horseback riding, bicycle riding, motorized, or nonmotorized vehicle operation for recreation purposes, nature study, water skiing, ice skating, roller skating, roller blading, skate boarding, sledding, snowmobiling, snow skiing, summer and winter sports, or viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) "Charge" means the admission price or fee asked in return for permission to use lands.

(5) "Person" means individuals regardless of age.

B.(1) Except for willful or malicious failure to warn against a dangerous condition, use, structure, or activity, an owner of land, except an owner of commercial recreational developments or facilities, who permits with or without charge any person to use his land for recreational purposes as herein defined does not thereby:

(a) Extend any assurance that the premises are safe for any purposes.

(b) Constitute such person the legal status of an invitee or licensee to whom a duty of care is owed.

(c) Incur liability for any injury to person or property caused by any defect in the land regardless of whether naturally occurring or man-made.

(2) The provisions of this Subsection shall apply to owners of commercial recreational developments or facilities for injury to persons or property arising out of the commercial recreational activity permitted at the recreational development or facility that occurs on land which does not comprise the commercial recreational development or facility and over which the owner has no control when the recreational activity commences, occurs, or terminates on the commercial recreational development or facility.

C. Unless otherwise agreed in writing, the provisions of Subsection B shall be deemed applicable to the duties and liability of an owner of land leased for recreational purposes to the federal government or any state or political subdivision thereof or private persons.

D. Nothing in this Section shall be construed to relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this

Section to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

E.(1) The limitation of liability provided in this Section shall apply to any lands or water bottoms owned, leased, or managed by the Department of Wildlife and Fisheries, regardless of the purposes for which the land or water bottoms are used, and whether they are used for recreational or nonrecreational purposes.

(2)(a) The limitation of liability provided in this Section shall apply to any lands, whether urban or rural, which are owned, leased, or managed as a public park by the state or any of its political subdivisions and which are used for recreational purposes.

(b) The provision of supervision on any land managed as a public park by the state or any of its political subdivisions does not create any greater duty of care which may exist and does not create a duty of care or basis of liability for personal injury or for damage to personal property caused by the act or omission of any person responsible for security or supervision of park activities, except as provided in Subparagraph (E)(2)(d) of this Section.

(c) For purposes of the limitation of liability afforded to parks pursuant to this Section this limitation does not apply to playground equipment or stands which are defective.

(d) The limitation of liability as extended to parks in this Section shall not apply to intentional or grossly negligent acts by an employee of the public entity.

F. The limitation of liability extended by this Section to the owner, lessee, or occupant of premises shall not be affected by the granting of a lease, right of use, or right of occupancy for any recreational purpose which may limit the use of the premises to persons other than the entire public or by the posting of the premises so as to limit the use of the premises to persons other than the entire public.

RS 9:2795.6 Limitation of Liability, Nonprofit Youth Organizations; Legislative Findings: Definitions; Duties and Liability of Providers and Participants  
Last Modified 07/30/2015

§2795.6. Limitation of liability; nonprofit youth organizations; legislative findings; definitions; duties and liability of providers and participants

A. The legislature hereby recognizes that there are inherent risks in various adventure, educational, or recreational activities which should be understood by the participants and which are essentially impossible for nonprofit youth organizations and their providers to completely eliminate. Accordingly, it is the purpose of this Section to define those areas of responsibility and those affirmative acts for which these nonprofit organizations and their providers of adventure, educational, or recreational activities in the Atchafalaya Basin shall be liable, and to further define those risks which the participants expressly acknowledge and for which there can be no recovery.

B. As used in this Section:

(1) "Adventure, educational, or recreational activities" means activities which are: (a) sponsored by a nonprofit youth organization or provider which include but are not limited to any of the following: hunting, fishing, trapping, swimming, boating, camping, picnicking, hiking, horseback riding, bicycle riding, motorized or nonmotorized vehicle operation for recreation purposes, nature study, water skiing, ice skating, roller skating, roller blading, skate boarding, sledding, snowmobiling, snow skiing, summer and winter sports, or viewing or enjoying historical,

archaeological, scenic, or scientific sites; and (b) conducted or commenced on a youth adventure center and which may extend to other accessible public or private land or waterways, including transportation to and from such land or waterways.

(2) "Atchafalaya Basin" means the area of land and waterways located within one mile of and all areas within the outermost levees of the Atchafalaya Basin, and bounded on the north by U.S. Highway 190 and on the south by Morgan City.

(3) "Nonprofit youth organization" means any nonprofit organization qualified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, with a registered membership of at least one thousand persons within the state of Louisiana, including any subsidiary, affiliate, or other related entity within its corporate or other business structure, that has been chartered by the United States Congress, regardless of any requirement to pay dues or tuition in order to become a member of or participate with the organization, and that has established a youth adventure center in an area of at least four hundred contiguous acres within the Atchafalaya Basin in which to provide adventure, educational, or recreational activities for members and participants.

(4) "Participant" means any person engaging in an adventure, educational, or recreational activity sponsored by a nonprofit youth organization or provider.

(5) "Person" means individuals regardless of age.

(6) "Provider" means any individual, sole proprietorship, partnership, association, public or private corporation, the United States or any federal agency, this state or any political subdivision of this state, and any other legal entity which engages, with or without compensation, in organizing, promoting, presenting, providing, or assisting in providing an adventure, educational, or recreational activity sponsored by a nonprofit youth organization, including one that allows the nonprofit youth organization the use of its land for the adventure, educational, or recreational activity.

(7) "Youth adventure center" means land and facilities managed by a nonprofit youth organization or provider for adventure, educational, or recreational activities in order to develop the ability of participants to become more self-sufficient and to learn the value of helping others.

C. Every nonprofit youth organization or provider shall have all of the following duties:

(1) Make reasonable and prudent efforts to determine the ability of a participant to safely engage in an adventure, educational, or recreational activity.

(2) Make known to any participant any dangerous traits or characteristics or any physical impairments or conditions related to a particular adventure, educational, or recreational activity, of which the nonprofit youth organization or provider knows or through the exercise of due diligence should know.

(3) Make known to any participant any dangerous condition as to land or facilities under the lawful possession and control of the nonprofit youth organization or provider, of which the nonprofit youth organization or provider knows or through the exercise of due diligence should know, by advising the participant in writing or by conspicuously posting warning signs upon the premises.

(4) Assure that each participant has or is provided all equipment reasonably necessary for all activities covered by this Section and, in providing equipment to a participant, make reasonable and prudent efforts to inspect such equipment to assure that it is in proper working condition and safe for use in the adventure, educational, or recreational activity.

(5) Prepare and present to each participant or prospective participant, for the participant's inspection and signature, a statement which clearly and concisely explains the liability limitations,

restrictions, and responsibilities set forth in this Section, provided that the statement shall not contain nor have the effect of a waiver of a nonprofit youth organization or provider's duties set forth in this Section. For participants under the age of eighteen or of any age who have a legally appointed guardian, the statement shall also require the acknowledgment of their parent or legal guardian.

(6) Make reasonable efforts to provide supervision of participants while engaged in activities under this Section.

D. Each participant shall have all of the following duties:

(1) Acknowledge that the adventure, educational, or recreational activities described in this Section are hazardous to participants, regardless of all feasible safety measures which can be taken.

(2) Expressly acknowledge the risk of and legal responsibility for any injury, loss, or damage to person or property which may result from participation in an adventure, educational, or recreational activity.

(3) Have the individual responsibility for knowing the range of the participant's own ability to participate in a particular adventure, educational, or recreational activity, acting within the limits of the participant's own ability, heeding all posted warnings, acting in accordance with the instructions of any employee of the nonprofit youth organization or provider, performing an adventure, educational, or recreational activity only in an area or facility designated by the nonprofit youth organization or provider, and refraining from acting in a manner which may cause or contribute to the injury of anyone.

(4) Remain in the area or facility where the adventure, educational, or recreational activity took place in the event of an accident causing injury, unless the participant leaves personal identification and contact information, notifies the proper authorities, or obtains assistance when that participant knows or reasonably should know that any other person involved in the accident is in need of medical or other assistance.

(5) Participants under the age of eighteen or of any age who have a legally appointed guardian shall also require the acknowledgment of their parent or legal guardian with regard to their duties under this Section.

E. A nonprofit youth organization or provider shall be liable for any of the following:

(1) Injury, loss, or damage directly resulting from the failure to follow any of the duties set forth in Subsection C of this Section. A nonprofit youth organization or provider shall not be liable for any injury, loss, or damage caused by the negligence of any person who is not an agent or employee of the nonprofit youth organization or provider.

(2) Acts or omissions which constitute gross negligence or willful and wanton conduct which is the direct cause of injury to a participant.

(3) An intentional act by an agent or employee of the nonprofit youth organization or provider which is the direct cause of injury or damages to a participant.

F. Every nonprofit youth organization and any provider for such nonprofit youth organization shall carry liability insurance in limits of no less than one million dollars per person, three million dollars per occurrence, and fifty thousand dollars for property damage with coverage extending to any employee or volunteer of the nonprofit youth organization or provider in the course of their duties as an employee or volunteer. The nonprofit youth organization, its employees, or agents shall not be responsible for any loss or damages in excess of or in addition to the limits of liability insurance coverage required by this Section. The failure to have in effect

## Title 12 Corporations and Associations

### RS 12:441 Sea Food Marketing Associations

Last Modified 01/01/1969

#### §441. Sea Food Marketing Associations authorized

Cooperative Sea Food Marketing Associations may be organized under this Part. These associations shall be deemed nonprofit, inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers.

### RS 12:442 Purpose of Legislation

Last Modified 01/01/1969

#### §442. Purpose of legislation

It is hereby declared that this Part was enacted in order to promote, foster and encourage the intelligent and orderly marketing of sea food products, skins and furs through cooperation, eliminate speculation, unnecessary middlemen and waste, make the distribution of sea food products, skins and furs as direct as can be efficiently done between producer and consumer, and to stabilize the marketing of such products, and skins and furs.

### RS 12:443 Terms Defined

Last Modified 08/12/2003

#### §443. Terms defined

As used in this Part:

- (1) "Association" means an association organized under this Part.
- (2) "Member" means an actual member of an association without capital stock and the holder of common stock in an association organized with capital stock.
- (3) "Person" includes individuals, firms, partnerships, corporations, and associations.
- (4) "Sea food products" include shrimp, clams, fish, crabs, lobsters, and all other sea foods, as well as all by-products of sea foods.
- (5) "Skins and furs" include all the skins and furs of all quadrupeds valuable for their skins or furs, including but not limited to alligators, minks, otter, muskrats, beaver, raccoons, opossums, weasels, spotted skunks, or "civet cats".

### RS 12:444 Persons Who May Organize

Last Modified 01/01/1969

#### §444. Persons who may organize

Ten or more persons, a majority of whom are residents of this state, engaged in the catching, gathering, or the production of seafood products and skins and furs, may form an association, with or without capital stock, under the provisions of this Part.

RS 12:445 Activities in Which Association May Engage  
Last Modified 01/01/1969

§445. Activities in which association may engage

An association may be organized to engage in any activity in connection with the marketing or selling of seafood products and skins and furs of its members, or with the catching, gathering, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling, shipping, or utilizing thereof, or the manufacturing or marketing of byproducts thereof; or in connection with the manufacturing, selling, or supply to its members of machinery, equipment, or supplies; or more than one of the activities specified herein; or in the financing of the above enumerated activities.

RS 12:446 Powers of Association  
Last Modified 01/01/1969

§446. Powers of association

Each association shall have the following powers:

(1) To engage in any activity in connection with the marketing or selling of the sea food products and skins and furs belonging to its members, or with the catching, gathering, preserving, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any sea food products or skins or furs produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use, by its members of supplies, machinery or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section. No associations shall handle the sea food products or skins or furs belonging to any non-member, except as may be necessary and incidental to the handling of the products of the members; and in any case, the value of the products of non-members so handled, shall not exceed the value of the products handled by the association for its members.

(2) To borrow money and to make advances to members.

(3) To act as agent or representative of any member or members in any of the above mentioned activities.

(4) To purchase or otherwise acquire and to hold, own, and exercise all rights of ownership in, and to sell, transfer or pledge or guarantee the payment of dividends or interest on, or the retirement or redemption of shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing of any of the products handled by the association.

(5) To establish reserves and to invest the funds in bonds or such other property as may be provided in the bylaws.

(6) To buy, hold and exercise all privileges of ownership, over such movable or immovable property as may be necessary or convenient for the conducting and operating of any of the business of the association or incidental thereto.

(7) To do everything necessary, suitable, or proper for the accomplishment of any of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or

expedient for the interest or benefit of the association; and to contract accordingly; and, in addition, to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized, or to the activities in which it is engaged; and to do any such thing, anywhere.

(8) To sue and be sued, prosecute and be prosecuted to judgment, in any suit before any court.

RS 12:447 Members  
Last Modified 01/01/1969

#### §447. Members

A. Under the terms and conditions prescribed by its bylaws, an association may admit as members, or issue common stock or certificates of membership to such persons as are engaged in the business of catching, gathering, preserving, drying, processing, manufacturing, canning, packing, grading, storing, shipping, or utilization of seafood products, skins and furs, or the byproducts thereof, to be handled by or through the association. Certificates of membership issued by a nonstock association shall not be transferrable, and no person shall acquire common stock by operation of law or otherwise, except as provided herein.

B. If a member of a non-stock association is other than a natural person, such member may be represented by any individual, associate, officer, manager or member thereof, duly authorized in writing.

C. An association organized hereunder may become a member or stockholder of any other association organized hereunder.

#### Title 14 Criminal Law

RS 14:95.8 Illegal Possession of a Handgun by a Juvenile  
Last Modified 09/08/2006

#### §95.8. Illegal possession of a handgun by a juvenile

A. It is unlawful for any person who has not attained the age of seventeen years knowingly to possess any handgun on his person. Any person possessing any handgun in violation of this Section commits the offense of illegal possession of a handgun by a juvenile.

B.(1) On a first conviction, the offender shall be fined not more than one hundred dollars and imprisoned for not less than ninety days and not more than six months.

(2) On a second conviction, the offender shall be fined not more than five hundred dollars and imprisoned with or without hard labor for not more than two years.

(3) On a third or subsequent conviction, the offender shall be fined not more than one thousand dollars and imprisoned at hard labor for not more than five years.

(4) A juvenile adjudicated delinquent under this Section, having been previously found guilty or adjudicated delinquent for any crime of violence as defined by R.S. 14:2(B), or attempt or conspiracy to commit any such offense, shall upon a first or subsequent conviction be fined not

less than five hundred dollars and not more than one thousand dollars and shall be imprisoned with or without hard labor for not less than six months and not more than five years. At least ninety days shall be served without benefit of probation, parole, or suspension of sentence.

C. The provisions of this Section shall not apply to any person under the age of seventeen years who is:

- (1) Attending a hunter's safety course or a firearms safety course.
- (2) Engaging in practice in the use of a firearm or target shooting at an established range.
- (3) Hunting or trapping pursuant to a valid license issued to him pursuant to the laws of

this state.

(4) Traveling to or from any activity described in Paragraph (1), (2), or (3) of this Subsection while in possession of an unloaded gun.

(5) On real property with the permission of his parent or legal guardian and with the permission of the owner or lessee of the property.

(6) At such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun.

(7) Possessing a handgun with the written permission of such person's parent or legal guardian; provided that such person carries on his person a copy of such written permission.

D. For the purposes of this Section "handgun" means a firearm as defined in R.S. 14:37.2, provided however, that the barrel length shall not exceed twelve inches.

RS 14:102.1 Cruelty to Animals; Simple and Aggravated  
Last Modified 08/13/2009

§102.1. Cruelty to animals; simple and aggravated

A.(1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

(a) Overdrives, overloads, drives when overloaded, or overworks a living animal.

(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.

(d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.

(e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.

(f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.

(g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.

(h) Injures any animal belonging to another person.

(i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal.

(j) Causes or procures to be done by any person any act enumerated in this Subsection.

(2)(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court shall issue an order prohibiting the defendant from owning or keeping animals for a period of time deemed appropriate by the court.

(c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

(3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.(1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.

(2) Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.

(3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.

(4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.

(5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

(6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.

(7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed<sup>1</sup> or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

(1) The lawful hunting or trapping of wildlife as provided by law.

(2) Herding of domestic animals.

(3) Accepted veterinary practices.

- (4) Activities carried on for scientific or medical research governed by accepted standards.
  - (5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.
  - (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).
- D. Repealed by Acts 2007, No. 425, §2, eff. August 15, 2008.

## Title 17 Education

RS 17:87.8 Leasing of Sixteenth Section Lands for Hunting and Trapping; Procedure  
Last Modified 12/14/2016

### §87.8. Leasing of sixteenth section lands for hunting and trapping; procedure

A. Except in the parishes of East Carroll, West Carroll, and Morehouse, whenever a city, parish, or other local public school board desires to rent or lease sixteenth section lands for hunting or trapping purposes, the procedure set forth below shall be followed by each board in connection with the award of the rights or privileges to bidders after advertisement in accordance with the following:

(1) If the lands have not been previously leased or when the immediately previous lessee is not bidding for renewal or continuation of his prior lease, as described in Paragraph (2) of this Subsection, the award shall be made to the highest bidder.

(2) If improvements made by the immediately previous lessee have become component parts of the lands to be leased and have a value equal to or greater than ten thousand dollars and the prior lessee is bidding for continuation or renewal of his prior lease then the award by the school board shall be made to the highest bidder who stipulates in his bid he will pay to the prior lessee a sum equal to the appraised value of such improvements as determined by a recognized appraiser of real estate selected by the school board. If the highest bidder does not comply with the provisions of this Section, the prior lessee will have the opportunity to renew or continue his lease at the price bid by the highest bidder. Upon failure of a prior lessee to bid for continuation of his prior lease, all improvements made by said prior lessee shall be forfeited to the school board. The provisions of this Paragraph shall apply only to those prior lessees who have not defaulted in or violated the provisions of their prior lease with such school board.

B. Each bid submitted shall be accompanied by a payment in a sum equal to one year's rental or lease amount. Such payment shall be in cash or by any of the following:

- (1) A certified check.
- (2) A cashier's check.
- (3) A teller's check.
- (4) An official check issued by a bank.

## Title 36 Organization of Executive Branch

RS 36:610 Transfer of Agencies and Functions to Department of Wildlife and Fisheries  
Last Modified 09/19/2016

### §610. Transfer of agencies and functions to Department of Wildlife and Fisheries

A. Repealed by Acts 2012, No. 811, §17, eff. July 1, 2012.

B. The following agencies, as defined in R.S. 36:3, are transferred to and hereinafter shall be within the Department of Wildlife and Fisheries, as provided in R.S. 36:802.

(1) The Wildlife and Fisheries Commission (Article IX, Section 7 of 1974 Louisiana Constitution; R.S. 56:1 et seq. and other provisions of the Louisiana Revised Statutes of 1950 that apply to the commission).

(2) Gulf States Marine Fisheries Commission (R.S. 56:71 et seq.).

(3) Northwest Louisiana Game and Fish Preserve (Act No. 191 of 1926 Regular Session, as amended).

(4) Iatt Lake State Game and Fish Preserve (Act No. 27 of 1940 Regular Session, as amended, and Act 244 of the 1962 Regular Session).

(5) Saline Lake Game and Fish Preserve (Act No. 105 of 1976 Regular Session, as amended).

(6) Nantachie Lake State Game and Fish Preserve (Act No. 440 of the 1966 Regular Session, as amended).

(7) The Oyster Task Force (R.S. 56:421).

(8) The Crab Task Force (R.S. 56:331).

(9) Repealed by Acts 2013, No. 184, §12.

(10) Louisiana Environmental Education Commission (R.S. 30:2501 et seq.).

(11) The Louisiana Shrimp Task Force (R.S. 56:494).

(12) The Louisiana Finfish Task Force (R.S. 56:301.10).

C. Notwithstanding any provisions of R.S. 56:801 to the contrary, the game and fish commissions created by the following Acts, as amended, are hereby abolished, and their powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Wildlife and Fisheries and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title, and the game and fish preserves created by the following Acts, as amended, are hereby placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of Part II of Chapter 22 of this Title. Any parish or parishes, by formal resolution of the governing authority of each parish affected, pursuant to R.S. 56:721 et seq., may appoint a game and fish commission which may exercise those powers, duties, and functions provided in R.S. 56:721 et seq. in relation to the game and fish preserves for which commissions are hereby abolished.

(1) Repealed by Acts 1995, No. 116, §2.

(2) Bayou Bonne Idee Game and Fish Commission (Act No. 248 of the 1952 Regular Session, as amended).

(3) Bayou Pierre State Game and Fish Commission (Act No. 139 of the 1934 Regular Session, as amended).

(4) Beauregard Old River Game and Fish Preserve Commission (Act No. 266 of 1958 Regular Session, as amended).

(5) Bundicks Game and Fish Commission (Act No. 33 of 1956 Regular Session, as amended).

(6) Cocodrie Lake Game and Fish Commission (Act No. 38 of 1957 Regular Session, as amended).

