

## **NOTICE OF INTENT**

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

#### **Rules and Regulations for Chronic Wasting Disease Control Areas (LAC 76:V.137)**

The Wildlife and Fisheries Commission does hereby give notice of its intent to establish Rules and Regulations for Cervid Carcass Exportation and Baiting Regulations within Louisiana Department of Wildlife and Fisheries (LDWF) designated Chronic Wasting Disease (CWD) Control Areas. On February 2, 2022, the Louisiana Animal Disease Diagnostic Laboratory at LSU detected CWD in a sample submitted by LDWF from a hunter harvested adult buck in Tensas Parish. The sample was subsequently confirmed by the National Veterinary Services Laboratory in Ames, Iowa. Upon detection, LDWF has implemented its CWD Response Plan to curb the spread of CWD in Louisiana. The action is intended to reduce further spread of the disease through anthropogenic pathways.

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

#### **Title 76**

#### **WILDLIFE AND FISHERIES**

## Part V. Wild Quadrupeds and Wild Birds

### Chapter 1. Wild Quadrupeds

#### §137. Rules and Regulations for Chronic Wasting Disease Control Areas

##### A. Definitions

*Cervid*-any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou “reindeer”, fallow deer, axis deer, sika deer, and red deer.

*Chronic Wasting Disease (CWD)*-Neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no treatment. CWD is part of a group of diseases known as transmissible spongiform encephalopathies (TSEs) and is similar to BSE (mad cow disease) in cattle and scrapie in sheep. These diseases cause irreversible damage to brain tissue, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

*Control Area*-LDWF designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The Control Area shall be listed on the LDWF website.

*LDWF*-The Louisiana Department of Wildlife and Fisheries.

B. Baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD Control Area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt, grain, or other feed has been placed, exposed, deposited, distributed or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. The use of approved bait not normally ingested by deer for feral hog trapping will still be allowed.

C. The export of any cervid carcass or part of a cervid carcass originating within a LDWF designated CWD Control Area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

D. Approved parts transported out of the CWD Control Area must be legally possessed. Approved parts must contain a possession tag with the hunter's name, address, LDWF license number, parish of harvest, date of harvest, and sex of deer. All cervid parts transported out of the Control Area that are in violation of the provisions of this ban shall be seized and disposed of in accordance with the Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules and regulations.

E. Prior to the 2022-23 deer hunting season, LDWF is directed to determine whether there is sufficient capacity to perform taxidermy services for cervids taken within the Control Area and report those findings to the Wildlife and Fisheries Commission. If it is determined that there is insufficient capacity to provide adequate taxidermy services for cervids harvested within the Control Area, LDWF shall establish a permitting system to be in effect no later than the opening of the 2022-23 deer hunting season to allow for uncleaned cervid heads to be transported out of the Control Area solely for taxidermy purposes.

**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), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

### **Family Impact Statement**

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

### **Poverty Impact Statement**

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

### **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. The proposed prohibition on the export of cervid carcasses and certain parts of cervid carcasses from the Control Area may reduce revenues for small businesses, particularly taxidermists, outside those parishes but increase potential earnings for businesses within the area. It may also negatively affect small retailers that sell bait and supplements.

### **Provider Impact Statement**

This proposed 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 until Wednesday, July 6, 2022 to Johnathan Bordelon, Wildlife Division, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to [jbordelon@wlf.la.gov](mailto:jbordelon@wlf.la.gov).

### **Public Hearings**

Public hearings will be held Friday, May 27, 2022 at the LSU AgCenter Macon Ridge Research Station, Winnsboro, LA and Saturday, May 28, 2022 at the LSU AgCenter Northeast

Louisiana Research Station, St. Joseph, LA. These public hearings are held for informational purposes. For more information, contact Johnathan Bordelon, LDWF Deer Program Manager (318) 487-5334 or [jbordelon@wlf.la.gov](mailto:jbordelon@wlf.la.gov).

Joe McPherson

Chairman

## SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

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

The various proposed rule changes have no anticipated impact on state or local governmental units.

The proposed rule changes do the following:

(1) prohibit the exportation of any cervid (“deer”) carcasses or certain parts of deer carcasses or other cervids harvested in Franklin, Madison, or Tensas parishes (“the Control Area”), except for meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned deer teeth.

(2) Requires all approved parts and deboned meat of deer harvested in Franklin, Madison, or Tensas parishes to contain a possession tag with the hunter’s name, license number, address, species, data, and location,

(3) Prohibits the use of feed or bait to attract deer in Franklin, Madison, or Tensas parish, and

(4) Requires the Louisiana Department of Wildlife and Fisheries (LDWF) to determine whether there is sufficient capacity to perform taxidermy services for cervids taken in the Control Area prior to the 2022-2023 deer hunting season. If taxidermy services within the Control Area are determined to be insufficient, the LDWF shall establish a permitting system to allow for the transportation of uncleaned cervid heads out of the Control Area

for taxidermy purposes. If a permit system is required, the department anticipates it will be able to implement with existing staff and resources.

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

The proposed rule change is expected to have no effect on revenue collections of the Louisiana Department of Wildlife and Fisheries or other state or local governmental units.

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

The proposed rule change is intended to impede the spread of chronic wasting disease (CWD) from portions of Louisiana where it was recently detected into other parts of the state. The proposed rule change will benefit hunters and businesses that provide hunting-related goods and services to the extent that the prohibition minimizes the transmission of the disease into Louisiana.

If the LDWF study determines that taxidermy services within the Control Area are able to meet the needs of hunters who harvest deer within the three-parish area, the proposed rule change may increase revenues for taxidermists in Franklin, Madison, and Tensas parishes but reduce earnings opportunities for taxidermists in other areas of Louisiana. Spending for taxidermy services affected by the proposed ban on the export of carcasses may range from \$139,500 to \$209,500. Much of this spending may not be displaced but simply transferred from businesses outside the area to businesses within the three parishes. If the LDWF determines that a permit system is necessary, permits will be made available to the public at no cost.

The decrease in revenues from the sale of deer feed and supplements to hunters in the area as a result of the proposed prohibition on the use of bait to attract deer in Franklin, Madison, and Tensas parishes may range from \$760,000 to \$1.04 million. To the extent that individuals in these parishes substitute feed for other methods of attracting deer, such as planting clover, the loss in revenues may be lessened.

The proposed prohibition on the use of bait to attract deer may also reduce sales of feeding stations, dispersers, storage units, and other related gear and equipment. Because data on

the use of and expenditures for deer baiting and feeding equipment are not available, the expected decrease in sales in this category cannot be assessed.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.