

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Domesticated Aquatic Organisms (LAC 76:VII.Chapter 9)

Under the authority of R.S. 56:411, et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the Wildlife and Fisheries Commission hereby advertises its intent to add and update permit fees as mandated in Act 356 of the 2021 Legislative Session. Additional definitions were added to this rule which further define the permits as updated in law. The associated fees serve to offset departmental costs for required inspection and oversight.

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

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 9. Aquaculture

§900. Domesticated Aquatic Organisms (DAO)

A. Definitions

Culture — all activities associated with the rearing, nurturing, or growing of approved DAO species and life stages.

Species Specific Culture permits — permits that are required for any species which have restricted methods of culture.

B. – D.20. ...

E. The Domesticated Aquatic Organism License shall cost \$20 for residents and \$500 for nonresidents. All holders of species specific culture permits must have a valid domesticated aquatic organism license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(2) and R.S. 56:411.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1335 (September 2021), amended LR 47: .

§901. Triploid Grass Carp (TGC)

A.-B.3.e. ...

C. TGC Sales Permit

1. Request Procedure for a TGC Sales Permit

a. Individuals wishing to sell live TGC in the state must first obtain a TGC Sales Permit through an application furnished by the department.

b. The TGC Sales Permit shall be valid for one year beginning January 1 and ending December 31 of that same calendar year. The permit may be purchased at

any time during the year for the current permit year and beginning November 15 for the immediately following permit year. The cost of a TGC Sales Permit is \$100.

C.1.c.–D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318, R.S. 56:319 and R.S. 56:319.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 17:806 (August 1991), amended LR 19:511 (April 1993), LR 24:962 (May 1998), LR 37:3534 (December 2011), repromulgated LR 38:433 (February 2012), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1337 (September 2021), LR 47: .

§903. Tilapia

A.–F.4. ...

G. General Rules for Tilapia

1. The cost of a tilapia culture permit shall be \$100 and live holding permit shall be \$50 and may include the actual cost of the on-site inspection. Universities conducting research approved by the department shall be exempt from the fee charge.

G.2.–G.15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318, R.S. 56:319 and R.S. 319.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 17:804 (August 1991), amended LR 20:1022 (September 1994), LR 21:594 (June 1995), LR 25:1987 (October 1999), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1338 (September 2021), LR 47: .

§911. Shovelnose Sturgeon

A.- F.3. ...

G. General Rules for Shovelnose Sturgeon

1. The cost of a Shovelnose Sturgeon permit shall be \$100 and may include the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee charge.

G.2.–H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 44:1455 (August 2018), amended LR 47:1341 (September 2021), LR 47: .

§913. Rainbow trout

A.–C.4.a. ...

5. The cost of a Rainbow Trout Permit shall be \$100 and may include the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee charge. Permits expire on December 31 of every year. Any permit issued after November 15, will be valid for the remainder of that calendar year and the following calendar year.

C.6.–C.14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1344 (September 2021), amended LR 47: .

§915. Aquarium Livestock

A.–C.8.a. ...

9. The cost of an Aquarium Livestock permit shall be \$100 and may include the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee charge. Permits expire on December 31 every year. Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

C.10.–C.19. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1345 (September 2021), amended LR 47: .

§919. Freshwater Prawns

A.–C.8.a. ...

9. The cost of a Freshwater Prawn Permit shall be \$100 and may include the actual cost of the on-site inspection. Universities and other facilities conducting research approved by the department shall be exempt from the fee charge. Permits expire on December 31 every year. Any permit issued after November 15 will be valid for the remainder of that calendar year and the following calendar year.

C.10.–C.18. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:318 and R.S. 56:319.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 47:1346 (September 2021), amended LR 47: .

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

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

Provider Impact Statement

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

Public Comments

Interested persons may submit written comments relative to the proposed rule to Mr. Robert Bourgeois, Fisheries Biologist, Office of Fisheries, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to 4:30 p.m., Thursday, December 2, 2021.

Jerri G. Smitko

Chair

SUMMARY

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change adjusts the schedule of fees for several permits for the sale or possession of domestic aquatic organisms to make the published rule consistent with Louisiana Revised Statutes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have a minor effect on revenue collections of the Louisiana Department of Wildlife and Fisheries (LDWF) from license fees, ranging from \$800 to \$1,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change is anticipated to result in a minor aggregate expenditure increase statewide on persons or businesses holding the associated permits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on receipts or income in Louisiana.