(7) Lake Fields Game and Fish Management Commission (Act No. 379 of 1966 Regular Session, as amended).

(8) St. Martin-Lafayette Game and Fish Preserve (Act No. 337 of 1950 Regular Session, as amended).

(9) Spanish Lake State Game and Fish Commission (Act No. 261 of the 1940 Regular Session, as amended).

(10) Repealed by Acts 1995, No. 1262, §1.

(11) Cornie Lake Game and Fish Preserve (Act No. 190 of 1934 Regular Session, as amended).

(12) Turkey Creek Game and Fish Preserve (Act No. 159 of 1938 Regular Session, as amended).

(13) West Atchafalaya Floodway Game and Fish Management Preserve (Act No. 565 of 1960 Regular Session, as amended).

(14) Hard Water Lake State Game and Fish Preserve (Act No. 560 of 1968 Regular Session, as amended).

D. The following agencies, as defined in R.S. 36:3, are hereby placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of Part II of Chapter 22 of this Title:

(1) Lake Catherine and Lake Pontchartrain Sanctuary (Acts 1954, No. 476, as amended).

(2) Catahoula Lake Game and Fish Preserve (Acts 1952, No. 320, as amended).

(3) Lake Bistineau State Game and Fish Preserve (Acts 1930, No. 43, as amended).

(4) Black Bayou Game and Fish Preserve (Act 39 of the 1940 Regular Session, as amended).

(5) Cheniere Brake Fish Preserve (Act 88 of the 1940 Regular Session, as amended).

E. Repealed by Acts 2013, No. 228, §3, eff. July 1, 2013.

F. The Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove Advisory Board (R.S. 56:796) is hereby placed within the Department of Wildlife and Fisheries and shall exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:918.

G. The following agencies, as defined in R.S. 36:3, are placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title:

(1) Repealed by Acts 2013, No. 184, §14(B).

(2) The Hunting and Fishing Advisory Education Council (R.S. 56:699.21 et seq.).

H. The Louisiana Artificial Reef Development Council (R.S. 56:639.1 et seq.) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

I. The Louisiana Fur Advisory Council (R.S. 56:266) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

J. The Louisiana Aquatic Invasive Species Council and the Louisiana Aquatic Invasive Species Advisory Task Force (R.S. 56:360.1 et seq.) are placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities in

the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

K. Repealed by Acts 2016, No. 203, §2.

L. The Louisiana Alligator Advisory Council (R.S. 56:278 and 279) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

M. Repealed by Acts 2014, No. 832, §5.

N. The Oyster Seed Ground Vessel Permit Appeals Board (R.S. 56:433.1) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.

## Title 40 Public Safety and Health

RS 40:941 Handling Meat Not Slaughtered Under License Prohibited: Exceptions: Penalty  
Last Modified 12/14/2016

### §941. Handling of meat not slaughtered under license prohibited; exceptions; penalty

A. No butcher or purveyor of food products intended for human consumption shall, directly or indirectly, purchase, trade, handle, or sell, in any manner, the carcass or any part thereof of any animal not slaughtered for human consumption by a licensed butcher or in a licensed slaughterhouse, packing house, or abattoir.

B. This Section does not apply to persons slaughtering for human consumption their own animals on their own farm, plantation, or agricultural premises; or to individuals slaughtering their own animals for the occasional sale of meat as an incident to some other business, where these individuals are not otherwise required by law to have a license for the slaughtering or butcher business.

C. This Section does not apply to the slaughtering of alligators or nutria, or the field dressing of wild game, which shall be governed by regulations promulgated by the Louisiana Department of Health, with the concurrence of both the Louisiana Department of Agriculture and the Louisiana Department of Wildlife and Fisheries.

D. Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not less than thirty days nor more than ninety days, or both.

## Title 41 Public Lands

RS 41:1212 Lands Which May be Leased; Purposes: Leases of Sixteen Section Lands for Agricultural Purposes: Negotiation of Surface Leases of School Lands: Negotiation of Leases by certain Public Benefit Corporations: Negotiation of Leases for Administering Buildings Designated as Historic Landmarks

Last Updated 10/14/2016

§1212. Lands which may be leased; purposes; leases of sixteenth section lands for agricultural purposes; negotiation of surface leases of school lands; negotiation of leases by certain public benefit corporations; negotiation of leases for administering buildings designated as historic landmarks

A. Any lessor may, through its governing authority, lease for trapping, grazing, hunting, agricultural, and any other legitimate purposes, including, except in the parishes of Livingston, Tangipahoa, St. Helena, St. Tammany, and Washington, removal from the land of subterranean water, or other such substances, other than for oil, gas, or other mineral purposes and development, any lands of which the lessor has title, custody, or possession, and the lessor may at its option lease the land on a share basis in accordance with such terms and conditions as the governing authority deems to be to the best interest of the lessor.

B.(1) Whenever the school boards in Vermilion, West Baton Rouge, Cameron, Calcasieu, Acadia, and Concordia Parishes lease any sixteenth section lands of which they have title, custody, or possession on a share basis for the agricultural purpose of planting, cultivating, growing, and harvesting any agricultural crop, they shall not be required to advertise for and receive bids as hereinafter provided for in this Part for other leases.

(2) They are hereby authorized to enter into leases and to renegotiate present leases to include such terms and conditions which allow the leasing of those lands for hunting; however, the lease or sublease shall contain provisions which require a portion of the rentals to be paid directly to the school board in consideration of the privilege of hunting on school board lands. The portion of the rentals to be paid directly to the school board shall be an amount agreed upon by the school board and the original lessee.

(3) Any other provision of the law to the contrary notwithstanding, the rentals or other income derived from any such leases shall not be considered as general fund receipts to the school board so as to reduce or otherwise affect the share such school board receives from funds appropriated to the state public school fund for distribution to it on a per educable basis.

C. Whenever the school board in St. Martin Parish leases any sixteenth section lands of which it has title, custody or possession on a share basis for the agricultural purpose of planting, cultivating, growing and harvesting any agricultural crop, it shall not be required to advertise for and receive bids as hereinafter provided for in this part for other leases.

D. The school board of the parish of Lafayette or the school board within any parish with a population of not less than forty-two thousand nor more than forty-five thousand persons according to the latest federal decennial census is authorized to negotiate for the surface lease of any lands to which it has title, custody or possession to any person, firm, corporation or other legal entity without the necessity of advertising for and receiving bids.

E. The school board of Evangeline Parish is authorized to lease any sixteenth section lands of which it has title, custody or possession to any person, firm, corporation or other legal entity without the necessity of advertising for and receiving bids.

F. Whenever the school board in Acadia Parish negotiates for the surface lease of any sixteenth section lands of which it has title, custody or possession or any other lands of which it has title, custody or possession, on a share basis for the agricultural purpose of planting, cultivating, growing and harvesting any agricultural crop, it shall not be required to advertise for and receive bids as hereinafter provided for in this Part for other leases. Any other provision of the law to the contrary notwithstanding, the rentals or other income derived from the lease of sixteenth section lands shall not be considered as general fund receipts to the school board so as to reduce or otherwise affect the share such school board receives from funds appropriated to the state public school funds for distribution to it on a per educable basis. The leases may be made on either a cash or share basis.

G. A public benefit corporation that meets the requirements of R.S. 41:1215(B) shall not be required to advertise for and receive bids as hereinafter provided for in this Part for other leases. Such leases entered into shall comply with the provisions of R.S. 41:1215(C), and shall be subject to the provisions of R.S. 41:1215(B) through (F).

H. In parishes with populations in excess of four hundred seventy-five thousand and in municipalities which were founded prior to 1750, whenever any public board or commission formed by a political subdivision of the state administers a building owned by it or by the political subdivision which created it, which building is located in an historic district and designated an historic landmark, such board or commission shall not be required to advertise for and receive bids for leases of such buildings as provided for in this Part for other leases. However, such leases shall be negotiated for and executed according to the terms and conditions as follows:

(1) Such board or commission, in making its decision in the negotiation of each lease shall determine:

(a) The financial qualifications of the applicants.

(b) The compatibility of the proposed lease with the historic integrity, structure and safety of the property.

(c) The impact of the proposed lease on the historic character of the neighborhood in which the properties are located.

(d) The fair market rental price based upon other comparable properties.

(2) Such leases shall provide for a fair and equitable return of revenue to the board based upon the fair market rental price.

I. Notwithstanding any provision of law to the contrary, the town of Berwick is authorized to negotiate for and to lease any lands to which it has title, or of which it has custody or possession, to any person, firm, corporation, or other legal entity without the necessity of advertising for and receiving bids. Any such lease entered into shall provide for a fair and equitable return of revenue to the town of Berwick.

J. The provisions of this Chapter shall not apply to the lease of space in buildings or improvements located on land to which a parish or municipality has title to any person, firm, corporation, or other legal entity, when such space is located in a building designated as a community center or used for the benefit of area residents if, as part of the conditions of such lease, the person, firm, corporation, or other legal entity is required to provide health or social services to the area residents at a reduced rate or free of charge.

K. The school board of Bienville Parish is authorized to lease any sixteenth section lands of which it has title, custody, or possession to any person, firm, corporation, or other legal entity without the necessity of advertising for and receiving bids. All proceeds from the lease, less expenses, shall be used for the support of the schools located in Bienville Parish in furtherance of the purpose of the dedication of the sixteenth section lands by the United States by acts of Congress of April 21, 1806, and March 3, 1811, to the territories of Orleans and Louisiana in anticipation of statehood. The Bienville Parish School Board shall reserve to the state all of the mineral rights and minerals in accordance with law.

L. The Natchitoches Parish School Board, without the necessity of advertising for and receiving bids, is authorized to lease to Waterworks District No. 2 of Natchitoches Parish for ten thousand dollars one acre of land in Section 16, Township 8 North, Range 7 West in Natchitoches Parish for a term of ninety-nine years for the purpose of drilling a well to obtain water to be distributed to the customers of the waterworks district and to grant to such district a right-of-way up to thirty feet wide from Louisiana Highway No. 478 to the leased property on which the well is located provided each of the following conditions is met:

(1) Waterworks District No. 2 of Natchitoches Parish enters into the necessary agreements with the Natchitoches Parish School Board to hold the school board harmless from all losses or damages resulting from the acts or omissions, or both, of Waterworks District No. 2 and to indemnify the school board against all such losses or damages resulting from such acts or omissions, or both, of the district.

(2) Waterworks District No. 2 of Natchitoches Parish enters into the necessary agreements with the Natchitoches Parish School Board to restore to its pre-lease condition at the expense of the waterworks district any property located outside the boundaries of the leased property that is damaged by the waterworks district or by others acting on behalf of the district.

RS 41:1220 Trespass  
Last Modified 08/12/2003

#### §1220. Trespass

It shall be unlawful for anyone to knowingly trespass upon the leased lands, and thereon to trap, hunt, graze stock or engage in other agricultural pursuits, except as provided in this Part.

### Title 47 Revenue and Taxation

RS 47:2301 Use Value and Fair Market Value  
Last Modified 08/12/2003

#### §2301. Use value; defined

Use value of bona fide agricultural, horticultural and timber lands means the highest value of such land when used by a prudent agricultural, horticultural or timber operator for the sole purpose of continuing the operation, as a commercial agricultural, horticultural or timber enterprise, of an existing bona fide agricultural, horticultural or timber use. Use value of bona fide marsh lands is the highest value of such land for the sole purpose of continuing the traditional use of the marsh lands for hunting, fishing, trapping or various types of aquaculture by a prudent

manager of marsh lands. Use value of such land shall be so established without reference to any other criteria of value particularly, but not as a limitation, without reference to fair market value or value to the public in general.

Title 49 State Administration

RS 49:214.34 Activities Not Requiring a Coastal Use Permit

Last Modified 09/10/2012

§214.34. Activities not requiring a coastal use permit

A. Whether or not the activity occurs within the geographical boundaries of the coastal zone, the following activities shall not require a coastal use permit:

(1) Activities occurring wholly on lands five feet or more above mean sea level except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impact on coastal waters.

(2) Activities occurring within fast lands except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.

(3) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities; however, alternative oyster culture activities permitted pursuant to R.S. 56:431.2 shall be subject to coastal use permit requirements unless, after June 30, 2015, the secretary determines that these uses are exempt from coastal use permit requirements.

(4) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.

(5) Normal maintenance or repair of existing structures, including but not limited to emergency repairs of damage caused by accident, fire, or the elements.

(6) Uses and activities within the special area established in R.S. 49:214.29(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan.

(7) Construction of a residence or camp.

(8) Construction and modification of navigational aids such as channel markers and anchor buoys.

(9) Construction, maintenance, repair, or normal use of any dwelling, apartment complex, hotel, motel, restaurant, service station, garage, repair shop, school, hospital, church, office building, store, amusement park, sign, driveway, sidewalk, parking lot, fence, or utility pole or line, when these activities occur wholly on lands five feet or more above mean sea level or on fast lands except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.

(10) Uses which do not have a significant impact on coastal waters.

B. The secretary shall maintain a map or collection of maps accurately depicting the areas within the coastal zone that have been determined by the secretary to be a fastland or above the five foot contour. This map shall be readily accessible to the public for inspection and self-service comparison to proposed project footprints to aid in an applicant's own determination whether the applicant's activity is subject to the exemption provided in this Section, thus obviating the need to submit an application for a coastal use permit.

C.(1) The secretary shall adopt rules for the implementation of this Section and may, by such rules, specify such other activities not requiring a coastal use permit as are consistent with the purposes of this Subpart.

(2) Nothing in this Section shall be construed as otherwise abrogating the lawful authority of agencies and local governments to adopt zoning laws, ordinances, or rules and regulations for those activities within the coastal zone not requiring a coastal use permit and to issue licenses and permits pursuant thereto. Individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.

## Title 56 Wildlife and Fisheries

RS 56:6 Special Powers and Duties; Statistics; Rules and Regulations; Reports  
Last Modified 10/02/2014

### §6. Special powers and duties; statistics; rules and regulations; reports

The commission, through its secretary:

(1) Shall have supervision and control over all employees in every branch of the service, and shall give his entire time to the service and shall employ the unskilled labor and skilled assistance necessary for the efficient operation of the department. He shall also employ scientists certified by the American Fisheries Society or the Wildlife Society to study the life, habits, and productivity of the wildlife of the state, both land and aquatic, however, he may employ special scientists with the relevant master's degrees. These scientists shall make studies, compile the results, and promptly report them to the chief of the division to which the subject matter pertains, so that the recommendations predicated upon them may be made by the chief of the division to the secretary.

(2) Shall receive all necessary expenses when engaged in the discharge of his official duties.

(3) May fix the compensation and pay the expenses of commission employees; however, such expenditures and his salary shall never exceed the revenues available for the use of the commission.

(4) May employ an attorney to represent the commission.

(5) Shall fully represent the commission and discharge all the obligations and duties heretofore devolving upon the three members of the conservation commission, upon the department of conservation, upon the commissioner of conservation and upon the department of wildlife and fisheries with respect to those resources now under the jurisdiction of the director of the Louisiana Wildlife and Fisheries Commission, which replaces these prior offices.

(6) Shall collect, classify, and preserve such data and information as will tend to promote the objects of this Part.

(7) Shall take charge and keep all records, books, papers, and documents which shall, in the discharge of his duties, come into his possession or under his control.

(8) Shall make and execute all contracts and generally do all things necessary to carry out the objects of this Part.

(9) Shall adopt bylaws for the government of the commission and the government of its employees.

(10) Shall for the comprehensive control of birds, shellfish, finfish, and wild quadrupeds, adopt rules and regulations not inconsistent with the provisions of this Part and in accordance with the provisions of the Administrative Procedure Act.

(11) Shall examine all accounts and operations of the commission and determine the work to be undertaken.

(12) Shall improve, enlarge, and protect the natural oyster reefs of this state as conditions may warrant, subject to the provisions stipulated in this Part and any other law.

(13) Shall protect and propagate, when possible, all species of birds and game of whatever description, and shall establish preserves and hatcheries to be maintained and operated by the commission.

(14) Shall rigidly enforce all law relative to the bedding, fishing, selling, shipping, and canning of oysters; all law relative to the protection, propagation, and selling of birds and game; all law relative to the protection, propagation, and sale of all species of fish in the state, whether salt water or fresh water fish, shell fish, or fish of any description; and all law relative to diamond-back terrapin and shrimp.

(15) In general, has full power and control over birds and animals, whether they be game or fur-bearing or not; over all fish, whether salt or fresh water fish; over diamond-back terrapin, shrimp, and oysters of this state, found or being within its borders or within any of its waters, whether rivers, lakes, bayous, lagoons, bays, or gulfs.

(16) Shall assist in protecting all lessees of private oyster bedding grounds in the enjoyment of their rights.

(17) Shall assist in the protection of private fish ponds used by individuals to propagate fish.

(18) Shall protect game preserves placed under the control of the state, provided they are used for the propagation of birds and game, or as resting places for birds or game, and shall see that such preserves are properly posted according to law.

(19) Shall, in every possible way, assist in developing the natural resources of the state under his jurisdiction to their fullest proportions.

(20) Shall prepare by the thirty-first day of December, 1954 and shall maintain on a current basis a complete map showing all leases of water bottoms and natural reefs in the waters of this state, as provided for in R.S. 56:421 through 56:460, and shall include a complete list of all leases theretofore made. This map shall be made in large enough scale and with addenda showing the persons in whose name the leases were granted, the exact locations of said leases, and the exact amount of acreage of said leases.

(21) Shall, in order to facilitate the distribution of recreational fishing, hunting, and trapping licenses and permits, as provided for in this Chapter, and the distribution of certificates of number and other registration certificates as provided in R.S. 34:851.1 et seq., be hereby authorized to designate and consign to special licensing or certificate agents, the issuance of such licenses, permits, certificates, and the collection of fees therefor. Such special licensing or certificate agents may include individuals, associations, corporations, and partnerships. The secretary is hereby specifically authorized to enter into agreements with special licensing or certificate agents which agreements would permit the retention by a licensing agent of a portion of the license fee proceeds collected either on a percentage basis or a per transaction basis, and by certificate agents on a per transaction basis only. All special licensing or certificate agents, so designated, shall make returns of fees collected in accordance with conditions and terms determined and fixed by the commission.

(22) The commission shall prohibit the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico and other petroleum wastes into any waters off said coastline and extending therefrom three miles or more into the Gulf of Mexico when it becomes evident that said discharge is damaging or threatens to damage the aquatic life in the waters of the state. The commission may require that any brine disposal be monitored in accordance with rules and regulations promulgated by the commission.

(23) Is authorized, on behalf of the department and the state of Louisiana, to acquire land in any wilderness area in the state of Louisiana from a willing seller at a price agreed upon by the secretary and the landowner. The secretary of the Department of Wildlife and Fisheries, on behalf of the department and the state of Louisiana, is authorized to execute such documents as are necessary to properly effectuate the acquisition of property described herein.

(24) Shall promulgate rules and regulations for the regulation of the dredging of fill sand and fill material, to effectuate the provisions of Chapter 12 of this Title.

(25)(a) Shall promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to set seasons, times, places, size limits, quotas, daily take, and possession limits, based upon biological and technical data, for all wildlife and fish. Any such rule or regulation shall have as its objective the sound conservation, preservation, replenishment, and management of that species for maximum continuing social and economic benefit to the state without overfishing that causes short-term or long-term biological damage to any species, and regarding all species of fish, without overfishing that leads to such damage. Any season, time, place, size, quota, daily take or possession limit currently set by law shall be superseded upon promulgation by the commission of new rules and regulations concerning a particular species. Aquaculturally raised fish, as defined by R.S. 56:356, shall be exempt from the provisions of this Section. Penalties for violation of rules and regulations set by the commission pursuant to this Section shall be established by law. The authority to determine game fish or commercial status of a particular species shall be retained by the legislature.

(b) The provisions of this Section shall not amend, supercede, or repeal any other provision of the law pertaining to "Fish" (noun) as defined in R.S. 56:8.

(26)(a) Notwithstanding any other law to the contrary, the secretary shall, after notification by the department to the applicant that the application is complete, grant or deny all applications for permits, licenses, registrations, or compliance schedules relating to oil and gas wells and pipelines within sixty days. The notification of completeness shall be issued within fourteen days, exclusive of holidays, by the department. If the application is not complete the department shall notify the applicant in writing of the deficiencies which cause the application not to be complete. If the secretary does not grant the application, he shall provide written reasons for his decision to deny, and copies of the decision shall be provided to all parties. The secretary may delegate the power to grant permits, licenses, registrations, variances or compliance schedules to an assistant.

(b) If the secretary does not grant or deny the application within the time period provided for herein, the applicant may file a rule as provided for in R.S. 49:962.1.

(27) Repealed by Acts 1995, No. 1316, §3.

(28) May in accordance with law impose, by rule promulgated in accordance with the Administrative Procedure Act, a fee for nonresident recreational hunting licenses and nonresident recreational fishing licenses. The nonresident recreational hunting licenses shall be those nonresident licenses and the nonresident stamps authorized by Subpart A and Subpart A-1 of Part

IV of this Chapter. The nonresident recreational fishing licenses shall be those nonresident licenses authorized by Subpart B of Part VI of this Chapter.

(29) May provide for a program of dissemination of wildlife and fisheries information and education in the state of Louisiana.

(30) Shall promulgate rules and regulations to control the importation and private possession of nonindigenous constrictors in excess of twelve feet in length, venomous snakes, and nonhuman primates. The rules shall provide exceptions for animal sanctuaries, zoos, aquariums, wildlife research centers, scientific organizations, and medical research facilities, including but not limited to the University of Louisiana at Lafayette Primate Center and the Tulane National Primate Research Center. Such rules shall address internet purchase of such animals. Such rules shall also provide for permits for certain institutions and for owners who can prove ownership prior to July 1, 2003.

(31) Shall promulgate rules and regulations to control the importation and private possession of big exotic cats including but not limited to tigers, lions, leopards, jaguars, cheetahs, and hybrids resulting from cross-breeding of such cats. The rules shall provide exceptions for big cats traditionally kept by colleges and universities as school mascots, animal sanctuaries, zoos, wildlife research centers, and scientific organizations. Such rules shall address Internet purchase of such animals. Such rules shall also provide for permits for certain institutions and for owners who can prove previous ownership. Previous ownership shall include persons who obtained their animal by lawful means and continuously possessed their animal since August 15, 2006. Violation of rules and regulations adopted pursuant to the provisions of this Paragraph constitutes a class two violation punishable as provided in R.S. 56:32.

(32) Upon request of a lake commission, a fish and game commission, or a watershed district, may adopt regulations applicable to the use of yo-yo or trigger device fishing gear in a specific waterbody. When adopted by the commission, the regulations shall be uniform in their application to waterbodies subject to the regulations and shall provide that:

(a) The use of yo-yos or trigger devices shall be governed by the following terms:

(i) No more than fifty yo-yos or trigger devices shall be allowed per person.

(ii) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.

(iii) When in use, each yo-yo or trigger device shall be checked at least once every twenty-four hours, and all fish, and any other animal caught or hooked, shall be immediately removed from the device.

(iv) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device must be rebaited at least once every twenty-four hours.

(v) Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no yo-yo or trigger device shall be attached to any metal object.

(vi) Except for a metal object used strictly in the construction of a pier, boathouse, seawall, or dock, no metal object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

(vii) Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Paragraph, each yo-yo or trigger device shall be removed from the waterbody immediately.

(b) The use of trotlines shall be governed by the following terms:

(i) All trotlines shall be clearly tagged with the name, address, and phone number of the owner or user and the date of placement. The trotline shall be marked on each end with a floating object that is readily visible.

(ii) At any given time, no person shall set more than three trotlines with a maximum of fifty hooks each.

(iii) All trotlines shall have an eight-foot cotton leader on each end of the trotline.

(iv) Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no trotline shall be attached to any metallic object.

(v) Each trotline shall be attended daily when in service.

(vi) When not in use, each trotline shall be removed from the waterbody by the owner or user.

(c) A violation of any of the provisions of this Paragraph shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

(33)(a) Upon request of a water conservation district, may adopt regulations applicable to the use of jugs or float fishing gear in a specific water body. If adopted by the commission, the regulations shall be uniform in their application to water bodies subject to the regulations and shall provide for the opening and closing dates for the use of such gear.

(b) A violation of any regulations adopted by the commission pursuant to this Paragraph shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Paragraph shall be immediately seized by and forfeited to the department.

(34) May promulgate rules and regulations, subject to the provisions of the Administrative Procedure Act, to manage and collect harvest information for recreational landings of state and federal cooperatively managed species in coordination with the Gulf of Mexico Fishery Management Council, and to set seasons, times, places, quotas, daily take, possession limits, permitting, reporting procedures, landing requirements, tagging requirements, and other rules and regulations pursuant thereto necessary to manage and collect harvest information on recreational landings.

RS 56:8 Definitions

Last Modified 09/13/2016

## §8. Definitions

For purposes of this Chapter, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly shows a different meaning:

(48) "Falconry" means the sport of training raptors or taking of wild birds or wild quadrupeds by means of a trained raptor, except eagles, Falconidae, or great horned owl.

(60) "Fur animal (nongame quadruped) farm" means any operation involved with the breeding, propagation, or exhibition of fur animals and meeting with commission specifications.

(61) "Fur animal (nongame quadruped) farmer" means a resident who breeds and raises fur animals for exhibition and/or commercial purposes.

(62) "Furbearing animal" means any of the following nongame quadrupeds: beaver, bobcat, coyote, gray fox, red fox, mink, muskrat, nutria, opossum, otter, raccoon, and skunk.

(63) "Fur buyer" means anyone who buys whole nongame quadrupeds for the purpose of pelting, carcasses of furbearing animals, raw furs or skins from fur trappers, alligator hunters, alligator farmers, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident buyers are those who are bona fide residents of this state. All others are nonresident buyers.

(64) "Fur dealer" means anyone who deals in whole nongame quadrupeds for the purpose of pelting, carcasses of furbearing animals, raw furs, and skins and who either:

(a) Buys from a fur trapper, alligator farmer, or alligator hunter, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought.

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought.

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state.

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer.

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident dealers are those who are bona fide residents of this state. All others are nonresident dealers.

(f) Converts raw alligator skins through the tanning process into finished or partially finished leather and/or converts raw (green or dried) fur pelts into dressed furs ready for manufacturing.

(65) "Fur trapper" means any person who takes or attempts to take any nongame quadruped, except alligators, or a person who sets or runs traps of any type to catch such nongame quadrupeds during the open trapping season. Fur trappers are divided into two classes, resident and nonresident. Resident trappers are those who are bona fide residents of this state. All others are nonresident trappers.

(89) "Nongame quadruped" means alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their skins or furs.

(92) "Open season" means that period of time between two specific dates, the first and last days inclusive, during which wild birds, wild quadrupeds, and fish may be lawfully taken for either recreational or commercial purposes.

(97) "Pelt" means the skin or hide of a quadruped.

(98) "Pelting" means removing the skin and fur of a quadruped in such manner as to render it marketable.

(105) "Processing" means any method of preparing fish or fish products, or wild quadrupeds for market as described herein: drying to a point of dehydration, canning, salting, packing or packaging of alligators or parts, breeding, and cooking for immediate consumption, but not simple packing of fresh fish in a sack, bag, package, crate, box, lug, or vat.

(131) "Take" means, 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.

(132) "Tanning" means the conversion of alligator skins or fur pelts into an intermediate or

finished form and includes the following: crust tanning alligator leather, dyeing alligator leather, glazing alligator leather, tanning fur pelts, shearing fur pelts, and dyeing fur pelts, and includes the dressing of skins and furs.

(137) "Trap" means any device used in the capture of birds, quadrupeds, or fish.

(144)(a) "Wild quadrupeds" means and includes any and all of the following:

(i) Game quadrupeds: wild deer, bears, squirrels, and wild rabbits.

(ii) Outlaw quadrupeds: coyotes, armadillos, and feral hogs.

(iii) Protected quadrupeds: wolves, cougars, bobcats, and foxes; provided that foxes and bobcats may be run with dogs.

(iv) Nongame quadrupeds: mink, otter, muskrat, nutria, beaver, weasels, raccoons, skunks, opossum, alligator, and other wild quadrupeds valuable for their skins or furs.

(147) "Wildlife management area" means any area set aside, maintained, and supervised by the commission for the purpose of managing and harvesting wild birds, wild quadrupeds, fish, and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

RS 56:56 Seizure or Surrender of Things Illegally Used or Possessed  
Last Modified 08/11/2016

#### §56. Seizure or surrender of things illegally used or possessed

A. Any enforcing officer may seize:

(1) Any animal or parts thereof, possessed, transported, sold, offered for sale, or purchased contrary to the provisions of this Title.

(2) Deer, bears, or wild turkey or parts thereof in the possession of any person which is not tagged or identified as required by this Title.

(3) Fish and other aquatic life, taken, possessed, transported, sold, offered for sale, or purchased contrary to the provisions of this Title.

(4) Traps, nets, cages, snares, explosives, guns and other devices placed, set, or otherwise used or possessed for the purpose of taking wild birds or quadrupeds contrary to the provisions of this Title.

(5) Tackle, seines and other nets, trawls, tongs, scrapers, and other equipment and devices used in taking of fish, shrimp, oysters, or other aquatic life contrary to the provisions of this Title.

(6) Oysters, shrimp, and hides and pelts of fur bearing animals and nongame quadrupeds which are subject to a tax imposed by this Title and on which the tax has not been paid or which are taken contrary to the provisions of this Title.

(7) Tackle and scrapers which are possessed or operated in an illegal manner or which are required by the provisions of this Title to be licensed or tagged and which are not so licensed or tagged or which are improperly tagged or which are taken contrary to the provisions of this Title.

(8) Tackle of any type or description, including without limitation such gear listed in R.S. 56:302, 302.5, or 305, which is used by a fisherman to take shrimp, oysters, fish, or other seafood for sale without possessing a commercial fisherman's license.

B. Any live animal which is illegal to possess or which may be possessed only by permit or license from the department may be voluntarily surrendered to the department without penalty. The person surrendering the animal shall be immune from prosecution for illegally possessing or

possessing without a permit or license provided the surrendering of the animal is initiated prior to any independent investigation or contact by any public employee operating in their official capacity. The department may dispose of a surrendered animal in any manner the department deems appropriate.

RS 56:69.21 Wildlife Violator Compact  
Las Modified 10/13/2008

§69.21. Wildlife Violator Compact

A. This Subpart shall be known and may be cited as the "Wildlife Violator Compact". Louisiana, a participating state, finds that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all of their residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with its statutes, laws, ordinances, and administrative rules relating to the management of those resources.

(3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of the natural resources of a state.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, a person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules of a participating state as a condition precedent to the continuance or issuance of a license to hunt, fish, trap, or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife violators necessitates the maintenance of channels of communication among the various states.

(7) Usually, one of the following enforcement practices is used on a person who is cited for a wildlife violation in a state other than his home state:

(a) Is required to post collateral or bond to secure appearance for a trial at a later date.

(b) Is taken directly into custody until collateral or bond is posted.

(c) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in Paragraph (7) of this Subsection is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the wildlife officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The enforcement practices described in Paragraph (7) of this Subsection cause unnecessary inconvenience and, at times, hardship for a person who is unable to post collateral, furnish a bond, stand trial, or pay a fine at that time and is therefore compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in Paragraph (7) of this Subsection consume an undue amount of enforcement time.

B. It is the policy of the participating states to:

- (1) Promote compliance with the statutes, laws, ordinances, and administrative rules relating to the management of wildlife resources in the respective states.
- (2) Recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by another participating state and treat the suspension as if it had occurred in the home state.
- (3) Allow a person, except as provided in R.S. 56:69.23, to accept a citation and, without delay, proceed on his way, whether or not the person is a resident of the state in which the citation was issued, provided that the person's home state is a participating state in the Wildlife Violator Compact.
- (4) Report to the appropriate participating state, as provided in the compact manual, a conviction recorded against a person whose home state was not the issuing state.
- (5) Allow a home state to recognize and treat convictions recorded against its residents, which convictions occurred in another participating state, as though they had occurred in the home state.
- (6) Cooperate to the fullest extent with other participating states in enforcing compliance with the terms of citations issued by one participating state to residents of another participating state.
- (7) Maximize effective use of law enforcement personnel and information.
- (8) Assist court systems in the efficient disposition of wildlife violations.

RS 56:69.22 Definitions for Wildlife Violator Compact  
Las Modified 10/13/2008

§69.22. Definitions

A. For the purposes of this Subpart, the following terms shall have the following meanings:

- (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation, which contains an order requiring the person to respond.
- (2) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation.
- (3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal or through the payment of fines, costs, and surcharges.
- (4) "Conviction" means a conviction, including a court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by statute, law, ordinance, or administrative rule. "Conviction" also includes the forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.
- (5) "Court" means a court of law, including a magistrate court.
- (6) "Home state" means the state of primary residence of a person.
- (7) "Issuing state" means the participating state that issues a citation to the violator.
- (8) "License" means a license, permit, or other public document that conveys to a person to whom it was issued the privilege of pursuing, possessing, or taking wildlife regulated by statute, law, ordinance, or administrative rule of a participating state.

(9) "Licensing authority" means the department or division within each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(10) "Participating state" means a state that enacts legislation to become a member of the Wildlife Violator Compact.

(11) "Personal recognizance" means an agreement by a person made at the time of issuance of a citation that the person will comply with the terms of the citation.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and other countries.

(13) "Suspension" means a revocation, denial, or withdrawal of license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by a license.

(14) "Wildlife" means species of animals, including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans which are protected or otherwise regulated by statute, law, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state, and determination of whether a species is "wildlife" for the purposes of the Wildlife Violator Compact shall be based on local law.

(15) "Wildlife law" means a statute, law, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

(16) "Wildlife officer" means an individual authorized by a participating state to issue a citation.

(17) "Wildlife violation" means a cited violation of a statute, law, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

RS 56:103 License; License Books; Returns; Transfer of License Prohibited  
Last Modified 09/29/2010

§103. License; license books; returns; transfer of license prohibited

A. No resident of this state shall at any time, hunt, take, possess, or cause to be transported by any other person any wild bird or any wild quadruped, unless he is at the time of such act the lawful holder of an effective license for that purpose issued to him by authority of the Louisiana Wildlife and Fisheries Commission.

B. Basic hunting licenses which do not authorize deer, turkey, bobcat, or migratory waterfowl hunting may be issued beginning June first of each calendar year and shall expire on the following June thirtieth.

C.(1) In order to hunt, take, possess, or transport deer, turkey, or bobcat, in Louisiana, in addition to a basic hunting license, a resident shall be required to purchase and have on his person a big game license. In order to hunt, take, possess, or transport waterfowl in Louisiana, in addition to a basic hunting license, a resident shall be required to purchase and have on his person a duck license. The fee for an annual resident duck license shall be five dollars and fifty cents. In order to hunt, take, possess, or transport turkey in Louisiana, in addition to a big game hunting license, a resident shall be required to purchase and have on his person a wild turkey license. The fee for an annual resident wild turkey license shall be five dollars and fifty cents.

(2) In addition to all other licenses required by law, a special primitive firearms license may be authorized to take deer during the special deer hunting season for primitive firearms. A fee may be charged for the issuance of such license as provided in R.S. 56:104(A)(3), and the fees

therefrom shall be dedicated to the Louisiana Department of Wildlife and Fisheries to be used for the development and study of the deer herds within the state after costs for the administration of the licensing program have been deducted.

D. Repealed by Acts 2000, 2nd Ex. Sess., No. 1, §4, eff. June 26, 2000.

E. Every license shall by its terms be effective only during the open season for the particular kinds of wild birds and wild quadrupeds authorized thereby to be taken. Every such license shall be personal to the person to whom issued and shall not be assigned or transferred to, or used by, any other person. Every officer authorized to enforce the provisions of this Subpart shall take possession of any license found in the possession of any person other than the one to whom issued and deliver it to the department to be canceled. The license shall thereupon be null and void. Licensees shall have licenses or an effective license number, together with a form of physical identification, in their possession when hunting and shall produce same upon demand of any person authorized to enforce the provisions of this Subpart. Any violation of this Subsection shall constitute a class three violation punishable as provided in R.S. 56:33.

F. Any authorized issuing agent that issues any license under the provisions of this Section shall retain fifty cents of the fee collected from the sale of each resident license issued by him as his full compensation for his service in issuing such licenses. Each such agent may retain one dollar from the fee collected for the issuance of licenses to nonresidents.

RS 56:104 License Fees; Reciprocity; Exceptions  
Last Modified 10/02/2014

#### §104. License fees; reciprocity; exceptions

A. No license shall be issued under this Part unless there has been previously paid a fee or fees as hereinafter set forth:

(1)(a) Except as specified in Subsection B of this Section, a resident who is sixteen years of age or older shall purchase and possess a basic hunting license for a fee of fifteen dollars in order to hunt, take, possess, or transport wild birds and quadrupeds on which open seasons are declared. Special additional licenses are required to hunt, take, possess, or transport deer, turkey, or migratory waterfowl within the limits of the state. In order to obtain these licenses, a resident must meet residency requirements as specified in R.S. 56:8 ("Bona fide resident") and present either a Louisiana driver's license or a special identification card issued by the Department of Public Safety and Corrections under the provisions of R.S. 40:1321.

(b) An amount equal to ten percent of the fees collected from the sale of hunting licenses shall be dedicated by the commission to the development and preservation of breeding grounds for migratory waterfowl, the funds to be expended for such purposes through Ducks Unlimited, Inc. or under the direction of the Louisiana Wildlife and Fisheries Commission at its discretion. An additional ten percent of each fee collected from the sale of hunting licenses shall be dedicated by the commission to the development and rejuvenation of the quail, dove, and rabbit population of this state, the funds to be expended by the department beginning with the Fiscal Year 1975-1976 through a rejuvenation program to be promulgated under administrative regulation of the commission. However, not less than twenty-five percent of the funds derived from hunting license fees shall be deposited on a monthly basis into the Wildlife Habitat and Natural Heritage Trust as provided for in R.S. 56:1923 and shall be expended solely for land acquisition for wildlife management areas, including the purchase of lands for upland game purposes.

(2) In the case of a nonresident who is sixteen years of age or older, a basic hunting license fee of two hundred dollars for the entire season is required to hunt, take, possess, or transport wild birds or wild quadrupeds on which open seasons are declared. Special additional licenses are required to hunt, take, possess, or transport deer, turkey, or migratory waterfowl.

(3) In the case of a resident, except as specified in Subsection B of this Section, a fee of fourteen dollars is required to hunt, take, possess, or transport deer, turkey, or bobcat. This license, which shall be known as a big game license, shall be required in addition to the basic hunting license. In addition and except as provided for in Paragraph (8) of this Subsection, a fee of ten dollars and fifty cents may be charged a resident for the issuance of a special primitive firearms license to take deer during the special deer season for primitive firearms as provided in R.S. 56:103(C)(2).

(4) Except as specified in Subsection B of this Section, in addition to a nonresident hunting license, a nonresident shall be required to purchase and possess a nonresident big game license for a fee of two hundred twenty-five dollars for the entire season in order to hunt, take, possess, or transport deer, turkey, or bobcat. In addition, a fee of fifty dollars shall be charged a nonresident for the issuance of a special primitive firearms license to take deer during the special deer season for primitive firearms as provided in R.S. 56:103.1(B)(2).

(5) The holder of a hunting license issued by the state of Mississippi shall have the same rights and privileges to hunt wild game birds and quadrupeds upon islands in and the waters of the Mississippi River and other land resulting from accretion along the Mississippi River where that river forms the boundary between the states of Louisiana and Mississippi as are provided by law for the holder of a Louisiana hunting license. This Paragraph shall only take effect and become operative if, as, and when the state of Mississippi grants reciprocal privileges to the holders of hunting and fishing or angling licenses issued by the state of Louisiana.

(6) Repealed by Acts 2008, No. 27, §2, eff. July 1, 2008.

(7) Any person who was born in Louisiana and who possesses a valid Louisiana birth certificate may purchase a nonresident temporary hunting license that is valid for five consecutive days for the cost of a resident hunting license as provided in Paragraph (1) of this Subsection. Any licenses or permits which may be required in addition to the basic hunting license, such as a big game license or turkey license, may be purchased for the cost of a resident license and shall be valid for the same five consecutive days as the nonresident temporary hunting license.

(8)(a) A resident who is totally and permanently disabled and receiving a disability benefit from the federal social security system or a disability retirement income from a retirement system whose members are exempt from federal social security, either pursuant to the Railroad Retirement Insurance Act, 45 U.S.C. §231, or because they are employees of a state or a political subdivision of the state that has not voluntarily agreed to participate in federal social security under 42 U.S.C. § 418, may purchase a basic hunting license which will also include a WMA hunting permit for a fee of five dollars in order to hunt, take, possess, or transport wild birds and quadrupeds on which open seasons are declared. In addition to the basic hunting license fee, any such person may also purchase a resident big game hunting license for a fee of five dollars, a resident bow hunting license for a fee of five dollars, or a special primitive firearms license for a fee of five dollars.

(b) A letter from the federal social security administration or retirement system granting disability benefits shall be required at time of purchase, along with proper identification. Such letter shall be evidence of qualification for the reduced fee provided for in this Paragraph.

(9)(a) Any person who is not a resident of the state of Louisiana but who is a full-time student enrolled in an accredited college or university that has a physical campus in the state of

Louisiana may purchase a nonresident basic hunting license for the cost of a resident hunting license as provided in Paragraph (1) of this Subsection. Any licenses or permits that may be required in addition to the basic hunting license, such as a big game license or a duck license or a turkey license, may also be purchased for the cost of the equivalent resident license or permit. In order to purchase a license under the provisions of this Subparagraph, the person shall provide to the Department of Wildlife and Fisheries verification of his full-time status. Such verification may be provided through the mail. Any person hunting under a license issued pursuant to this Subparagraph shall also have on his person his student identification card that indicates current full-time status.

(b) Any person who is sixteen years of age or older and who is not a resident of the state of Louisiana but who is enrolled as a full-time or part-time student in a public or private high school in the state of Louisiana may purchase a nonresident basic hunting license for the cost of a resident hunting license as provided in Paragraph (1) of this Subsection. Any licenses or permits that may be required in addition to the basic hunting license, such as a big game license or a duck license or a turkey license, may also be purchased for the cost of the equivalent resident license or permit. In order to purchase a license under the provisions of this Subparagraph, the person shall provide to the Department of Wildlife and Fisheries verification of his enrollment status in a Louisiana high school. Such verification may be provided through the mail. Any person hunting under a license issued pursuant to this Subparagraph shall also have on his person his student identification card that indicates current enrollment status.

B.(1) Repealed by Acts 2000, 2nd Ex. Sess., No. 1, §4, eff. June 26, 2000.

(2) Veterans of the armed forces or of the Louisiana Army National Guard or Louisiana Air National Guard having a permanent service connected disability classification of fifty percent or more and who are Louisiana residents or resident persons who are blind, paraplegic, or multiple amputees shall, upon identification and proof of disability satisfactory to the department, be issued licenses which will also include a WMA hunting permit without the payment of any fees therefor.

(3) Any resident of Louisiana who is the surviving spouse of a member of the United States Armed Forces, the Louisiana Army National Guard, or the Louisiana Air National Guard who was killed in action while in a combat zone, upon showing identification and documentation satisfactory to the department, shall be issued all hunting licenses and permits for a total fee of two dollars and fifty cents.

(4) Notwithstanding any other provision of law to the contrary, in order to hunt or fish in the state of Louisiana, a resident of this state who turns sixty years of age on or after June 1, 2000, shall be required to obtain a senior hunting and fishing license. However, any resident who turned sixty years of age prior to June 1, 2000, may choose to purchase a senior hunting and fishing license. A fee of five dollars shall be charged for this license, and the license shall be available from June first of each calendar year and shall be valid from the date of purchase through the following June thirtieth. This license shall be in lieu of basic hunting, big game, bow, primitive firearms, and waterfowl licenses, turkey hunting stamps, WMA hunting permits, and the basic and saltwater fishing licenses and must be in the possession of the licensee when the licensee is engaged in hunting or fishing activities. Possession of this license shall authorize the licensee to use a crossbow or a bow that is drawn, held, and released by mechanical means. Magnified scopes may be used with crossbows.

C. Notwithstanding the requirement of cash payment provided for in Subsection A of this Section, nonresident hunting licenses provided for in R.S. 56:103.1 may be purchased with a

qualified credit card in accordance with the rules of the department adopted pursuant to R.S. 56:642.

D. The secretary may exempt for good cause persons or groups of people from the license fee requirements of this Part. Such exemption shall be in the form of a letter of permit from the secretary. The commission is authorized to promulgate rules and regulations which establish the criteria for such exemptions and which otherwise implement this exemption.

E.(1) A nonresident may purchase temporary hunting licenses as follows:

- (a) Small game including migratory birds \$29.00 per day
- (b) Deer (any weapon) \$36.00 per day
- (c) Turkey \$36.00 per day

(2) All funds received from the sale of licenses under the provisions of this Subsection shall be deposited to the Conservation Fund

RS 56:105 Special Permits and Licenses; Scientific or Entertainment Purposes: Bow Licenses;  
Beaver Permit  
Last Modified 09/17/2012

§105. Special permits and licenses; scientific or entertainment purposes; bow licenses; beaver permit

A. The department may, in its discretion and upon such terms and conditions as it may prescribe, issue to accredited representatives of any public park, museum, educational or scientific institution, or of the federal government or any state government, recognized scientist, representative of the entertainment industry or to any other responsible person a permit to take, possess, and transport at any time within and from this state wild birds or the plumage, skins, nests, eggs, or young thereof and wild quadrupeds, the skins or young thereof; if the department is satisfied that they are to be taken or possessed for scientific, educational, experimental, entertainment industry, or breeding purposes only and are not to be sold or otherwise disposed of by the permittee for profit, and if the permittee obligates himself to deliver to the department within sixty days after taking, and in any event before the removal thereof from the state, a detailed descriptive inventory of the wild birds, wild quadrupeds, and other things taken under the permit.

B. In addition to all other licenses required by law, a special bow license is authorized allowing the holder of such a license to hunt with bows during bow hunting season. A fee of ten dollars and fifty cents may be charged a resident and fifty dollars shall be charged a nonresident for the issuance of such a license, and the proceeds therefrom shall be dedicated to the Conservation Fund, after costs for the administration of this Subsection have been deducted.

C. Any nonpublic authorized issuing agent that issues any license under the provisions of this Section shall retain fifty cents of the fee collected from the sale of each license issued by him as his full compensation for his services in issuing such licenses.

D. In addition to all other licenses required by law, the department shall issue a special permit authorizing the holder to hunt beaver between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Beaver may be taken by use of a headlight. The permit holder shall delineate

and the permit shall indicate the specific area in which this permit shall be valid. This special permit shall be issued only by the department and may be obtained by applying in person to the department at any district office, or at any other location designated by the department. There is no fee charged for a Louisiana resident obtaining this permit.

RS 56:109 Wildlife Management Areas; Wildlife Refuges; Public Hunting Grounds and Recreation Areas; Notice; Signs; Hunters with Disabilities  
Last Modified 09/15/2014

§109. Wildlife management areas; wildlife refuges; public hunting grounds and recreation areas; notice; signs; hunters with disabilities

A. The commission may establish, maintain, and manage any state wildlife management area, wildlife refuge, public hunting ground, or outdoor recreation area, as it deems proper for wildlife management purposes. With the approval of the governor, it may lease, buy, or accept donation of, and set apart, any other lands suitable and desirable for such purposes and thereon establish, maintain, and operate such areas. The public shall be notified of the fact of the establishment of such areas by publication of a proclamation by the governor, describing the exact location and description of the lands set apart and the objects and purposes of the dedication, for thirty days in the official journal of the state and the official journal of the parish where the lands are located. The commission shall cause suitable signs to be placed at reasonable distances along the boundaries of the lands and at roads and other entrances for the information of the public. No person shall willfully or maliciously remove, destroy, or deface any sign or notice placed or posted. The commission shall authorize persons over the age of sixty to use trails in the wildlife management areas which are set aside for use exclusively by persons with disabilities.

B. The commission shall be the sole authority and shall establish all rules and regulations pertaining to the propagation, protection and harvest of all species of wildlife, including both male and female sexes of wild quadrupeds, wild birds, fish and alligators existing, propagated or released by the commission upon lands so designated as wildlife management areas, wildlife refuges, public hunting grounds or outdoor recreation areas.

C. No person shall knowingly take, attempt to take, disturb, or destroy any wild bird or wild quadruped or the nest, egg, or young thereof on lands set apart as wildlife management areas and wildlife refuges, or have in his possession or keep, while on the lands, any trap, snare, or other device capable of being used in the taking or disturbance of the birds or quadrupeds on such areas, unless the person previously has been expressly authorized by a permit from the department to do so and only for the purpose and under the conditions specified in the permit.

D.(1) On and after July 1, 1993, a Wild Louisiana Stamp, hunting license, or fishing license shall be required for use of department administered lands including wildlife refuges and wildlife management and habitat conservation areas. Persons under sixteen years of age and sixty years of age or older are exempt from this requirement. Persons attending official functions of private, non-profit and charitable organizations recognized as tax exempt under the provisions of the U.S. Internal Revenue Code shall be exempt from this requirement.

(2) Persons using department administered lands for commercial purposes for which the department is paid a royalty or special fee, agents of the state on official business, and persons or groups using department administered lands for purposes other than fishing or hunting who receive, for good cause, a letter of permit from the secretary specifically waiving the Wild Louisiana Stamp, shall be exempt.

(3) For an initial violation of failing to possess a Wild Louisiana Stamp, fishing license, or hunting license while on department administered lands, as required by this Subsection, the violator shall immediately obtain a required stamp or license or be required to leave the department administered lands. In such instance of an initial violation, the violator shall be given directions to the nearest place where such stamp or license may be purchased. After the initial violation, any subsequent offenses shall be class one violations as designated in R.S. 56:31. This Paragraph shall not apply to violations of hunting or fishing without a license.

(4) The department shall prominently post and maintain at each entrance to those lands subject to this Subsection a sign stating that all visitors, except those exempt by law, must possess a Wild Louisiana Stamp, a hunting license, a fishing license, or a WMA hunting permit while on those lands.

(5)(a) In addition to other fees and licenses required by law, any person between the ages of eighteen and sixty, both inclusive, who hunts on any land administered by the department, including wildlife refuges and wildlife management and habitat conservation areas, shall purchase and have in his possession a WMA hunting permit. Traversing through department-administered lands shall not require a permit. The fee for a WMA hunting permit shall be fifteen dollars each year. The permit shall be available for purchase beginning June first of each year and will be valid from the date of purchase through the following June thirtieth. The permittee shall have the permit in his possession whenever engaged in hunting on lands administered by the department. Funds collected from the WMA hunting permit shall be used for the maintenance and upkeep of wildlife management areas. The secretary may exempt for good cause persons or groups of people from the requirements of this Paragraph. Such exemption shall be in the form of a letter of permit from the secretary. The commission is authorized to promulgate rules and regulations which establish the criteria for such exemptions and which otherwise implement this exemption.

(b) A resident between the ages of eighteen and sixty, both inclusive, who meets the requirements of R.S. 56:104(A)(8) or (B)(2) shall be exempt from payment of the permit fee required by this Paragraph.

E. The commission shall establish a state all-terrain vehicle trail at least twelve miles in length in the Boeuf Wildlife Management Area. The trail established shall be the same trail that was previously approved and permitted by the department for use by Wish I Could, Incorporated. The trail shall be used for organized rides by nonprofit organizations for charitable and educational purposes no more than twice per year per organization. No alcohol shall be sold or consumed on the trail during the rides. The secretary may prohibit any organization from using the wildlife management area and the vehicle trail if any person in that organization violates the provisions of this Subsection.

F. Except as provided in Subsection D, a violation of the provisions of this Section, or rules and regulations promulgated pursuant thereto, shall constitute a class two violation.

RS 56:112 Disposal of Birds or Quadrupeds Becoming a Nuisance

Last Modified 09/15/2014

§112. Disposal of birds or quadrupeds becoming a nuisance

A. If any species of wild bird or wild quadruped shall become so destructive of private property as to be a nuisance, the secretary may direct any officer authorized to enforce the provisions of this Subpart, or any reputable citizen of this state, to take and dispose of such species of bird or quadruped in the manner and under the conditions specified by the secretary.

B. The commission is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act to permit the taking and disposal of any outlaw quadrupeds or outlaw birds when such quadrupeds or birds become so destructive of private or public property as to become a nuisance. Notwithstanding the provisions of R.S. 56:116.1(B)(1) or any other law to the contrary, the rules shall allow the taking of outlaw quadruped or outlaw birds by use of aircraft. The rules shall prohibit the sale of the animal or any part thereof. The taking of any outlaw quadruped or outlaw birds under this Section is for the purpose of taking depredating quadrupeds and birds and is independent from the taking of wild quadrupeds and wild birds under any other Section of this Title. Any person authorized to take any outlaw quadruped or outlaw bird under this Section shall be exempt from obtaining any other permits or licenses under this Title while engaged in taking such animals pursuant to this Section or any rules and regulations promulgated pursuant to this Section.

RS 56:115 Wild Birds and Quadrupeds; Adoption of Seasons, Bag and Possession Limits; Rules and Regulations; Penalties  
Last Modified 08/12/2003

§115. Wild birds and wild quadrupeds; adoption of seasons, bag and possession limits; rules and regulations; penalties

A. The commission is hereby specifically authorized, directed, and empowered to fix, approve, and adopt seasons and bag and possession limits and to establish other rules and regulations for the hunting, taking, possession, or protection of any species or sex of wild quadrupeds and wild birds, in any specified locality or localities of the state. Such rules and regulations shall have the full force and effect of law to the same extent as statutory laws.

B. The commission may at any time declare any season closed or otherwise restrict hunting as it deems advisable in the interest of wildlife management.

C. The open season for taking migratory game birds and the bag limit and other rules and regulations affecting migratory game birds shall conform to federal regulations promulgated under the treaty between the United States and Great Britain for a period of years in the case of certain species. No person shall take, even at the time and in the manner specified and fixed by said department, or in the aggregate during the open season, a greater number of migratory game birds than specified under federal and state regulations.

D. Violation of any of the provisions of a rule or regulation adopted by the commission adopted pursuant to the provisions of this Section constitutes a class two violation, except where a higher class of violation is specified for a violation by some other provision of this Chapter.

RS 56:116.1 Wild Birds and Wild Quadrupeds; Times and Methods of Taking; Penalties  
Last Modified 09/04/2015

116.1. Wild birds and wild quadrupeds; times and methods of taking; penalties

A. Resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds may be taken only in accordance with all of the following:

(1) In the open season.

(2) With or without the aid of dogs, except on wildlife management areas and refuges owned or leased by the department and in those areas of the state wherein the aid of dogs is specifically prohibited by rules and regulations adopted by the commission.

(3) By a licensee.

(4) In accordance with the bag and possession limits set by the commission.

(5) From one-half hour before official sunrise to one-half hour after official sunset.

(6) With a bow and arrow, crossbow, or rifle, or a handgun, or falconry or a shotgun not larger than a No. 10 gauge fired from the shoulder without a rest, except as otherwise provided in this Chapter.

(7) In accordance with rules and regulations adopted and promulgated by the commission.

(8) Use of a laser sight or sighting device which projects a beam of light to the target only by a person holding a physically challenged hunter permit, as authorized in R.S. 56:104.1, who has the impairment of visual functioning even after treatment and/or standard refractive correction, and has a visual acuity of equal to or less than 20/200 to light perception, or a visual field of less than ten degree from the point of fixation, as certified by a Louisiana licensed optometrist or ophthalmologist. Such hunter shall be accompanied by another licensed hunter and only the person holding the physically challenged hunter permit may discharge the firearm.

B. No person shall do any of the following:

(1) Take game birds or wild quadrupeds while riding or standing in or upon a moving land vehicle or aircraft.

(2) Hunt, shoot, or take, or attempt to hunt, shoot, or take, game birds or wild quadrupeds across a highway or road right of way, defined as from one side of a highway or road right of way to the other.

(3) Take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight or except as provided in Paragraph (A)(8) or (D)(2) of this Section, any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or any device specifically designed to enhance vision at night; or with or by means of an automatic loading or hand operated repeating shotgun capable of holding more than three shells. Any shotgun capable of holding more than three shells shall be plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one loading.

(4) Except as provided in Paragraph (A)(8) of this Section, take or kill any game bird or wild quadruped with a bow or crossbow or other archery equipment, which is equipped with an infrared or laser sight or any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target.

(5) Take or kill on any calendar day during the open season, or in the aggregate during the open season, a greater number of migratory or resident game birds, protected birds, wild quadrupeds, or protected quadrupeds than that set and specified in the rules and regulations of the commission.

(6) Possess at any time any wild game bird or wild game quadruped or part thereof; or disturb or destroy any nest, or egg, or young of any such wild quadruped or wild bird, except as otherwise expressly provided in this Chapter.

(7) Possess at any time any wild game bird or wild game quadruped in a manner contrary to any of the provisions of R.S. 56:104 or R.S. 56:171 through 181 or any of the rules and regulations adopted pursuant thereto.

(8) Have in his personal possession in the field between the place taken and the domicile of the possessor more than the possession limit of game birds or wild quadrupeds, unless the game birds or wild quadrupeds are tagged with a tag indicating the species, the date and place taken, license number, and signature of the person who took the game birds or wild quadrupeds, indicating compliance with R.S. 56:115, 117, or 119 or any other provisions of this Chapter governing possession of game birds or wild quadrupeds, and any rules and regulations promulgated pursuant thereto.

(9) Take or kill any wild quadruped behind a rail or other object driven or pulled by a vehicle or other device, which practice is commonly known as mashing weeds.

(10) Hunt with firearms of any type or with bows and arrows after one-half hour after official sunset and before one-half hour before official sunrise; nor shall any person hunt with the aid of any artificial light at any time. This prohibition shall not affect night hunting of raccoons or opossums pursuant to Subsection C of this Section or of outlaw quadrupeds, nutria, or beaver pursuant to Subsection D of this Section. This prohibition shall not apply to the ingress or egress by a hunter during nondaylight hours with the aid of a handheld light.

(11) Hunt or take squirrels or rabbits at any time with a breach loaded rifle larger than a standard .22 caliber rimfire, or a muzzle loaded rifle larger than .36 caliber. Nothing herein shall preclude the use of a shotgun or pistol.

(12) Intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered, raw sweet potatoes to wild game quadrupeds.

C.(1) No person shall take or hunt furbearing animals at night with artificial light. It shall be lawful, however, for one or more licensed hunters with one or more dogs to hunt raccoons or opossums at night with lights, and to carry on such hunts for the purpose of taking raccoons or opossums not more than one standard .22 caliber rimfire firearm and to use single ball rimfire ammunition.

(2)(a) Farmers and landowners may hunt raccoons or opossums as provided by law with a .22 caliber rimfire rifle when the animals are found destroying crops of corn, sweet potatoes, watermelons, pecans, and other crops, with no bag limit any time of the year.

(b) Squirrels found destroying crops of pecans may be taken year-round by permit, which shall be valid thirty days from date of issuance. The permittee who is authorized to take squirrel may use a shotgun no larger than a 12 gauge and no smaller than a .410 gauge. The permittee shall delineate and the permit shall indicate the specific area in which this permit shall be valid. This permit shall be issued only by the department during normal working hours and may be obtained in person at the Baton Rouge office, at a district headquarters office, or at any other location designated by the department. There is no fee charged for the issuance of this permit.

(c) Notwithstanding the provisions of this Subsection to the contrary, any opossums, raccoons, nutria, otters, muskrat, mink, or beaver that are found destroying crawfish in a private pond primarily used for the purpose of commercially cultivating crawfish or destroying the structure of such pond may be taken as provided by law by the crawfish farmer or landowner with either a rimfire rifle no larger than a .22 caliber or a shotgun no larger than a 12-gauge using nontoxic shot no larger than BB-sized from a boat or vehicle with no bag limit any time of the year during daytime or nighttime hours.

(3) There shall be no bag limit on raccoon or opossum hunting during the open trapping season; however, the commission shall establish a bag limit for such hunting during that period of the year when the trapping season is closed. No one shall pelt or sell the skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid

trapper's license, which shall be required in addition to his basic hunting license. However, carcasses of raccoons and opossums taken on the last day of trapping season may be pelted or sold on the day immediately following the close of the season.

(4) It shall be legal for a licensed hunter to take raccoon or opossum during daylight hours during the open rabbit season.

(5) No person shall take or hunt raccoons or opossums from a boat or vehicle.

(6) The Wildlife and Fisheries Commission may adopt and promulgate rules and regulations that provide for the recreational taking of nutria. Such rules and regulations shall provide for the open season, methods of taking, hours for taking, and the bag and possession limits. Such rules and regulations shall in no way authorize the taking of nutria on privately owned land without the express permission of the landowner and shall prohibit the sale of nutria skins or carcasses except by the holder of a valid trapping license or by a licensed fur buyer or fur dealer.

D.(1) Outlaw quadrupeds, nutria, or beaver may be taken at any time of year from one-half hour before official sunrise to one-half hour after official sunset, without limit as to number, except by trapping during the closed season for nongame quadrupeds; however, such trapping may be used only under special permit issued by the department, except such trapping of outlaw quadrupeds may be used without special permit in accordance with rules and regulations promulgated by the commission.

(2) On private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds, nutria, or beaver during nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. Any person attempting to take outlaw quadrupeds under the provisions of this Paragraph, within twenty-four hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located of his intention to attempt to take outlaw quadrupeds under the provisions of this Paragraph.

(3) Repealed by Acts 2014, No. 229, §2 and Acts 2014, No. 378, §2.

E. Bowhunters may carry any caliber of firearm on their person while hunting with a bow. The provisions of this Subsection shall in no way be interpreted to limit the ability of the department to regulate hunting activities in a wildlife management area in accordance with R.S. 56:109.

F. Each taking of a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in excess of the limit as set and specified in the rules and regulations of the Louisiana Wildlife and Fisheries Commission, and each taking of such a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in the closed season, constitutes a separate offense under the provisions of this Subpart.

G. Except where expressly stated to the contrary, the provisions of this Section shall apply to the taking or possession of deer, bear, and turkey. Where a specific prohibition and penalty relating to the taking or possession of deer, bear, or turkey has been provided in R.S. 56:116.3 or 116.4, the provisions of R.S. 56:116.3 or 116.4, as applicable, shall govern.

H. Violation of any of the provisions of this Section shall constitute a class three violation.

§ 116.2. Wild birds and wild quadrupeds; sales, purchases of parts prohibited; exceptions

A.(1) No person shall sell, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange any game quadruped, or any part or portion thereof, wild bird, or the plumage, aigrettes, skin, or body thereof, except as provided in R.S. 56:171 through 181 and except as provided in Subsection B of this Section. Each sale, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange of each game quadruped or wild bird, or any part or portion thereof, constitutes a separate offense under the provisions of this Subsection.

(2) Violation of the provisions of Paragraph (1) of this Subsection, except for the sale, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange of squirrels or wild rabbits or their parts, constitutes a class 5-A violation. If a violation of Paragraph (1) involves the sale, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange of squirrels or wild rabbits, or parts or portions thereof, the penalty imposed shall be a class three violation.

B. The provisions of Subsection A of this Section shall not prevent the sale, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange of tails or hides, or both, of legally taken squirrels or the sale, purchase, trade, barter, or exchange or the attempt to sell, purchase, trade, barter, or exchange of hides of legally taken deer to licensed fur buyers and licensed fur dealers, provided that the sale, purchase, trade, barter, or exchange or attempt to sell, purchase, trade, barter, or exchange of any such tails or hides is made within ten days of the close of the squirrel or deer hunting season, as applicable. Fur buyers shall dispose of any such tails or hides within thirty days of the close of the squirrel or deer hunting season, as applicable. Any fur dealer having such tails or hides in his possession after the close of the squirrel or deer hunting season, as applicable, shall file with the department within thirty days of the close of said season, and at sixty-day intervals thereafter, a complete report, under oath, on forms procured from the department. The report shall contain the name and address of all persons from whom the tails or hides were purchased, traded, bartered, or exchanged and the place and date of purchase, trade, barter, or exchange. Violation of the provisions of this Subsection constitutes a class three violation.

C. The provisions of this Section shall not apply to deer antlers or to any unclaimed specimen left in the possession of a taxidermist, provided that he meets the requirements of R.S. 9:192.

§116.6. Sound suppressors

Any person who is authorized to possess a firearm sound suppressor, as evidenced by payment and possession of the required federal tax stamp issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives, may use a firearm fitted with a sound suppressor when taking game birds, wild quadrupeds, outlaw quadrupeds, nutria, or beaver as provided by R.S.

56:116.1. Any person who has been convicted of a class four or greater hunting violation for a period of five years after the date of such conviction shall not use a firearm fitted with a sound suppressor pursuant to this Section. Possession or use of a sound suppressor by a person other

than as permitted by this Section shall be considered in violation of this Section and shall be punished as a class six violation in accordance with the provisions of R.S. 56:36.

RS 56:120 Storage of Game Birds or Quadrupeds; Tags  
Last Modified 08/12/2003

§120. Storage of game birds or quadrupeds; tags

A. No person operating a warehouse or cold storage plant shall receive or keep in storage, with or without compensation, for any person other than a licensee, any migratory or resident game bird or game quadruped, except as permitted by R.S. 56:171 through 56:181 and then only if tagged as provided in R.S. 56:117 and only if also there is written or stamped on such tag the true date the item was received in storage.

B. A report, upon forms furnished by the department, shall be made ten days after the close of each season of wild game birds and wild game quadrupeds in storage, giving the name and address of persons storing same, the quantity stored, and date of storage. These records shall be open at all times for inspection by representatives of the department.

RS 56:121.1 Traps: Wild Quadrupeds  
Last Modified 08/12/2003

§121.1. Traps; wild quadrupeds

A. No person shall at any time use a hook or set a trap with teeth, for the purpose of taking wild quadrupeds, except that alligators may be taken with the aid of hook and line.

B. Violation of this Section constitutes a class two violation.

RS 56:127 Confiscation of Illegal Traps or Snares and Quadrupeds Taken Thereby  
Last Modified 08/12/2003

§127. Confiscation of illegal traps or snares and quadrupeds taken thereby

Every officer authorized to enforce the provisions of this Sub-part shall immediately confiscate and hold for evidence any trap, snare, explosive, gun, or other material evidence found by him placed or set contrary to the provisions of this Sub-part, and confiscate and hold for evidence all quadrupeds, the pelts, skins, and parts thereof found by him to have been taken or possessed contrary to the provisions of this Sub-part, and hold the same subject to disposition by general or special order of the director.

RS 56:140 Foxes, Bobcats  
Last Modified 10/09/2003

§140. Foxes; bobcats

A. It shall be unlawful to trap or kill foxes by use of any firearm or other weapon, device, or poison at any time, except that foxes may be included in the open season for taking nongame

quadrupeds provided by R.S. 56:260. In such event foxes may be taken by any legal means unless otherwise restricted by law or regulation.

B. It shall not be unlawful for any person to allow his dogs to run or chase foxes or bobcats at any time of the year, except on wildlife management areas and wildlife refuges and except from one-half hour before sunrise to one-half hour after sunset in any area of the state where a still hunting season for deer is in progress as established by rules and regulations of the commission, provided no such person shall take, trap, or kill any fox or bobcat by the use of firearm, or any other weapon, trap, or mechanical device in connection therewith.

C. Violation of this Section constitutes a class two violation.

RS 56:171 Wildlife; Business of Raising and Selling; Breeder's License  
Last Modified 08/12/2003

§171. Wildlife; business of raising and selling; breeder's license

A. Whoever desires to engage in raising, selling, or raising and selling domestic white-tailed deer or other domesticated deer native to North America; squirrels, rabbits, or other wild game quadrupeds; pheasants, quail, doves, or other domesticated wild game birds; domesticated wild waterfowl, resident or migratory; or their parts, on breeding farms or propagating preserves of which he is the owner or lessee, shall apply to the secretary for a license to do so. Provided that commission requirements have been satisfied, including payment of a fee of twenty-five dollars, a license shall be issued permitting the applicant to breed and propagate such animals and sell them alive, or in the case of domesticated wild game birds, to sell their parts and to kill and transport them and sell their carcasses for food, as hereinafter provided in this Subpart.

B. The state license expires at midnight on the last day of each December.

C. In the case of a breeder of wild migratory game and other birds, the applicant shall have received a like license from the federal government under the Migratory Bird Treaty Act.

D. Violation of any of the provisions of this Section constitutes a class two violation.

RS 56:172 Killing of Birds or Animals; Sale; Trapping Regulations; Exporting Live Specimens  
Last Modified 08/12/2003

§172. Killing of birds or animals; sale; trapping regulations; exporting live specimens

A. Any licensee may kill or sell such animals or birds provided for in this Subpart at any time, except that domesticated species of wild game birds or wild waterfowl, killed by shooting, shall not be bought, sold or traded under the provisions of this Subpart.

B. Wild nongame quadrupeds raised on such licensed breeding farms or preserves may be taken for their pelts only in the open seasons, as prescribed by law. Special parish closed seasons do not apply to such licensed breeders or propagators. The tax, as fixed by law, shall be paid before the raw pelts are shipped out of the state and a written affidavit as to the number and kinds shipped out of the state shall be furnished the secretary monthly during the open season on such quadrupeds.

C. Any licensed breeder, after receiving a shipping permit furnished by the department on application, may ship live specimens outside the state for breeding, scientific, or educational purposes.

D. Any licensed breeder may possess or sell such animals or birds for food as hereinafter set forth in this Subpart.

RS 56:174 Shipment of Carcasses or Parts Thereof; Tag or Label  
Last Modified 08/12/2003

§174. Shipment of carcasses or parts thereof; tag or label

Any common carrier may receive and transport carcasses of such animals or birds, or parts thereof. However, to every package containing such carcasses or parts thereof shall be affixed a tag or label, upon which shall be plainly printed or written the name and license number of the person to whom the breeder's license was issued who is thus transporting; the number of carcasses or portions thereof contained therein; and a statement that the animals or birds were killed and tagged in accordance with the provisions of this Sub-part.

RS 56:251 Licenses; Possession Limit for Nonresident Alligator Hunter; Deposit as Guarantee of Payment of Severance Tax; Penalties  
Last Modified 08/12/2003

§251. Licenses; possession limit for nonresident alligator hunter; deposit as guarantee of payment of severance tax; penalties

A. The following license fees shall be levied on each fur trapper, alligator hunter, fur buyer, and fur dealer:

(1) Every resident fur trapper, fifteen years of age or older, before commencing the business of trapping furbearing animals, shall secure annually from the department a trapper's license, which shall be furnished upon the payment of twenty-five dollars. Every resident fur trapper under the age of fifteen years, before commencing the business of trapping furbearing animals, shall secure annually from the department a trapper's license, which shall be furnished upon the payment of five dollars. Every nonresident fur trapper, before commencing the business of trapping furbearing animals, shall secure annually from the department a nonresident trapper's license, which shall be furnished upon the payment of two hundred dollars. Every resident and nonresident fur trapper must at all times have this license in possession while trapping or selling pelts or animals. The secretary of the department is hereby authorized to enter into reciprocal agreements with any state with respect to nonresident license fees for the trapping of furbearing animals.

(2)(a)(i) Every resident alligator hunter shall before commencing business procure annually from the department a resident alligator hunting license, which shall be furnished upon payment of twenty-five dollars, and the filing of an application approved by the department. Every nonresident alligator hunter shall before commencing business procure annually from the department a nonresident alligator hunter license, which shall be furnished upon the payment of one hundred fifty dollars, and the filing of an application approved by the department. Every

resident and nonresident alligator hunter must at all times have this license in possession while hunting.

(ii) Upon payment of a fee of an additional twenty-five dollars, the department shall issue to a duly licensed resident alligator hunter a license authorizing that hunter to have one resident assistant accompany him while hunting alligators. Such assistant shall not be required to have an alligator hunter's license or any class thereof provided that the assistant is working under the immediate supervision and in the presence of the licensed alligator hunter. This assistant license shall be valid only for the same period for which the license of the alligator hunter is valid. The assistant shall be allowed to assist in the taking of alligators and shall not be allowed to possess an alligator tag or a tagged alligator outside the presence of the licensed alligator hunter, and the licensed alligator hunter shall not be authorized to transfer an alligator tag to such assistant. The hunter shall keep, on an official form provided by the department, the name, address, and social security number of each unlicensed assistant who assists him and shall make such information available to the department within fifteen days of the close of the alligator season.

(iii) All regulations and licensing procedures pertaining to the taking, possessing, and shipping of all alligators, raw alligator skins, and alligator parts shall be established by the department.

(b) Repealed by Acts 1999, No. 73, §1.

(3) Every resident fur buyer shall, before commencing business, procure annually from the department a resident fur buyer's license, which shall be furnished upon the payment of twenty-five dollars and the filing of an application approved by the department.

(4) Every nonresident fur buyer shall before commencing business procure annually from the department a nonresident fur buyer's license, which shall be furnished upon the payment of one hundred dollars, and the filing of an application approved by the department. Every resident and nonresident fur buyer must at all times have this license in possession while operating his business.

(5) Every resident fur dealer shall, before commencing business, procure annually from the department a resident fur dealer's license, which shall be furnished upon the payment of one hundred fifty dollars and a deposit of five hundred dollars, to guarantee payment of the severance tax on raw furs and skins, and the filing of an application approved by the department.

(6) Every nonresident fur dealer shall before commencing business procure annually from the department a nonresident fur dealer's license, which shall be furnished upon the payment of three hundred dollars, and a deposit of one thousand dollars to guarantee payment of the severance tax on raw furs and skins, and the filing of an application approved by the department. Every resident and nonresident dealer must at all times have this license in possession or prominently displayed while operating his business.

B. Violation of this Section constitutes a class three violation.

RS 56:253 Shipping Raw Furs, Alligators, Alligator Skins, and Alligator Parts Out of State; Tags  
Last Modified 12/14/2016

§253. Shipping raw furs, alligators, alligator skins, and alligator parts out of state; tags

A. No resident or nonresident fur buyer shall ship furs, alligators, or alligator skins out of state.

B. No resident fur dealer, trapper, alligator hunter, alligator parts dealer, alligator farmer, or nonresident fur dealer or nonresident alligator hunter shall ship or take raw furs, alligators, alligator skins, or alligator parts out of state without first complying with the provisions of this Section and rules and regulations of the commission.

C.(1) Every resident fur dealer, trapper, alligator hunter, alligator farmer, nonresident fur dealer, or nonresident alligator hunter before shipping raw furs, alligators, or alligator skins out of the state shall secure from the department, or duly authorized representative thereof, a tag to be attached to the shipment. The tag shall be of a distinctive color, bear a serial number and entry headings for information as to the character of the shipment and the name and address of the specific licensed fur dealer making the shipment, and the specific name and address of the receiver or purchaser of the shipment, including the location to which the skins are actually being shipped. The tag shall be filled out at the time of shipment, and be provided with a detachable stub bearing the same serial number and entry headings as appear on the body of the tag. The stub shall be filled out with duplicate information appearing on the body of the tag and returned to the department at the time of shipment, with the proper amount of severance tax due.

(2)(a) Every resident fur dealer, alligator hunter, alligator farmer, taxidermist, nonresident fur dealer, or nonresident alligator hunter, before shipping alligators or raw alligator skins out of state, or before tanning or using for taxidermy of raw alligator skins within the state, shall pay to the department an alligator shipping label fee for each alligator so shipped and shall pay an alligator hide tag fee for each raw alligator skin to be so shipped, used for taxidermy, or tanned. The alligator shipping label fee and the alligator hide tag fee shall be collected by the department from the fur dealer, taxidermist, alligator hunter, alligator farmer, nonresident fur dealer, or nonresident alligator hunter who is shipping alligators or raw alligator skins, or who intends to tan, or use for taxidermy, the raw alligator skins. The department shall collect such fees at the time of shipment, using for taxidermy, or tanning, and no alligator shipping label or out-of-state shipping tag shall be issued by the department for a shipment before payment of the appropriate fee is received by the department. The alligator shipping label fee for each alligator to be shipped and the alligator hide tag fee for each raw alligator skin to be shipped, used for taxidermy, or tanned shall be no more than four dollars per alligator or raw alligator skin; however, the alligator shipping label fee and the alligator hide tag fee shall each be reduced in any fiscal year by rule or regulation of the commission in an equal amount equivalent to any amount of additional revenues received into the Louisiana Alligator Resource Fund from the state general fund or sources other than alligator-related fees established pursuant to this Title. Revenues received by the state pursuant to this Paragraph shall be distributed as provided in R.S. 56:266 and 279.

(b) Alligator hide tags shall be issued to licensed alligator hunters and licensed alligator farmers without charge and in accordance with the rules and regulations of the commission.

(3) REPEALED BY ACTS 1992, NO. 499, §2, EFF. JUNE 22, 1992, AND ACTS 1992, NO. 528, §2, EFF. JUNE 29, 1992.

D. Every resident alligator hunter, alligator farmer, or alligator parts dealer before shipping alligator parts out of state shall, in addition to satisfying regulations of the U.S. Department of Interior and the Louisiana Department of Health, affix to the shipment a label showing the following: (1) LDWF license number of the alligator parts dealer, alligator hunter or alligator farmer; (2) identify alligator parts as meat, head, feet, teeth or other; (3) provide name and address of shipper.

E. No fur, alligator, alligator skins, alligator eggs, or alligator parts intended for shipment out of state shall be accepted by any post office, express company, agent, or agent of any common

carrier nor any agent thereof, unless there is attached to the shipment to each consignee one of the tags specified in Subsection C above or the labels specified in Subsection D above.

F. Violation of any of the provisions of this Section constitutes a class three violation.

RS 56:256 Severance Tax  
Last Modified 08/12/2003

§256. Severance tax

There is levied a severance tax on all skins or hides taken from any furbearing animals or alligators, within the state, payable to the state through the department by the fur trapper, alligator hunter, or alligator farmer shipping or taking his own catch out of state, or by the dealer, shipping skins or hides out of state or tanning fur pelts or alligator skins in the state, as follows: on beaver, bobcat, coyote, fox, muskrat, opossum, raccoon, ringtailed cat, skunk, or spotted skunk, one cent on each skin; mink, ten cents on each skin; nutria (Coypu), two cents on each skin; otter, twenty-five cents on each skin; alligator, twenty-five cents on each skin. Violation of this Section is a class two violation.

RS 56:257 Payment of Tax by Trappers, Alligator Hunters, and Alligator Farmers Shipping or Taking  
Own Catch Out of State; Shipping Tags  
Last Modified 08/12/2003

§257. Payment of tax by trappers, alligator hunters, and alligator farmers shipping or taking own catch out of state; shipping tags

A. Every trapper shipping or taking his own catch of furs out of state is liable for the severance tax thereon, and shall apply to the department for official shipping tags, and remit the tax promptly at the time of shipment.

B. Every alligator hunter or alligator farmer shipping or taking his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply to the department for official shipping tags and forms, and remit the tax promptly at the time of shipment.

C. Violation of this Section constitutes a class two violation.

RS 56:258 Dealer Records: Payment of Tax; Confiscation of Furs and Skins  
Last Modified 08/12/2003

§258. Dealer records; payment of tax; confiscation of furs and skins

A. Every dealer shall maintain complete detailed records of the kind and number of furs purchased inside and outside of the state and of all such furs shipped out of the state or tanned within the state. Dealer records shall be completed and made available to the department for audit purposes within sixty days after the close of the trapping season. Dealers shall remit to the department or pay to the authorized representative thereof within ten days following an annual audit of the dealer's records the full amount of the tax due.

B. Every dealer shall maintain complete detailed records of the number of whole alligators and alligator skins purchased inside and outside the state and all alligator skins shipped out of state or alligator skins tanned within the state. Dealer records shall be completed and furnished to the

department at the time of shipment or prior to tanning and dealer must concurrently remit the full amount of tax due.

C. Failure to pay the tax, as provided, subjects all pelts of Louisiana furbearing animals and alligator skins held by dealers to confiscation by order, general or special, of the department. Failure to maintain complete records and to pay the tax 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 for the preceding year.

D. Violation of this Section constitutes a class three violation.

RS 56:259 Open Season; Method of Taking Animals; Prohibited Devices; Possession and Sale of  
Skins  
Last Modified 08/12/2003

§259. Open season; method of taking animals; prohibited devices; possession and sale of skins

A. The open season for taking nongame quadrupeds, in any area of one or more parishes shall be fixed by the commission. The commission may extend, curtail or prohibit the trapping in any area of the state each year.

B. The commission shall at its discretion open or close the season for the taking or possession of alligators by area within the state. The commission shall also prescribe methods of taking alligators and hours within which alligators may be taken.

C.(1) Nongame furbearing quadrupeds may be taken in the open trapping season, but only by properly licensed trappers, and only by means of a trap. Except as provided in Paragraph (2) of this Subsection, the use of dogs or of guns or other firearms, bows and arrows, gigs, spears, pitchforks, or other weapons or any like devices in hunting and taking nongame quadrupeds, or the use of explosives, chemicals, and smokes of any kind to drive furbearing quadrupeds out of their holes, dens, or houses is prohibited. Raccoons, nutria, and opossums may be taken for sport as provided for in R.S. 56:116.1, and nutria in open season may be taken additionally by the use of a standard .22 caliber rifle only between the hours of sunrise and sunset. Beaver may be taken as provided for in R.S. 56:105. This Subsection does not apply to the methods or means by which alligators may be taken.

(2) Notwithstanding the provisions of any other law to the contrary, dogs may be used during the taking of nutria between the hours of sunrise and sunset, except during deer season where still hunting only is allowed and during turkey nesting season as determined by the commission.

D. The taking of alligators is prohibited between the hours of sunset and sunrise. The taking of alligators out of season is prohibited.

E. Nothing contained in this Subpart shall deprive landowners and lessees of agricultural or forest lands or their agents, representatives, and employees, of their right to kill nutria and beaver as a pest without a license on agricultural or forest lands owned or leased by them or in residential areas, or in waterways and on the banks of waterways adjacent to the agricultural lands, except during open trapping season, a license shall be required. Nutria and beaver may be taken at any time and by any means in these areas except that nutria and beaver cannot be taken by use of a headlight and gun between the hours of sunset and sunrise.

F. No pelting during the closed trapping season shall be permitted at any time, except with department authorization. The sale of carcasses of nongame quadrupeds is prohibited during the closed trapping season, except with department authorization. The provisions of this Subsection do not apply to nongame quadrupeds raised on farms.

G. Licensed trappers may hold in captivity live nongame quadrupeds, except alligators, during the open trapping season. Such animals must have been acquired by legal trapping methods. Such animals held in captivity by a trapper must be released or pelted by the last day of the open trapping season. However, a licensed trapper may apply for a nongame quadruped breeder's or exhibitor's license, as provided for in R.S. 56:262.1, and continue holding such animals in captivity as long as the license has not expired. A licensed trapper, holding any live nongame quadrupeds except alligators, may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transaction, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.

H. Violation of any of the provisions of this Section except for Subsections C, D, and F constitutes a class two violation. Violation of any of the provisions of Subsections C, D, or F constitutes a class four violation.

RS 56:260 Setting a Trap, Snare, Net, or Other Device

Last Modified 08/12/2003

§260. Setting a trap, snare, net, or other device

A. No person shall set any trap, capable of taking any nongame quadruped more than one day before the open trapping or alligator season, or permit such device to remain set after the closing day of the open season. All traps shall be run daily and all traps must be removed from the trapping grounds and alligator hunting areas the last day of open season.

B. Violation of this Section constitutes a class four violation.

RS 56:262 Nongame Quadrupeds; Breeding, Propagation, and Exhibition

Last Modified 08/12/2003

§262. Nongame quadrupeds; breeding, propagation, and exhibition

A. Whoever desires to engage in the business of raising and/or exhibiting imported or native nongame quadrupeds shall apply to the department for a license to do so. If it appears that the application is made in good faith, upon a payment of ten dollars, a nongame quadruped exhibitor license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets rules and regulations of the department.

B. Whoever desires to engage in the business of raising, exhibiting, and selling imported or native nongame quadrupeds or collecting and selling wild alligator eggs shall apply to the department for a license to do so. If it appears that the application is made in good faith, upon payment of twenty-five dollars, a nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive or sell their parts; and to kill and transport them and sell their pelts, skins, or carcasses as hereinafter provided in this Section.

C. Nongame quadruped breeder and exhibitor licenses shall expire on the thirty-first of December of each year. On or before the first of December of each year, every licensee shall apply for a renewal of his exhibitor or breeder license. In conjunction with this application, or without application if not renewing the license, the licensee shall provide a report including all information as specified by the department.

D. Nongame quadrupeds raised on such licensed breeding farms may be sold alive or taken for their pelts, skins, or for food according to rules and regulations of the commission. All skins shall be tagged according to rules and regulations of the commission. The severance tax as fixed by law shall be paid before the raw pelts or alligator skins are shipped out of state, or tanned within the state, and a written affidavit as to the number and kinds shipped or tanned shall be furnished to the department as specified.

E. All nongame quadruped carcasses or parts intended for sale shall be shipped, transported, sold, or offered for sale according to commission regulations.

F. The department may issue a permit to a duly licensed breeder to take such wild animals as needed for use as breeding stock. The licensed breeder shall apply in writing, stating where the animals are to be taken, at what time, and in what numbers.

G. Whoever under the authority of this Section has in his lawful possession any such animal or parts thereof on such posted or fenced breeding area shall have a property right therein and shall be the owner thereof. Whoever enters the nongame quadruped farm or catches, takes, or molests such animals when the area has been posted or fenced according to law shall be punished as though the animals were ordinary domestic animals and subject to the property rights of the state of Louisiana.

H. The department may revoke the license of any person violating the provisions of this Section.

I. All other rules and regulations pertaining to the breeding, propagation, and sale of nongame quadrupeds shall be determined solely by the commission.

J. Violation of this Section constitutes a class three violation.

RS 56:265 Trespass on Marshlands to Trap or Hunt for Fur Bearing Animals  
Last Modified 08/12/2003

#### §265. Trespass on marshlands to trap or hunt fur bearing animals

No person shall go upon marsh or low prairie lands, or swamplands belonging to another, without the consent of the owner or of one authorized to grant consent; and there capture, catch, trap, take, shoot, or ensnare any alligator, mink, muskrat, nutria, otter or raccoon; nor attempt to commit, or be upon such lands for the purpose of committing, any such act; nor aid, assist, or abet another to commit or to attempt to commit any such act; nor conspire with another for any of such purposes. Violation of this Section is a class two violation.

RS 56:266 Louisiana Fur Public Education and Marketing Fund; Louisiana Fur Advisory Council  
Last Modified 09/17/2012

#### §266. Louisiana Fur Public Education and Marketing Fund

A. Recognizing that the Louisiana fur industry is a vital aspect of Louisiana's coastal economic base and that in recent years worldwide fur markets and prices have been severely depressed creating extreme hardships not only for trappers, but also for coastal landowners, fur buyers, and fur dealers; and recognizing world trends questioning the consumptive utilization of wildlife species, and recognizing that these trends and economic conditions can have a severe impact on the fur industry; and recognizing the need to educate the public concerning fur trapping as sound wildlife management practice; and recognizing that the trapping of certain species of furbearers such as nutria and muskrat is the only realistic means for coastal landowners to effectively manage and protect over four million acres of invaluable coastal wetlands and protect adjacent agriculture; and recognizing that there is no cohesive, coordinated, and comprehensive effort to educate the public concerning the Louisiana fur industry or stabilize and strengthen domestic and international markets for Louisiana furs, the Legislature of Louisiana does hereby establish the Louisiana Fur Public Education and Marketing Fund.

B. Specific goals. (1) To educate the public regarding the need for trapping as a sound wildlife management tool and regarding the logic of managing furbearing species as renewable resources.

(2) To identify the current consumers of Louisiana furs.

(3) To identify present and potential Louisiana fur marketing problems, obstacles, and related significant issues.

(4) To strengthen existing markets and develop new markets and marketing strategies for raw and finished Louisiana fur products.

(5) To develop and implement an international advertising campaign to promote the utilization of raw and finished Louisiana fur products.

(6) To examine, evaluate, and make recommendations concerning any aspect of the fur industry including habitat management, harvest, and marketing which will enhance the future of the industry and perpetuate the conservation of these species.

C. The Louisiana Fur Advisory Council. (1) Pursuant to R.S. 36:605(B)(2), the secretary shall create the Louisiana Fur Advisory Council, which shall be within the Department of Wildlife and Fisheries. The Louisiana Fur Advisory Council shall be responsible for reviewing and approving recommended procedures and programs to be funded from the Louisiana Fur Public Education and Marketing Fund to ensure that any monies from the funds are expended for the specific goals of the council.

(2) This council shall be composed of nine members of which seven shall be appointed by the secretary.

(a) The individuals appointed by the secretary to this council shall represent a cross section of trappers and coastal landowners as follows:

(i) One member of the council shall represent trappers from north Louisiana.

(ii) One member shall represent trappers from southwest Louisiana.

(iii) One member shall represent trappers from southeast Louisiana.

(iv) One member shall represent trappers statewide.

(v) Three members shall represent coastal landowners.

(b) One member of the council shall be designated by the speaker of the House of Representatives and another member shall be designated by the president of the Senate.

(3) The secretary may appoint members recommended by the Louisiana Trappers and Alligator Hunters Association, which may submit nominations, in writing, to the secretary.

(4) The secretary or his designee shall be an ex officio member of said council and shall be present at all official meetings.

(5) All members of the council shall serve four-year terms.

D. Appropriations. (1) All revenues received by the state from license fees imposed on trappers as required in R.S. 56:251(A)(1) shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the state treasurer is authorized and directed to transfer annually the amount of twenty dollars for each resident trapping license sold and one hundred forty-five dollars for each nonresident trapping license sold, from revenues derived from the sale of said licenses, into a special fund designated as the Louisiana Fur Public Education and Marketing Fund.

(2) The state treasurer shall invest the monies in this fund in the same manner as monies in the state general fund. Any surplus monies remaining to the credit of the fund, after all appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the fund from all sources.

(3) Any amounts earned through investment of the monies in the fund shall remain to the credit of the fund and shall not revert to the state general fund.

E. Expenditures. (1) The monies made available by the legislature from the fund as provided in this Section or from any other source shall be used solely for the programs, purposes, and specific goals enumerated in this Section.

(2) The Department of Wildlife and Fisheries shall maintain records of the sources of money received and the purposes therefor, as well as the person or persons to whom money is paid and the purpose therefor. Vouchers or receipts shall be kept for all money paid out. Money appropriated or otherwise made available to the department for authorized purposes shall be withdrawn from the treasury on warrant of the secretary of the department.

(3) The Department of Wildlife and Fisheries, in utilizing surplus monies from the Louisiana Fur Public Education and Marketing Fund shall contract only upon recommendation of the Louisiana Fur Advisory Council, for any services relating to the specific goals enumerated in this Section. The secretary is hereby authorized and empowered to carry out any and all contracts entered into in order to achieve these goals.

F. Annual Reports. The Department of Wildlife and Fisheries shall make a written operating report to the legislature at the end of each fiscal year. This report shall contain a summary of revenues received, expenditures made, and the status of achievement of specific goals. This report shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources by the end of the calendar year.

RS 56:281 Nutria Control Cost-Sharing: Statement of Intent  
Last Modified 08/12/2003

§281. Nutria control cost-sharing; statement of intent

Recognizing the escalating deterioration of the state's fragile coastal wetlands due to an overpopulation of furbearing nutria, and recognizing the economic importance of the nutria to the Louisiana fur industry, the Department of Wildlife and Fisheries, in accordance with the Wetlands Conservation and Restoration Plan, is authorized to enter into cooperative endeavor agreements

which establish a cost-sharing program as an economic incentive to trappers and coastal landowners in those areas of the state experiencing damage or loss of coastal lands due to the overpopulated nutria.

RS 56:282 Powers and Duties of the Secretary  
Last Modified 08/12/2003

§282. Powers and duties of the secretary

In carrying out the purposes of the program authorized by R.S. 56:281, the secretary may do the following:

- (1) Enter into cooperative endeavors with qualifying coastal landowners which provide for cost-sharing agreements with such coastal landowners to provide financial incentives for the trapping of nutria on land owned by them.
- (2) Determine, upon application by coastal landowners, which of the lands owned by such landowners are eligible for such financial incentives.
- (3) Have the responsibility for planning, administration and program management, and for monitoring the results of the program authorized by this Subpart.
- (4) Adopt and promulgate such rules and regulations, pursuant to the Administrative Procedure Act, as necessary to implement this program in order to trap and control overpopulated nutria contributing to coastal wetland loss.

RS 56:283 Cooperative Agreements; Cost-Sharing, Nutria Control Program  
Last Modified 08/12/2003

§283. Cooperative agreements; cost-sharing

A. The secretary may enter into cooperative endeavor agreements with coastal landowners who qualify to participate in the program, whereby the following economic incentives are paid to trappers who have agreed to trap nutria on land of the coastal landowners which is experiencing damage or loss of coastal wetlands because of overpopulation by nutria, all on the following cost sharing basis.

B. Each coastal landowner experiencing such nutria problems and desiring to participate in the program shall submit to the department such information as the department may require concerning nutria destruction on his land and shall provide such security as the secretary may require to insure payment by him to the trapper of his portion of the economic incentive provided in Subsection C of this Section.

C. The cooperative endeavor agreement shall provide for cost sharing in that there shall be an additional one dollar economic incentive paid to trappers under contract with qualifying coastal landowners per nutria with a pelt of marketable fur trapped and sold from those lands of the coastal landowner which are experiencing damage or loss because of nutria overpopulation, as determined by the secretary. The state, on a one to one match, shall pay fifty cents of the one dollar incentive per nutria trapped and sold, and the coastal landowner shall pay the remaining fifty cents, directly to the trapper for trapping services. The agreements shall provide that this cost-sharing program shall remain in effect and payments thereunder shall be made only as long as the average market

price which the secretary determines will be paid to the trapper does not exceed four dollars per nutria pelt.

RS 56:284 Annual Proposal; Cost-Sharing; Purpose, Wetlands Conservation and Restoration Plan  
Last Modified 08/12/2003

§284. Annual proposal; cost-sharing; purpose

A. The secretary may annually submit a proposal to provide cost-sharing incentives to nutria trappers on lands determined to be eligible under R.S. 56:282 for approval by the Wetlands Conservation and Restoration Authority, not to exceed fifty thousand dollars annually. If approved, only that portion of the economic incentives paid to trappers on eligible lands may be funded using monies from the Wetlands Conservation and Restoration Fund. No other costs associated with the program shall be borne by the Wetlands Conservation and Restoration Fund.

B. The purposes of this program shall be consistent with the purposes set forth in the Wetlands Conservation and Restoration Plan.

RS 56:631 Funds Dedicated  
Last Modified 08/12/2003

§631. Funds dedicated

In order to enforce properly the conservation laws and rules and regulations of the commission with respect to the operation and development of wildlife management areas, wildlife refuges, public shooting grounds or outdoor recreation areas, all revenue derived from trapping leases or the sale of furs or mineral leases or exploitation in any way of the mineral resources of any such lands under the jurisdiction of the commission are dedicated to the commission, to be used for the protection, maintenance, operation, and development of such areas or for the acquisition of other such areas.

RS 56:648 Definitions  
Last Modified 08/12/2003

§648. Definitions

As used in this Subpart, the following definitions shall apply:

(1) "Wild animal" means any wild creature, including fish, wild birds, and wild quadrupeds, the taking of which is authorized by the provisions of this Title.

(2) "Process of taking" means any act directed at the lawful taking of a wild animal, including the acts of travel, camping, or other activity occurring in preparation for the taking which occurs on state-managed lands or waters governed by the provisions of R.S. 56:781-R.S. 56:787 or which occurs on private lands or waters with the permission of the owner or his agent.

RS 56:648.1 Harassment and Disturbance Prohibited  
Last Modified 08/12/2003

§648.1. Harassment and disturbance prohibited

No person shall engage in any of the following activities on lands or waters managed by the state pursuant to R.S. 56:781 through R.S. 56:787, or upon private lands or waters where a hunter, trapper, or fisherman has been given permission by the owner or his agent to take wild animals:

(1) Interfere with the lawful taking of a wild animal by a hunter, trapper, or fisherman or interfere with the process of taking, with intent to prevent the taking.

(2) Disturb a wild animal, or engage in any activity or place any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking.

(3) Disturb any hunter, trapper, or fisherman who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking, or to prevent such person's enjoyment of the outdoors.

(4) Enter or remain upon state-managed lands or waters or upon private lands or waters with intent to violate the provisions of this Section.

(5) Enter or remain upon any private property, including nonnavigable water, owned by another through the use of a floating duck blind or any other float or boat used for the purpose of hunting migratory waterfowl without the express, written permission of the landowner, lessee, lessor, or hunting club or organization authorized to hunt on the land.

RS 56:699 Participation in Firearm and Hunter Education Course in Addition to Penalties for  
Hunting Violations  
Last Modified 08/12/2003

§699. Participation in firearm and hunter education course in addition to penalties for hunting violations

Whenever any person is convicted of violating any of the provisions of this Chapter governing the hunting or taking of wild birds or wild quadrupeds, other than by trapping, the court may in addition to imposing any fine or penalty provided for by law, order the offender to attend and participate in a firearm and hunter education course taught or approved by the department.

RS 56:753 Trapping, Hunting, or Fishing on Preserve  
Last Modified 08/12/2003

§753. Trapping, hunting, or fishing on preserve

No person shall trap, hunt, or fish on the preserve except under such rules and regulations as are made by the commissioner.

RS 56:767 Private Property Surrounded by Certain Wildlife Management Areas; Regulations of  
Hunting and Fishing  
Last Modified 08/12/2003

§767. Private property surrounded by certain wildlife management areas; regulation of hunting and fishing

A. All privately owned property which is completely surrounded by a wildlife management area shall be subject to all state hunting and fishing provisions, including those provisions regarding seasons. Such private property shall not be subject to the special hunting and fishing provisions which govern the wildlife management area, except that deer may not be taken with the aid of dogs. However, the owner or lessee of such property shall be required to participate in the deer management assistance program provided for in R.S. 56:110. In addition, the owner or lessee of such property shall not be allowed to hunt, trap, or take resident game by the aid of baiting or placing bait intended to attract or entice the resident game to the area where hunters are attempting to take them.

B. The provisions of this Section shall apply only to private property which, as of June 30, 1999, is surrounded by a wildlife management area or property which is privately owned as of June 30, 1999, and is subsequently surrounded by a newly created or expanded wildlife management area.

RS 56:786 Dedication of Land; Trespass; Destruction or Defacing Signs; Arrest  
Last Modified 08/12/2003

§786. Dedication of land; trespass; destruction or defacing signs; arrest

After such lands have been selected for use as wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, and wildlife sanctuaries, and notice of such selection and dedication published as herein provided, and after the lands have been fenced or posted as hereinabove provided, the areas thereupon become dedicated as a wildlife refuge, wildlife management area, public hunting ground, upland game preserves, or wildlife sanctuaries.

No person shall trespass upon such land or hunt, trap, snare, or take the wild animal life or game within the wildlife refuges, wildlife management areas, public hunting grounds, upland game preserves, or wildlife sanctuaries contrary to commission regulation, or destroy or deface fencing or signs placed on or around the areas. A person found so doing may be arrested on sight by any wildlife agent or other authorized officer.

RS 56:791 Protection of Wild Birds or Animals; Penalty for Violation of Subpart  
Last Modified 08/12/2003

§791. Protection of wild birds or animals; penalty for violation of Subpart

A. Except as provided in R.S. 56:792, no person shall, except in accordance with commission rules and regulations, kill, snare, or pursue with intent to take or kill by any means, or have in possession any wild animal or bird from or upon any school land or school section located

within, contiguous to, or adjoining the boundaries of any wildlife refuge, wildlife management area, or public hunting ground, public or private, established or designated as such by the secretary of the Department of Wildlife and Fisheries by and with the consent of the parish school board or under its authority.

B. The killing, snaring, taking, or having in possession, or pursuing with intent to do so, of each wild animal or bird on any such land or section constitutes a separate offense.

C. Whoever violates any provision of this Subpart shall be fined not less than five dollars nor more than one hundred dollars, with costs of suit, for each offense.

D. The provisions of this Section shall not apply to Vermilion Parish except that it shall be unlawful in Vermilion Parish for any person to use firearms in the trapping and taking of fur bearing animals. The rental or leasing of any public lands owned by the Vermilion Parish School Board for any purpose described herein shall be in accordance with advertisement and bidding laws.

E. Violation of any provision of this Subpart shall constitute a class two violation.

RS 56:797 Rockefeller Foundation Wildlife Refuge and Game Preserve; Revenues; Allocation  
Last Modified 08/12/2003

§797. Rockefeller Foundation Wildlife Refuge and Game Preserve; revenues; allocation

A.(1) All revenues belonging to the state of Louisiana which are received as royalty, rentals, or otherwise from leases for the exploration, development, or production of oil, gas, and other minerals on all or any portion of the lands in the parishes of Vermilion and Cameron comprising the Rockefeller Foundation Wildlife Refuge and Game Preserve, which was donated to the state of Louisiana by the Rockefeller Foundation by act of donation executed by it on September 30, 1920, and was accepted by the state of Louisiana under the terms and provisions of Act No. 71 of 1920 on November 8, 1920, which constitutes a contract between the state of Louisiana and Rockefeller Foundation entered into pursuant to said Act, and which is now on file and of record in the offices of the secretary of state and the commissioner of conservation and also in the offices of the clerks of court and ex officio recorders of the parishes of Vermilion and Cameron, subject to the prior charge on said revenues in favor of the Royalty Road Funds for the parishes of Vermilion and Cameron under authority of Section 2 of Article IV of the Louisiana Constitution of 1921, and Section 4 of Article VII of the Louisiana Constitution of 1974, when collected shall be deposited in the state treasury in a special fund designated as the Rockefeller Wildlife Refuge and Game Preserve Fund.

(2) The state treasurer is authorized and directed to transfer annually an amount equaling five percent of the annual revenues credited to said fund into a special fund designated as the Rockefeller Wildlife Refuge Trust and Protection Fund. If mineral and interest income credited to the Rockefeller Wildlife Refuge and Game Preserve Fund exceeds ten million dollars annually, the state treasurer is authorized and directed to transfer annually an amount equaling twenty-five percent of the annual income credited to the Preserve Fund into the Rockefeller Wildlife Refuge Trust and Protection Fund. Such transfers shall be made until such time as the principal amount credited to such fund equals the sum of fifty million dollars.

B. The remaining revenues comprising the said Rockefeller Wildlife Refuge and Game Preserve Fund and all income earned from investments of such revenues, shall be used first, for the purpose of paying the costs of maintenance, policing, and improving the said wildlife refuge and preserve, and the development of conditions suitable for improving such wildlife refuge and preserve, and any surplus of revenues derived from said mineral development or production on Rockefeller Wildlife Refuge shall be used by the Department of Wildlife and Fisheries in wildlife management programs and activities, particularly land acquisition throughout the state.

C. The state treasurer shall invest the principal and the undistributed return on the principal deposited in the said Rockefeller Wildlife Refuge Trust and Protection Fund for the purpose of achieving perpetual financing of said fund. Such investments may include, among others authorized by law the following:

(1) Equity investments in stocks, common and preferred, or corporations listed on the New York Stock Exchange, the American Stock Exchange, or quoted on the National Association of Securities Dealers Automated Quotations System, provided that the total investment in such securities at any one time shall not exceed thirty-five percent of the market value of all funds held by the fund. The treasurer may hire, on a contract basis, investment managers or consultants as deemed appropriate to provide for the equity investments of the fund. Such contracts shall be on a fee, together with minimum exchange fee, basis or on a commission basis only, with payment for such fees being appropriated from the fund.

(2) Direct general obligations of, or obligations on which the timely payment of the principal and interest is unconditionally guaranteed by the United States of America.

(3) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government: Government National Mortgage Association; Rural Development Administration; Export-Import Bank of the United States; Federal National Mortgage Association; Federal Home Loan Mortgage Corporation; Federal Home Loan Bank; and Student Loan Marketing Association.

(4) Bonds, debentures, notes, or other evidences of indebtedness issued by any of the following agencies of the United States government, or any other like governmental or government-sponsored agencies which are hereafter created, including the Bank of Cooperatives, Federal Financing Bank, Small Business Administration, and Bank for Reconstruction and Development.

D. Investment income from said trust and protection fund shall be allocated annually, even during the period that the fund is being increased to the fifty-million-dollar level, as follows:

(1) Three hundred thousand dollars to McNeese State University for educational purposes. The provisions of this Paragraph shall be inoperative and of no effect after July 1, 1993.

(2) Sixty thousand dollars to the Governor's Special Commission on Educational Services to provide for undergraduate and graduate scholarships to Louisiana state colleges and universities for Louisiana residents to study in the fields of wildlife, forestry, or marine sciences, or study in curricula leading to study in such fields, such scholarships to have been approved by the Department of Wildlife and Fisheries for funding from such monies.

(3) Three hundred thousand dollars for the Department of Wildlife and Fisheries to purchase lands that are of benefit to waterfowl and contribute to the North American Waterfowl Management Plan.

(4) Three hundred thousand dollars for the Department of Wildlife and Fisheries to purchase land for upland game habitat.

(5) Until the principal in the Rockefeller Wildlife Refuge Trust and Protection Fund reaches fifty million dollars, one hundred fifty thousand dollars to the Louisiana Fur and Alligator Advisory Council to accomplish the specific goals listed in R.S. 56:279(B).

(6) If revenue available from the Rockefeller Wildlife Refuge and Game Preserve Fund is not sufficient to cover the cost of maintenance, policing, and improving the said wildlife refuge and preserve, and the development of conditions suitable for improving such wildlife refuge and preserve, any investment income needed from the trust and protection fund shall be made available to fulfill said needs, subject only to appropriation by the legislature. Use of the funds for such purposes shall take precedence over any other purpose provided in this Section.

(7) However, as a one-time allocation, three hundred fifty thousand dollars to the Department of Wildlife and Fisheries for an initial design of a nature trail and visitor's center at the Rockefeller Wildlife Refuge and Game Preserve.

E.(1) The investment income from said trust and protection fund remaining after the annual allocations provided for in this Section shall be added to the trust and protection fund. When the principal amount credited to the Rockefeller Wildlife Refuge Trust and Protection Fund reaches an amount equal to the sum of fifty million dollars, the proceeds derived from interest earned on investment of the principal shall, subject to all prior annual transfers of funds provided for by this Section, be allocated by the state treasurer in accordance with legislative appropriation to the Department of Wildlife and Fisheries to be used by said department first solely to defray the expense of maintaining, policing, and improving the Rockefeller Foundation Wildlife Refuge and Game Preserve and for the development of conditions suitable for improving said wildlife refuge and game preserve.

(2) After all needs of the refuge have been provided for, any income earned from the investment of the principal shall, subject to legislative appropriation, be available to the Department of Wildlife and Fisheries for the following activities:

- (a) Marsh Island and State Wildlife Refuge land stewardship.
- (b) Statewide fur management and research.
- (c) Statewide alligator management and research.
- (d) Statewide migratory bird management and research.

# Wildlife and Fisheries Regulations: Title 76

## Part V. Wild Quadrupeds and Wild Birds

### §103 Field Trials on Wildlife Management Areas

A. The Wildlife and Fisheries Commission does hereby authorize field trials by recognized bird dog association to be held on selected wildlife management areas but only under the following conditions.

1. The season framework for conducting field trials involving the use of bird dogs is from October 1 through March 30 of each year. Specific season dates, however, will be set annually, management area by management area.

2. No trial will be allowed during managed deer hunts or opening weekends of other deer gun seasons.

3. No shooting of wild bobwhites will be allowed during the closed quail season.

4. Pen-reared bobwhites cannot be used for field trial purposes without first obtaining health certification as prescribed by the Wildlife and Fisheries Commission. Failure of bobwhite to pass the certification will result in the postponement (cancellation) of the field trial.

5. Applications must be submitted well in advance (a period established by the Wildlife and Fisheries Commission) by field trial associations specifying the date and precise location for the proposed field trial.

6. Only two trials per field trial organization will be allowed each season.

7. Applications will be approved only after the field trial association has met these conditions.

8. All bobwhites released for field trial purposes must be banded with a numbered band furnished by the Department of Wildlife and Fisheries. A list of the band numbers of birds released and birds recovered as well as any unused bands must be returned to the Department of Wildlife and Fisheries within two weeks after a field trial is held.

9. All pen-reared bobwhites can be inspected by Department of Wildlife and Fisheries personnel for evidence of diseases before they are released on the wildlife management areas for field trial purposes. Evidence of diseased birds can result in the cancellation of the field trial.

10. Applications received for the Fort Polk Wildlife Management Area must be approved by the U.S. Army.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:141.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:459 (December 1976), amended LR 14:364 (June 1988).

§107 Game Breeder's License

A. This commission regulation established general requirements, minimum pen specifications and animals that will be permitted under the game breeder's license to read as follows.

B. Minimum Pen Specifications and Requirements for Game Quadrupeds and Birds. The pen dimensions and specifications described herein are minimum requirements for permanent exhibit and commercial facilities. It must be emphasized that these are minimum standards and the optimum conditions for most animals would include dimensions several times greater than those cited. Game breeders should also recognize and provide for any unique requirements of the species they possess. In addition to the following pen specifications, all pens must have adequate sanitation as well as appropriate feeding and watering facilities.

1. Waterfowl (ducks, geese, swans and coots endemic to North America)

a. Ducks and Coots

i. Exhibit Purposes—100 square feet with 25 percent in water area for up to four birds; increase pen size by 25 square feet for each additional bird with one-fourth of this increase being in water area.

ii. Commercial Operation—up to 6 weeks old; 1 square foot per duck; over 6 weeks old; 3 square feet per duck.

b. Geese—150 square feet per goose.

2. Doves (order columbiformes endemic to North America except rock dove, i.e., domestic pigeon)

a. Single Bird—3 feet by 2 feet by 5 feet high.

b. Community Group—large enough to fly or at least 8 feet in diameter.

3. Game Birds (ringneck pheasant, chukar, and various quail, grouse and partridge endemic to North America)

a. Exhibit Purposes—20 square feet per bird.

b. Commercial Operation:

i. quail: 1-10 days old—9 chicks per square foot; 10 days-6 weeks old—6 chicks per square foot; 6 weeks and older—3 birds per square foot; 1 breeding pair per square foot;

NOTE: If only pharaoh quail are to be kept, then the game breeder's license is not required.

ii. pheasants and chukar, grouse and partridge—1-10 days old—6 chicks per square foot; 10 days-6 weeks old—4 chicks per square foot; 6-14 weeks old—1 bird per 4 square feet; 1 breeding pair per 8 square feet.

4. Wild Turkeys\* (license will not be issued). It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

5. Hawk, Falcons. Refer to federal raptor facilities specifications.
6. Squirrels (gray, fox, red, flying and others endemic to North America)
  - a. Single Animal—3 feet long by 3 feet wide by 4 feet high.
  - b. Additional Animals—add 6 inches more in length per additional animal; several limbs, nest box.
  - c. Due to the inherent tendency of these animals to bite people, it is further required that applicants provide a certificate of good health from a licensed veterinarian stating that the squirrels do not show symptoms of rabies.
7. Rabbits (cottontail, swamp and wild hares endemic to North America)
  - a. Single Animal—6 feet long by 3 feet wide by 3 feet high; gnawing logs; den or retreat.
  - b. Additional Animals—add 1 foot in length per animal.
8. Whitetail Deer or Other North American Deer
  - a. Except as specified herein, licenses will not be issued. Licenses will not be issued unless pens are completed and complete applications are received in the Wildlife Division Baton Rouge Office by 4:30 p.m. October 4, 2002. Pens must be inspected before a license will be issued. If at the time of inspection, pens do not meet the requirements of this rule, a license will not be issued and the application will not be reconsidered. Persons with valid licenses issued prior to this prohibition will be "grandfathered" and licenses may be renewed if all requirements are met. Licenses cannot be transferred beyond immediate family (father, mother, brother, sister, husband, wife, son and daughter). A license may be transferred to an immediate family member only if the pen remains in the original location. Qualified zoos, educational institutions and scientific organizations may be exempted on a case by case basis.
  - b. No license will be issued in metropolitan or urban areas. A rural environment is required to keep these animals. Qualified zoos, educational institutions and scientific organizations will be exempted on a case by case basis.
  - c. Single Animal—5,000 square feet paddock or corral (for example—50 feet wide x 100 feet long); increase corral size by 2,500 square feet for each additional animal; shelter required. Pen site must be well drained so as to prevent extended periods of standing water.
  - d. Materials—Chain link or other satisfactory woven wire, 12 gauge minimum, 8 feet high minimum. Welded wire is not acceptable.
  - e. Licensed game breeders are required to report all deaths of deer to a regional Wildlife Division Office within 48 hours of the time of death and preserve the carcass as instructed by the Wildlife Division, but are encouraged to report the death sooner if possible.
9. Elk\* (license will not be issued). Single Animal—5,000 square feet paddock or corral; increase corral size by 50 percent for each additional animal; barn, shaded or protected area attached to or adjoining corral fence, 9 gauge chain link or woven wire; 8 feet high. Welded wire is not acceptable.

a. Regulation of elk is under jurisdiction of the Louisiana Department of Agriculture and Forestry by Act 41 of the 1992 Legislative Session.

\*NOTE: Valid game breeder's license holders for these species legally possessed prior to October 1, 1988, will be "grandfathered" and renewed annually until existing captive animals expire, or are legally transferred out of state or to a suitable public facility. No additional animals may be acquired. This position by the department is necessary due to the ability of these animals to cause serious physical injury to the owner or other innocent bystanders and/or their potential to transmit disease to wildlife or livestock. Qualified educational institutions, municipal zoos or scientific organizations will be exempted to this provision on a case-by-case basis.

10. Other Game Quadrupeds and Birds. Other game quadrupeds and birds endemic to North America may not be kept without approval of the Wildlife Division. Pen specifications for animals not listed will be developed by the Wildlife Division as needed.

### C. General Requirements

#### 1. General Rules

a. Game quadrupeds and birds cannot be taken from the wild, nor can domesticated game quadrupeds or birds be released into the wild except as provided on licensed hunting preserves, and as provided by valid bird-dog training permit, field trial permit or federal falconry permit.

b. Game breeders can only keep those classes of animals for which they have been approved. If an applicant desires to keep additional classes of animals, the facilities for those animals must be approved prior to obtaining the new animals.

#### 2. Application Requirements

a. A game breeder's license must be issued before any game quadrupeds (deer, rabbits, squirrels, etc.) are obtained. In the case of game birds, waterfowl, or doves a buyer has 30 days after acquisition of the first bird to either apply for a license or slaughter all the birds. In either case, the buyer must possess a valid bill of sale containing the seller's permit number, date of sale, and number of birds sold. The buyer cannot resell live birds until a game breeder's license is obtained. If the application for a game breeder's license is denied, the applicant must dispose of any birds in possession as instructed by the department.

b. An applicant or licensee must comply with pen specifications. Applicants for waterfowl, doves, game birds, squirrels and rabbits must submit a form verifying their facilities meet or exceed the described pen specifications. Their facilities may require inspection at the biologist's discretion. All pens built for raising deer, birds of prey and potentially dangerous animals are required to be inspected prior to issuance of a license.

c. All applicants for a game breeder's license for deer and potentially dangerous animals must submit:

i. a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless for liability as a result of issuing a game breeder's license. Licenses will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries resulting from their animals or activities as a licensed game breeder of domesticated wildlife in Louisiana;

ii. a written plan of action for the recapture of an escaped animal must be submitted and approved by the department before the application is processed. The plan of action should include:

- (a). equipment;
- (b). personnel;
- (c). recovery techniques; and
- (d). method of mitigation payments for damages caused by the escaped animal.

d. This information is necessary because the Department of Wildlife and Fisheries will not provide these services.

### 3. Records and Inspections

a. All applicants and licensees are required to have a bill of sale for each animal acquired. Except for sales of game birds, waterfowl, or doves of 10 or fewer birds per buyer, per 24-hour period, license holders must keep records of all animals sold or transferred including names and addresses of persons to whom they were sold or transferred. An annual report detailing animals in possession and all transactions must be submitted annually with license renewal application.

b. License holders must allow inspections of premises by Department of Wildlife and Fisheries employees for purposes of enforcing these regulations. Inspections may be unannounced and may include but are not limited to, pens, stalls, holding facilities, records, and examination of animals as necessary to determine health and/or identification of species.

4. Hunting. Hunting or killing of confined deer or other big game animals held under a game breeder's license by individuals other than the licensee must conform to all hunting regulations including season and hunting license requirements for the area in which the animals are confined. A game breeder licensee may at any time, during daylight hours, kill a confined deer or other big game animal at the licensee's own facility.

5. Administrative Fees. An inspection fee of \$50 will be assessed when a pen is inspected as part of the application process as required for birds of prey, deer and potentially dangerous animals. A license renewal processing fee of \$5 will be assessed annually. These fees are in addition to the \$25 required for the game breeder's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:171.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:631 (September 1988), amended LR 18:1134 (October 1992), LR 21:1355 (December 1995), LR 29:196 (February 2003).

## §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 purchasing, selling and holding in captivity 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. 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.

*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 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.

*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 had no major 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 resident or nonresident lawful holder of an effective license duly issued under the authority of the department.

*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, or as prescribed in these regulations, and are:

1. \$10 for a resident nongame quadruped exhibitor's license;
2. \$25 for a resident nongame quadruped breeder license;
3. \$25 for a resident trappers' license;
4. \$25 for an annual special permit which 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 (\$25) (R.S. 56:262.1) and a valid trapping license;
5. upon payment of \$10 a nongame quadruped exhibitor's license may be issued permitting the applicant to breed and/or exhibit such animals provided he meets the rules and regulations of the department;
6. upon payment of \$25 a nongame quadruped breeder license may be issued permitting the applicant to breed, propagate, exhibit, and sell such animals alive.

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, 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. The owners of fox/coyote hunting preserves 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 (trapping coyotes during the closed trapping season) will be required to use only the "soft catch" type trap not to exceed a size number 1 1/2, or a box-type trap, or a snare with a relaxing lock.

12. Permittees 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.

14. Permittees will be required to check traps daily.

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

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

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

18. Trappers and permittees who hold game 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.

19. Fox/coyote hunting preserves shall be exempt from the commission action which prohibits the running of coyotes during the open turkey season.

20. The Department of Wildlife and Fisheries 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.

21. The owners of fox/coyote hunting preserves 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.

#### 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 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 purchases, and number of sales by species and the person who bought the game.

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 shall be a Class 3 violation (see §113.C.1, 2, and D.2).

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

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).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:123(C) and R.S. 56:262.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:205 (February 1991).

#### §115 Possession of Potentially Dangerous Wild Quadrupeds, Big Exotic Cats, and Non-Human Primates

A. This commission finds that possession of certain potentially dangerous quadrupeds, big exotic cats, and non-human primates poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impacts on conservation and recovery of some threatened and endangered species.

1. The size and strength of such animals in concert with their natural and unpredictable and/or predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly.

2. Responsible possession of these potentially dangerous wild quadrupeds, big exotic cats, and non-human primates necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society.

3. Certain of these animals are listed as endangered species and others are so similar in appearance to endangered subspecies as to make practical distinction difficult. This similarity of

appearance may provide a means to market illegally obtained endangered animals and can limit the effective enforcement of endangered species laws.

B. This commission regulation prohibits importation and private possession, and otherwise regulates certain wild quadrupeds, big exotic cats, and non-human primates as provided herein.

C.1. Except as provided herein, it shall be unlawful to import into, possess, purchase or sell within the state of Louisiana, by any means whatsoever including but not limited to transactions conducted via the internet, any of the following species or its subspecies of live wild quadrupeds, big exotic cats, or non-human primates, domesticated or otherwise (hereinafter "listed animals"):

- a. black bear (*Ursus americanus*);
- b. grizzly bear (*Ursus arctos*);
- c. polar bear (*Ursus maritimus*);
- d. red wolf (*Canis rufus*);
- e. gray wolf (*Canis lupus*);
- f. wolf dog hybrid (*Canis lupus* or *Canis rufus* x *Canis familiaris*);
- g. all non-human primates;
- h. the following big exotic cats:
  - i. tigers;
  - ii. lions;
  - iii. leopards (including, but not limited to snow leopard and clouded leopard);
  - iv. jaguars;
  - v. cheetahs;
  - vi. cougars or mountain lions (*Felis concolor*);
  - vii. all subspecies of the above listed exotic cats;
  - viii. hybrids resulting from cross breeding of the above listed exotic cats.

2. Holders of a Potentially Dangerous Wild Quadruped Permit allowing possession of any listed animal, where the permit is valid on the effective date of this regulation, will be "grandfathered" and the permit will be renewed annually until existing permitted captive animals expire, or are legally transferred out of state, or are transferred to a suitable facility. No additional listed animals may be acquired by any means whatsoever, including breeding.

D.1. Wolf-Dog Hybrids. The prohibition against wolf-dog hybrids expired January 1, 1997. Persons are cautioned that local ordinances or other state regulations may prohibit possession of these animals. Any animal which appears indistinguishable from a wolf, or is in any way represented to be a wolf shall be considered to be a wolf in the absence of bona fide documentation to the contrary.

E. Exempted Entities. The following organizations and entities shall be exempt from this regulation, including permitting:

1. zoos accredited or certified by the American Zoo and Aquarium Association (AZA) and the Zoo of Acadiana so long as it meets the American Zoo and Aquarium Association standards for enclosures;

2. research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, §2132(e), including but not limited to the University of Louisiana at Lafayette Primate Center, the Tulane National Primate Research Center, and Chimp Haven, Inc., located in Shreveport, LA; and

3. any person transporting any listed animal through the state if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent escape and contact with the public. Exhibiting the listed animal, in any manner, is prohibited;

4. circuses, limited to those temporarily in this state, offering varied performances by live animals, clowns, and acrobats for public entertainment, and which are incorporated Class C licensees under Chapter I of Title 9 of the Code of Federal Regulations. Notwithstanding the above, circuses do not include entertainment that includes any listed animal in any type of wrestling, photography opportunity with a patron, or an activity in which any listed animal and a patron are in close contact with each other;

5. Louisiana colleges or universities, for possession of a big exotic cat of the species traditionally kept by that college or university as a school mascot, after proper documentation to the department that the college or university has consistently over the years possessed a big exotic cat as its mascot.

F. Permitted Entities. The following organizations and entities may be exempted from this regulation after applying for and receiving a permit from the department to possess any listed animal under the following conditions:

1. other zoos and educational institutions not covered under Paragraphs E.1-2 above. The secretary shall determine whether to issue a permit and any conditions for the permit on a case by case basis;

2. animal sanctuaries accredited or certified by the American Zoo and Aquarium Association (AZA). Permitted sanctuaries are prohibited from exhibiting, breeding, or selling any listed animal. Listed animals must be surgically sterilized or separately housed to prevent breeding. Listed animals must be housed in such a manner as to prevent public contact and in compliance with the enclosure rules provided herein in Subsection I. Permitted animal sanctuaries are prohibited from transporting these animals to any public building or place where they may come into contact with the public including, but not limited to schools, hospitals, malls, private residences, or other commercial or retail establishments.

#### G. Non-Human Primates

1. As provided below, the following individuals may be exempted from this regulation after applying for and receiving a permit from the department to possess a non-human primate. The permit will be for one year and must be renewed annually under the following conditions:

a. a physically challenged individual who has exclusive possession of no more than one monkey that is working to aid and assist said individual with his/her disability and where the monkey has been obtained through and trained by a licensed and accredited non-profit organization dedicated to improving the quality of lives for physically challenged;

b. an individual who legally possesses one or more non-human primates immediately prior to the effective date of this regulation and who can prove legal ownership is authorized to keep those non-human primates but is prohibited from acquiring any additional non-human primates by any means whatsoever, including breeding;

c. the individuals listed in this Subsection must annually apply for and receive a permit from the department. The permit application shall include:

- i. the name, address, telephone number, and date of birth of applicant;
- ii. a description of each non-human primate applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks;
- iii. a photograph of each non-human primate and its permanent enclosure;
- iv. the physical location where the non-human primate is to be kept;
- v. proof of legal ownership. (Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the department demonstrating ownership);
- vi. the microchip or tattoo number of each non-human primate;
- vii. a health certificate signed by a licensed veterinarian within one year prior to the date of the application stating that the animal is free of all symptoms of contagious and/or infectious diseases at the time of the examination and that all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

2. Permit holders must house their non-human primates in such a manner as to prevent public contact and are prohibited from transporting their non-human primate to any public building or place where the public may come into contact with the non-human primate, including, but not limited to schools, hospitals or malls.

3. Permit holders must have their non-human primates examined annually by a licensed veterinarian to insure that the animal is free of all symptoms of contagious and/or infectious diseases at the time of examination and all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

4. Permit holders are required to report any escapes to the department within 24 hours of discovery of the escape.

5. Permit holders are required to submit any changes to the permit information provided in the permit application within 30 days of the date those changes take effect or the permit will be considered invalid.

H. Big Exotic Cats. An individual who legally possesses one or more exotic cats listed in Subparagraph C.1.h. above on August 15, 2006 (the effective date of Act 715 of the Regular Session of 2006) and who can prove legal ownership is authorized to keep those exotic cats under the following conditions.

1. Only those exotic cats legally possessed on August 15, 2006 will be permitted. Additional exotic cats cannot be acquired by any means whatsoever, including breeding.

2. The individuals listed in this Subsection must annually apply for and receive a permit from the department. The permit application shall be on a form provided by the department and require:

- a. the name, address, telephone number, driver's license number, and date of birth of applicant;
  - b. a description of each exotic cat applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks;
  - c. one or more photographs of each exotic cat and its permanent enclosure;
  - d. the physical location where each exotic cat is to be kept;
  - e. proof of legal ownership of the exotic cat on August 15, 2006. Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the department, demonstrating ownership;
  - f. the microchip number of each exotic cat;
  - g. a health certificate signed by a licensed veterinarian within one year prior to the date of the application. The certificate shall include the name, address, and license number of the examining veterinarian;
  - h. a written plan for the quick and safe recapture or destruction of an escaped exotic cat listed in the permit. This plan must also be filed with the local sheriff's department, and police department if applicable;
  - i. statement that permittee has legal authority to possess weapons and/or other equipment necessary to carry out the plan provided in Subparagraph H.2.h;
  - j. signed agreement, on a form provided by the department, indemnifying and holding harmless the state, department, and other applicable public agencies and employees, including agents, contractors, and the general public from any claims for damages resulting from the permitted exotic cat(s);
  - k. signed agreement that the permittee will be responsible for any and all costs associated with the escape, capture, and disposition of a permitted exotic cat;
  - l. proof of liability insurance from an A-rated or higher insurance company in the amount of \$100,000 for each exotic cat, up to a maximum of \$1,000,000, valid and effective continuously for the entire permit term. The policy shall specifically include a provision requiring notice from the carrier to the secretary of the department a minimum of 30 days prior to cancellation of the policy.
3. Permitted exotic cats must be prevented from breeding by separate housing or sterilization. Sterilization records must be kept on the premises and available for inspection by the department.
  4. Permittee or designee must live on the premises. Designee must have the ability to carry out all requirements of the permittee.
  5. Department personnel shall be allowed access to inspect the permitted exotic cat(s), facilities, equipment, and records for the purpose of ensuring compliance with these regulations.
  6. A weapon capable of destroying the animal(s), and a long range delivery method for chemical immobilization shall be kept on the premises at all times. Additionally, the applicant shall provide a signed statement from a licensed veterinarian identifying a designated veterinarian who will be on-call and available at all times to deliver chemical immobilization in the event of an escape.

7. Clearly legible signs, approved by the department, shall be posted and displayed at each possible entrance onto the premises where the permitted exotic cat is located. The signs shall clearly state "Danger, Wild Animal On Premises" with letters of a size and font easily readable from 30 feet away.

8. Each permitted exotic cat must be implanted with a microchip by or under the supervision of a licensed veterinarian.

9. Each permitted exotic cat must remain in its enclosure on the property listed in the permit at all times and cannot be removed from the enclosure for any reason. However, the exotic cat may be removed for proper medical care for medical emergencies or medical procedures, but only under the direction of a licensed veterinarian.

10. Permittee must notify the department, the local sheriff's department, and police department if applicable, immediately upon discovery that the permitted exotic cat is no longer in its enclosure.

11. Permittee must notify the department prior to any disposition of a permitted exotic cat, including transportation out-of-state. The department reserves the right to supervise and accompany any such disposition.

12. Permitted exotic cats must be kept in a sanitary and safe condition and may not be kept in a manner that results in the maltreatment or neglect of the exotic cat. This includes, but is not limited to:

a. drinking water must be provided in clean containers, pools must be cleaned as needed to ensure good water quality, enclosures must have adequate surface water drainage, and hard floor surfaces must be regularly scrubbed and disinfected;

b. food must be unspoiled and not contaminated, and be of a type and quantity sufficient to meet the nutritional requirements of the permitted exotic cat;

c. fecal and food waste must be removed from enclosures daily and disposed of in a manner that prevents noxious odors and insect and other pests;

d. sufficient shaded areas must be available for each exotic cat that is maintained in an enclosure, regardless of group rank or status.

13. In addition to complying with this regulation, permittee must comply with any and all applicable federal, other state, or local law, rule, regulation, ordinance, permit, or other permission. Failure to comply with any such law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this regulation.

I. Enclosure Requirements—minimum pen/enclosure requirements are as follows.

1. Bears:

a. single animal: 25 feet long x 12 feet wide x 10 feet high, covered roof;

b. pair: 30 feet long x 15 feet wide x 10 feet high, covered roof;

c. materials: chain link 9 gauge minimum;

d. safety perimeter rail;

e. pool: 6 feet x 4 feet x 18 inches deep with facilities for spraying or wetting bear(s).

2. Wolf:

- a. 15 feet long x 8 feet wide x 6 feet high per animal, covered roof;
- b. secluded den area: 4 feet x 4 feet for each animal;
- c. materials: chain link wire or equivalent;
- d. safety perimeter rail.

3. Cougar, Mountain Lion:

- a. single animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;
- b. pair: 15 feet long x 8 feet wide x 8 feet high, covered roof;
- c. materials: chain link 9 gauge minimum;
- d. safety perimeter rail;
- e. claw log;
- f. shelf: 24 inch wide x 8 feet long, 40 inches off floor.

4. Big Exotic Cats:

- a. enclosures shall be constructed and covered at the top with nine gauge steel chain link or equivalent, with tension bars and metal clamps;
- b. enclosures must be well braced and securely fastened to the floor or ground and shall utilize metal clamps or braces of equivalent strength as that proscribed for cage construction;
- c. enclosures shall be secured by at least two sets of doors, so that the first door must be closed before the second door is opened. The inside door to the animal enclosure must open in. These doors must remain locked at all times when unattended. The doors must be designed so that the frame, hasps and locks are of sufficient strength to restrain the exotic cat;
- d. a perimeter fence of at least 8 feet in height (secondary barrier) and located a minimum of 5 feet from the enclosure sufficient to prevent unauthorized entry or direct physical contact with the exotic cat;
- e. the mesh size and/or distance between bars for all enclosures and fences shall be sufficiently small to prevent escape and/or direct physical contact with the exotic cat;
- f. enclosures shall include a den area or other connected housing unit in which the exotic cat may be secured for the safe servicing and cleaning of the remaining enclosure. This area shall be constructed with steel, reinforced cinder block, or concrete sufficient to withstand damage from high winds, hard rains, hail, and other natural phenomenon.

J. Penalty 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, any license/permit may be revoked and the quadrupeds or other animals seized in connection with the violation will be forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(31), R.S. 56:115, R.S. 56:171, and R.S. 56:1904F.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:1356 (December 1995), amended LR 32:647 (April 2006), LR 33:1153 (June 2007), amended by House Concurrent Resolution 6 of the 2012 Regular Legislative Session, LR 38:1459 (June 2012).

## §123 Coastwide Nutria Control Program

A. The Department of Wildlife and Fisheries does hereby establish regulations governing participation in the Coastwide Nutria Control Program. The administrative responsibility for this program shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. The Coastwide Nutria Control Program objective is to provide economic incentive, through an incentive payment to participants, to encourage the harvest of up to 400,000 nutria annually from coastal Louisiana. The incentive payment shall be the amount set by the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Task Force. For the purpose of this program, coastal Louisiana is bounded on the north by Interstate 10 from the Louisiana-Texas line to Baton Rouge, Interstate 12 from Baton Rouge to Slidell, and Interstate 10 to the Louisiana-Mississippi line.

### 2. Participant Application Process

- a. Participants must acquire a valid Louisiana trapping license.
- b. Participants must submit a completed nutria control program participant application to the department or its contractor.
- c. To be considered complete, the application must contain the following information:
  - i. name;
  - ii. address;
  - iii. telephone number;
  - iv. Social Security number, and trapping license number of applicant;
  - v. tax receipt and a description of property to be trapped/hunted (acres, parish, township, range, section);
  - vi. name, address, and telephone number of landowner (private or public);
  - vii. signature of participant; and
  - viii. signature of landowner or designated representative indicating permission to hunt or trap nutria on the described property.
- d. For applications determined to be complete and valid, the participant will be notified by mail that his/her registration is finalized and a nutria control program registration number will be issued.
- e. The participant must indicate if an assistant will be delivering tails on his behalf to a collection center and the participant must provide the name of the assistant(s) on the application.
- f. Applications submitted to the department or its contractor by October 1 shall be processed by the opening of trapping season. Applications submitted to the department or its contractor after October 1 shall be processed in the order received.
- g. Applications listing only waterbodies, without signature of an adjacent landowner or designated representative, shall be considered incomplete.
- h. Applications determined to be incomplete or invalid will be returned to the applicant with an explanation as to why registration could not be finalized.

### 3. Harvest of Nutria

- a. Participants must possess a valid trapping license and a nutria control program registration number.

- b. Only nutria harvested during the open trapping season, from coastal Louisiana and taken from property permitted can be included in this program.
- c. Nutria may be taken by any legal method except that if taken with a shotgun, steel shot must be used.
- d. Participants are required to remove carcasses from the trapping/hunting area or if carcasses are not sold whole, they must be placed in such a manner as to prohibit feeding on the carcasses by birds, including southern bald eagles. Carcasses may be buried, placed in heavy overhead vegetation or concealed by any other means necessary to prevent consumption by birds.

#### 4. Collection of Nutria Tails for Payment

- a. Collection stations will be established across coastal Louisiana by the department or its contractor.
- b. Evidence of nutria harvested shall be in the form of delivering severed nutria tails to a collection station during a designated period. Collections will begin on or about November 20. Specific dates and times of collections will be established and advertised for each station.
- c. Participant or a designated assistant must present the nutria control registration number and proper identification to the department contractor.
- d. Participant or designated assistant shall present to the department contractor only fresh or well-preserved (iced, frozen, salted) nutria tails in a manner that allows counting of individual tails (e.g., tails cannot be frozen together in a block). Only whole tails, greater than 7 inches in length will be accepted.
- e. Participant shall declare parish, section, township, and range in coastal Louisiana where animals were taken and indicate method of take and carcass use. Tails from animals taken from outside of the participants permitted property shall not qualify for payment in this program.
- f. Participant shall sign the receipt/voucher provided by the department contractor to acknowledge number of tails presented and accuracy of information provided.

5. Violation of any part of these regulations is a Class 2 violation and conviction may result in disqualification from the program.

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 28:2205 (October 2002), amended LR 33:297 (February 2007).

#### §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 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. skunks; and
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. A valid trapping license is required to sell or pelt nuisance furbearers during the open trapping season.

H. No species taken under the provisions of this rule shall be kept in possession for a period of time exceeding 12 hours.

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), LR 35:703 (April 2009).

#### §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 1st 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 1st 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 or lessee'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 1st and terminating on June 30th 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 a night hunting related offense 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 1st 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 any night hunting related offense 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 30th 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.

### §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 NWCOs 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 NWCOs 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 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.

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).

4. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department. NWCOs must maintain copies of all Nuisance Wildlife Complaint Forms 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. 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 NWCOs working with bats complete the Bat Conservation International (BCI) professional excluders' course available on-line.

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. 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 order for the permittee to sell live coyotes he must also possess a nongame quadruped breeders license (R.S. 56:262.1) and a valid trapping 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 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 snares, nets and capture by hand are authorized.

- i. All traps and other capture devices shall be set in a manner that:
- ii. will minimize the risk to non-target animals;
- iii. will minimize the risk to the public and to pets; and
- 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 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 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. NWCOs 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.

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).

#### §129 Fur Trapping Season

A. Season Dates. The statewide open trapping season for nongame quadrupeds shall open on November 20 and close on March 31. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

#### B. Bobcat and Otter Tagging Requirements

1. To obtain federal approval to export bobcat and river otter out of the United States, the Department of Wildlife and Fisheries is required to ensure that only Louisiana trapped river otter

and bobcat are tagged with Louisiana export tags. To accomplish this, a special possession tag will be made available to fur buyers, fur dealers and trappers.

2. A blue tag for river otter and a red tag for bobcat must be filled out by the trapper at the time the pelt is sold. The information required includes trapper name, trapper license number, parish caught in and date trapped. No bobcat or river otter pelts shall be purchased from a trapper or be in the possession of a fur buyer without a possession tag until they are submitted to the department in exchange for export tags. Dealers shall not purchase bobcat or river otter pelts without an accompanying possession tag.

3. No bobcat or river otter pelt shall be shipped from the state without an export tag attached. Dealers will obtain export tags for bobcat and river otter by providing the department with one completed possession tag for each pelt to be shipped from the state. It shall be illegal to falsify possession tags or attach Louisiana export tags to out-of-state bobcat and river otter pelts. Once possession tags have been received and counted by department personnel, export tags will be mailed immediately. Trappers shipping bobcat and river otter out-of-state must provide completed possession tags to the department in order to receive export tags.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and R.S. 56:259(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:1882 (September 2007), amended LR 34:1639 (August 2008).

#### §130 Feral Hog Trapping

A. Feral hogs may be trapped in cage or corral traps year-round by holders of a valid basic hunting license. Feral hogs may captured by use of snares year-round by holders of a valid trapping license.

B. Cage or corral traps must have an opening in the top of the trap that is no smaller than 22 inches x 22 inches or 25 inches in diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:1997 (August 2012).

#### §131 Wildlife Rehabilitation Program

##### A. Purpose

1. The purpose of this Section is to establish rules for the permitting and operation of wildlife rehabilitators.

##### B. Definitions

*Rabies Vector Species (RVS)*—mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following:

- a. raccoons;

- b. foxes;
- c. coyotes;
- d. skunks; and
- e. bats.

*Subpermittee*—person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

*Supervisory Responsibility*—to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

*Wildlife Rehabilitation*—activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

*Wildlife Rehabilitator*—a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

### C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any sick, injured or orphaned wildlife (except fish) or otherwise engage in wildlife rehabilitation without first obtaining at no charge, a LDWF Wildlife Rehabilitation Permit (WRP). In addition to the WRP, a United States Fish and Wildlife Service (USFWS) rehabilitation permit must be in possession to rehabilitate species covered by the Migratory Bird Treaty Act or Endangered Species Act.

2. A WRP authorizes the permittee to transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian or another wildlife rehabilitator for treatment or euthanasia; release; or euthanize an injured, diseased, disabled, orphaned or otherwise debilitated live wildlife specified on their permit. Animals held under a WRP shall not be displayed for educational purposes or otherwise displayed or exposed to the public unless that individual animal has been permitted by LDWF or USFWS for that purpose.

### D. Exemptions

1. Employees of the LDWF are exempt from all state wildlife rehabilitation permit requirements while they are on duty.

2. Licensed veterinarians are exempted, provided they are treating an animal under the authorization of a wildlife rehabilitator or LDWF employee, or are treating an animal taken in from the public, provided the animal is released into an appropriate habitat or accepted by a wildlife rehabilitator within 72 hours after receiving.

### E. Permit Requirements

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

2. Anyone who has been convicted of a Class II or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, or has been convicted of a felony in Louisiana or another state, shall not be eligible for a WRP.

3. All applicants must complete a WRP application, liability release, and financial responsibility statement.

4. Prior to licensure or renewal, all applicants must show proof of completion of a LDWF-approved wildlife rehabilitation course and must be currently certified under the approved organization's guidelines. Failure to provide proof of successful completion of the course and subsequent continuing education requirements will result in non-licensure or revocation of the WRP.

5. All applicants must provide verification of having access to veterinary services by submitting a Statement of Veterinary Support Form provided by LDWF.

6. All facilities where animals will be housed or maintained will be inspected by LDWF prior to receiving a WRP.

#### F. General Rules

1. The WRP will not exempt the holder from regulations of other state, federal, parish or municipal governments or agencies.

2. Sale of any animal held under a WRP is prohibited.

3. No animal held under a WRP may be used for human consumption, unless specifically approved.

4. No Louisiana S1-ranked species may be held under a WRP, without written authorization from the LDWF Wildlife Division.

5. No animal intended for wildlife rehabilitation may be imported into or exported out of the state of Louisiana without written authorization by LDWF Wildlife Division.

6. The WRP does not authorize the possession of white-tail deer, bears, wild turkeys or alligators unless specifically stated on the permit.

#### 7. Request for an Extension

a. WRP holders shall not possess a non-migratory bird for more than 90 days, other injured wildlife longer than 45 days, or other orphaned wildlife no longer than required to prepare the animal for release, but not to exceed 120 days, except that a permit holder may submit a written request for extension of possession if:

i. the specified animal will likely be releasable after the time frame listed above but is currently non-releasable because of biological reasons; or

ii. a licensed veterinarian determines, due to medical reasons, the animal requires additional rehabilitation time.

b. All extension requests should include a proposed release date and be submitted in writing to LDWF Wildlife Division. The permit holder may continue to house the specified animal while LDWF is reviewing the request. LDWF will provide a written response and include specific dates and instructions regarding disposition of the animal.

8. WRP holders must ensure that animals are exposed to minimal handling and other human contact, except as necessary to maintain sanitary conditions, provide food and water, provide medical care, and prepare the animal for release.

9. Animals that are determined medically non-releasable by a licensed veterinarian, exhibit signs of adjusted life in captivity and pose minimum zoonotic disease potential may be considered for educational animal designation. A LDWF Special Purpose and Possession permit application

must be submitted to LDWF Wildlife Division by the end of the 90 day rehabilitation period to be considered for educational animal status.

10. All WRPs shall expire on December 31 of the year of issue unless otherwise noted.

11. Permits are non-transferable but may include up to five listed subpermittees. Subpermittees are authorized to transport, house, and provide care for animals away from the wildlife rehabilitation facility. A person caring for animals at the wildlife rehabilitation facility is not required to be a subpermittee. WRP holders desiring to add subpermittees, must submit a subpermittee application form. Subpermittee forms will only be accepted by the LDWF at the original time of permitting, renewal and during June 1-30 each year. Individuals may be removed as subpermittees at any time of the year. A subpermittee removal form must be submitted. All subpermittees:

- a. must be 18 years of age or older;
- b. are exempt from the testing requirement but are subject to all other rules governing WRP holders including animal housing and care requirements;
- c. must work under the direction and supervision of the WRP holder;
- d. may be removed at any time by the supervising WRP holder or LDWF and in such cases must surrender any animals to the WRP holder or LDWF;
- e. must have a valid subpermittee permit on the premises where animals are housed if animals are housed away from the supervising WRP holder's facility; and
- f. must not transport or possess RVS species away from the supervising WRP holder's facility.

12. WRP holders are subject to non-renewal or revocation of their WRP if LDWF determines that any of their listed subpermittees are not properly supervised or fail to abide by applicable WRP rules.

13. LDWF provides no financial or material assistance to wildlife rehabilitators.

14. Euthanasia of any animal held under a WRP is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

15. Animals held under a WRP shall not be released on private land without written permission of the landowner or landowner designee. Licensed rehabilitators shall keep on file for perpetuity, an original document signed by the landowner, permitting the licensed rehabilitator to release animals upon their property. This document should include the name, address and phone number of the landowner, the physical location of the property, the size of the property (in acres), and the duration of the permission to release rehabilitated animals there. This document shall be presented upon request for review by LDWF personnel. A copy of all landowner permission documents shall be submitted to LDWF with the annual WRP report.

16. Animals held under a WRP shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the property.

17. All permitted animals and facilities in which they are housed shall be maintained within the minimum standards as provided by the National Wildlife Rehabilitators Association (Nwra) and

International Wildlife Rehabilitation Council (IWRC) publication of Minimum Standards for Wildlife Rehabilitation.

18. It is strongly recommended that any wildlife rehabilitator working with rabies vector species receive pre-exposure rabies immunization.

#### G. Reporting and Renewal Requirements

1. All animals held under a WRP must be fully documented on Wildlife Rehabilitation Report Form provided by LDWF.

2. A permanent record of each animal admitted by a permitted rehabilitator must be maintained. This record should include the name, address, phone number and email address of the person finding the animal, species, age, sex, date of admission, treatment performed, method of euthanasia if performed or date and location of release. These records must be maintained in perpetuity and must be available for inspection by LDWF personnel.

3. Wildlife Rehabilitation Report Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and the WRP 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. Any wildlife rehabilitator who does not submit his/her report by the thirtieth day after the expiration date of the WRP, or who submits a false or materially incomplete report intentionally may 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 wildlife rehabilitator may be considered for reapplication upon receipt of the late wildlife rehabilitation form(s).

4. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department.

5. Upon expiration of a WRP and if the WRP has not been renewed, all animals held under the permit must be disposed of by transferring to a currently licensed WRP, released into the wild, or euthanized.

#### H. Penalties

1. Violations of this Rule constitute a Class 2 offense.

2. Violation of these Rules may result in citation and/or revocation of the WRP.

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. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 36:852 (April 2010), amended LR 37:602 (February 2011).